Office of National Marine Sanctuaries
National Oceanic and Atmospheric Administration

Papahānaumokuākea National Marine Sanctuary

Final Environmental Impact Statement Appendix K1: Public Comment

U.S. Department of Commerce
Gina Raimondo, Secretary

National Oceanic and Atmospheric Administration
Richard W. Spinrad, Ph.D., Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator

National Ocean Service
Nicole LeBoeuf, Assistant Administrator

Office of National Marine Sanctuaries
John Armor, Director

Cover Images: NOAA diver investigates whaling shipwreck; native fish swim on a coral reef; Hawaiian voyaging canoe sails in Papahānaumokuākea; Hawaiian monk seal and ulua swim over the seafloor. Photos: NOAA

Recommended Citation: National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries. 2024. Papahānaumokuākea National Marine Sanctuary Final Environmental Impact Statement Appendix K1: Public Comment. Silver Spring, MD.

Table of Contents

Table of Contents ..... **i**
Public Comments **1**
Written Comments 2
Written Comments – Original Copies 100
Oral Comments 398

Public Comments

In accordance with Hawaii Administrative Rules, Section 11-200.1-27, this appendix includes copies of all written and oral comments received on the draft EIS. Letters received as paper copies, PDFs, or e-text documents are graphically reproduced below. Comments received via the regulations.gov e-portal fillable form are compiled in the table below, and oral comments are provided in transcript form.

All comments, including transcripts, are publicly accessible as posted at regulations.gov (docket #NOAA-NOS-2021-0114).

Written Comments

Submitter	Comment
Joanne Anderson	Yes please provide a protected sanctuary for all the natural inhabitants in that area. It is responsible stewardship. Mahalo.
Carl Gunderson	I would encourage recreational access to be allowed for the purposes of snorkeling and scuba diving, without an undue amount of permitting and regulation. These activities can be done in a manner that is not harmful to sea life (i.e., no spearfishing, use coral-safe sunscreen), and will increase public awareness of the sanctuary and the need to protect it. Permits should be easy to get, and there be enough of them to allow the majority of interested parties to successfully visit.
Dan Haifley	Thank you for beginning this designation process for the proposed Papahanaumokuakea National Marine Sanctuary. This will be a wonderful addition to the national inventory of marine sanctuaries and will help further their mission of research, resource protection, and education and outreach. The involvement of Native Hawaiian communities as well as the individuals and organizations involved in conservation, research, education and ocean use will be invaluable to the effort that will transform this marine national monument into a national marine sanctuary. Of utmost importance will be the preservation and, it is hoped, the enhancement of the region's biodiversity, as well as managing the area to help mitigate and deal with the impacts of climate change. I look forward to watching this process unfold, and the needed additional tools it will provide for ocean protection.
Michelle Johnston	I support this designation, as it would add the conservation benefits of a national marine sanctuary by applying additional protections and management tools to augment and strengthen conservation for the marine areas of Papahānaumokuākea. The proposed rule would add to and not diminish or replace the existing management measures and protections provided by the Monument. NOAA is proposing to adopt the management measures from the existing monument, and in a few places, add to those measures to allow for consistency in management across the proposed sanctuary area.
Ronald Whipple	I highly support this effort as it would remove Midway Island from the disastrous administrations and destruction of the islands at the hands of our National Forest Service. The islands are overrun by invasive mice and little has been done to protect the birds from being overwhelmed by washed up plastics and debris. And, destruction of national heritage structures and infrastructure must stop. None of this is natural and responsible care for the islands must be established.

Submitter	Comment
Oliver Lee	I'm fully in support of the proposal to designate marine portions of Papahānaumokuākea Marine National Monument as a national marine sanctuary. I just can't believe it's taken almost a quarter of a century to get here. Environmentally, as global warming increases the ocean's temperature, overfishing, illegal fishing and simply bad stewardship continue, it's more important than ever that we create sanctuaries for sea life. It will also help to continue to educate the public and produce important research. Responsibly handled eco-tourism like small dive groups that help fund the sanctuary is one example. Culturally, I believe the Hawaiian people should be able to protect their land and way of life by ensuring their land and traditions can continue. Having been able to experience the land and sea aspects of Hāpuna Beach State Recreation Area, we know how much legal protection and responsible stewardship can do. I hope to see the good news later this year that this passes!
Richard Spotts	I strongly support and greatly appreciate this proposed national marine sanctuary designation. This designation is reasonable, necessary, timely, and in the public interest. This designation would protect significant marine species and ecosystems. This protection is especially valuable in the context of the already deadly and rapidly worsening climate and extinction crises. These crises overlap and constitute an existential threat to humanity and the biosphere. For example, please review the attached IPCC report. It summarizes the international consensus on the increasing severity of the climate crisis and the urgent need to phase out fossil fuels. Protecting marine ecosystems is a crucial part of responding to the climate crisis. These ecosystems absorb and sequester harmful atmospheric carbon. They further help address the extinction crisis by safeguarding marine biodiversity. Please proceed to adopt this sanctuary designation and actively implement its protections. Thank you very much for this wonderful work and for considering my input.
Sarah Brandt	I strongly support this proposal. By designating this area as a sanctuary, the future protection of the area and the life it contains will be secured. I also strongly support working with native peoples to come to decisions regarding environmental decisions and protections. Generations of people understand the land incredibly well, and can serve to protect it for this and future generations. This example needs to be upheld and needs to become standard if we are to have any hope for the future of this planet.

Submitter	Comment
Connor Davis	The proposal to designate portions of the Papahānaumokuākea national monument as a national marine sanctuary (while still preserving the monument status) is an all-around excellent proposed ruling that should be put into effect. The Papahānaumokuākea monument is an ideal candidate for a national sanctuary due to its status as an area of ecological importance, historical interest, and cultural significance.Ecologically, the reefs of Papahānaumokuākea are immensely interesting and vital to the local and even global habitats. With coral reef populations diminishing worldwide, the vibrant reefs of Papahānaumokuākea could serve as a source of biological study and a target for conservation. The region is also host to a wide array of endangered or threatened species of marine life. A multitude of cetacean species residing in the region are deemed threatened or endangered, many different types of sea birds roost and feed in the region, and critically endangered mammals such as the green sea turtle and Hawaiian monk seal are found at Papahānaumokuākea. The area is so environmentally critical that about 1500 of the known species there are found nowhere else in the world.Papahānaumokuākea also hosts historical significance particularly because it is the location of the Battle of Midway in World War II. This battle was a turning point for the allies and hosts a slew of historical interest as well as a multitude of ship remains that could inform historians about the war and the era. With so few naval battles in the United States' history having concrete and definable areas that can be explored and studied, Papahānaumokuākea could prove invaluable to informing our historical knowledge of World War II's naval warfare.Finally, converting Papahānaumokuākea to a national sanctuary is vital to preserving Hawaiian cultural heritage. From a spiritual standpoint, the islands and the wildlife are viewed as ancestrally sacred by the Hawaiian people. Additionally, remnants of ancient Hawaiian tribes make the place an area of archaeological and historical significance specifically for Hawaiian history and culture. With so many culturally significant Hawaiian sites being destroyed or diluted for the sake of tourism or commercialism, preserving such a beautiful and vibrant one is absolutely necessary.Papahānaumokuākea is highly deserving of a title of national sanctuary as a means to insure the vast ecological, historical, and cultural importance of the region. With the species inhabiting the region slowly dying out globally, the types of historical site being so rare, and the cultural significance to Hawaiians being harder and harder to come by, the time is now to firmly protect the Papahānaumokuākea region, preserving these aspects before it is too late.

Submitter	Comment
Evan Hamaoka	I agree that portions of the current Papahānaumokuākea National Marine Monument should be designated as a sanctuary. The new designation would act as an expansion of its protections as a marine national monument for the wildlife and ecosystem–it does not lose any previous protections. For one, a sanctuary designation would also prevent non-commercial fishing on its lands, which is essential to protecting endangered species such as the Hawaiian monk seal and leatherback and hawskbill sea turtles. Additionally, this designation could protect other species within Papahānaumokuākea National Marine Monument in combination with other federal statutes such as the Migratory Bird Treaty Act.One of the suggestions within the proposal is that a Native Hawaiian specialist would be appointed on staff and the “sanctuary advisory council would include Native Hawaiian seats.” Shared governance would be ideal, and I would go even further and suggest that Native Hawaiians should comprise a majority of the council seats to minimize possible interference from outside entities and promote the area’s preservation for generations to come. It holds an incredible significance for their culture, as this area is considered both the source of all life and the destination of all life after death. A 2021 study by the Commission on Environmental, Economic, and Social Policy shows that in general, conversation by indigenous groups “based around their own knowledge systems and stewardship, is the best strategy for people and nature.”
Anonymous	To: John Armor, Director of the Office of National Marine Sanctuariesc/o PMNM-Sanctuary Designation, NOAA/ONMS1845 Wasp Blvd., Bldg 176, Honolulu, HI 96818From: AnonymousRE: Public Comment on National Marine Sanctuary Designation for the NorthwesternHawaiian IslandsHello John,I am writing in full support of the consideration of the designation of a National Marine Sanctuary in the Northwestern Hawaiian Islands. The agencies involved, Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), and Department of Commerce (DOC) are also publishing drafts of their statements.This sanctuary is necessary to protect nationally significant biological, cultural, and historical resources and to manage this special place as part of the National Marine Sanctuary System. This area is home to many ecosystems such as the coral reef ecosystem. It is continuously being impacted by climate change, coral bleaching, rising sea levels, and habitat destruction. Being able to protect this area could give us the opportunity to preserve it for the future generations. By being able to protect these areas there will be an increase in biodiversity and productivity of species. These protected areas create a functionally productive ecosystem. The National Marine Sanctuaries Act authorizes the Secretary of Commerce (Secretary) to designate and protect as national marine sanctuaries areas of the marine environment that are of special national significance.As someone who has snorkeled in Hawaii, I have seen how valuable the coral reef ecosystem is. The possibility of no longer having such a beautifully maintained marine life would be a tragedy. I wish I could attend the meeting in Honolulu, O'ahu—April 8, 2024, 5 p.m.–8 p.m. HST, Aloha Tower, Multipurpose Room 3, 1 Aloha Tower Drive, Honolulu, Hawai'i 96813. I believe that many passionate people will be able to contribute their ideas.Not only would the addition of a National Marine Sanctuary help the ecosystem it also helps fisheries in Hawaii's Main land. This area is a crucial site for bottom fishing, this sanctuary would help provide a source of bottomfish larvae, by helping replenish the depleted stocks of bottom fish.Thank you for the opportunity to submit comments on this important matter.

Submitter	Comment
Danella George	I am a retired federal land manager. BLM, USFS and a tour with US EPA Region 6 in water quality. I am in strong support for the Proposed Papahānaumokuākea designation to the National Marine Sanctuary status. The unique and diverse aquatic system is in need of protection for our marine life and water quality. The terrestrial historic and cultural sites will receive greater protection as will wildlife habitat for birds such as our beloved Wisdom. My experience with Marine Sanctuaries is the Monterey Bay Marine Sanctuary. The number of educational benefits about our oceans and creating positive tourism opportunities is platinum at the Monterey Bay Sanctuary. NOAA and the cooperating agencies will do a great job. NOAA is outstanding in managing marine sanctuaries.
Anonymous	I am writing this comment in support of the proposed Papahānaumokuākea National Marine Sanctuary in the Northern Hawaiian Islands. As a diver myself, going on six years open water certified, who has also dove around the Hawaiian islands, I know how important it is to protect the ecosystem and biodiversity not only for the sustainability of the oceans, but to preserve the biodiversity for future generations to admire and learn from. This Sanctuary has the ability to protect wildlife from high levels of overfishing occurring in the area. Overfishing is a prominent problem in Hawaii, decreasing species by nearly 75 percent over the last years. This high level of overfishing could lead to an extinction of species of fish, while specifically dwindling the amount of bottom dwelling fish. Since this sanctuary is located in a high traffic area approximately, 582,570 square statute miles of water that surrounds various parks of the Hawaiian Islands, this would be the perfect area to implement this Sanctuary and have impactful and lasting effects by largely decreasing traffic in the area. Other species like green sea turtles, Hawaiian monk seals, and a variety of coral species are native to that area and are in danger of extinction if the area is not protected. Since this area is high traffic for commercial ships and fishing ships, the biodiversity of the area is negatively impacted by pollution from these ships, killing off many species, and causing coral bleaching. Although this Sanctuary isn't won't solve all the issues surrounding the loss of biodiversity in the Northern Hawaiian Islands, it will greatly contribute to the protection of it. Please consider my stance on the addition of the Papahānaumokuākea National Marine Sanctuary, for the future of the ocean and the ecosystems that thrive within them.
Curtis Mahon	I prefer Alternative 1. I do have one question though, will Prohibition 3 (disallowing invasive species introductions) apply to ships/Vessels Passing Without Interruption that could have invasive and potentially very harmful algae stuck to their hulls? As your no doubt aware, along with climate change and marine debris, one of the biggest threats to the marine parts of the monument is invasive algae, such as Chondria on Midway, Kure and Pearl and Hermes, and now Acanthophora on Midway. Both were very recent finds, with Acanthophora only being first being detected in 2022. This illustrates that the risk of algae introduction is a current one which could significantly damage the reefs of the atolls, and therefore clarification on this question should be made

Submitter	Comment
Elizabeth Collaton	Thank you for the opportunity to comment on the proposal to designate marine portions of Papahānaumokuākea Marine National Monument as a national marine sanctuary. I am in full support of this designation. It promises to honor and extend the legacy of Native Hawaiian stewardship of this vital ecosystem, as well as provide concrete jurisdictional authority to protect this entire area from illegal fishing and other activities jeopardizing the unique marine species in this part of the Pacific. Thank you.
Patrick Mansell	I support the NOAA initiative for this proposal
Anonymous	Overall, I write this comment in support of the proposed Papahanaumokuakea National Marine Sanctuary. I specifically support Alternative 1 and the inclusion of Native Hawaiian seats in the advisory council. Prioritizing conservation of the expansive, beautiful, and ecologically diverse systems that surround Hawaii's northern islands is crucial for maintaining the cultural heritage of native Hawaiians for generations. While I believe the sanctuary bounds could be expanded further to encompass the Middle Bank, as long as local communities support the proposal, then I do too. Regulation number 20 acknowledges the regulation, up to prohibition, of Native Hawaiian practices. These practices are essential for maintaining cultural and spiritual relationships. I support permits for activities deemed necessary, but I believe that permit accessibility should be prioritized. The permit acquisition processes should be streamlined to minimize barriers to practicing these traditions.
Myrna Fant	This is a very important area of the ocean as well as Hawaii. It needs all the protections the government can assign it.
Andrew Grigg	Dear NOAA,I am writing to express my strong support for the proposal to designate the marine portions of Papahānaumokuākea Marine National Monument as Papahānaumokuākea National Marine Sanctuary.This area holds immense biological, cultural, and historical significance, and there is no place for excavation, drilling or other harmful activities within the borders of the Monument.By establishing it as a national marine sanctuary, we can ensure the protection of these invaluable resources for generations to come.Preserving this special place as part of the National Marine Sanctuary System aligns with the responsibility our greater humanity has to be stewards of the environment. It offers a crucial opportunity to safeguard diverse marine ecosystems, support sustainable practices, and promote scientific research.I commend NOAA for its dedication to managing and conserving our oceans. I urge you to move forward with this proposal, as it represents a significant step towards safeguarding the natural and cultural heritage of Papahānaumokuākea.Thank you for considering my comments in support of this important initiative

Submitter	Comment
Jessica Williams	Aloha! I am just an “ordinary” citizen - not a scientist or official or any kind. I grew up in Honolulu as a third-generation Chinese American and relocated to Los Angeles for graduate school and career reasons. However, I visit relatives annually in Hawaii and many of my fondest life memories are in the Islands and feel so strongly about Hawaii that I went through a lot of clicks to find this page and leave this comment.Though I’m not of Native Hawaiian descent, in my 23 formative years on Oahu, I grew to have a deep love of the entire island chain, of the aina (land) and its mana (spirit), of the people, plants, and animals that inhabit this sacred place. Hawai’i is not only a place that welcomed my ancestors and many, many races to its shores, the Hawaiian Island chain is a gift to the world that deserves our protection and malama (care).I fully support any and all attempts to preserve Papahanaumokuakea to the greatest extent possible. As others have so eloquently stated, the biodiversity here is unique and irreplaceable. It may sound trite, but as I look at my son, nieces, nephews, and extended family, I believe with all my heart that we must do all we can to protect what we have for future generations before it’s too late.Mahalo (thanks) for this opportunity to comment. I’m grateful this Sanctuary is under consideration and pray it is successful. Every part of the Hawaiian chain is a precious resource for all peoples on the Earth.
Shannon Barber Meyer	I support Alternative 1. This alternative provides for increased protection and conservation of resources, and improved coordination of conservation and management, while likely causing no significant adverse impacts to biological and physical resources, cultural and historic resources, or socioeconomic resources. Alternative 1 also includes areas very much in need of additional protections, such as the waters of Midway Atoll and Hawaiian Islands National Wildlife Refuges, areas of the proposed sanctuary subject to the highest level of human activity. The other alternatives do not achieve the necessary protection levels and coordination across important areas. Thank you
Anonymous	This is a class assignment designed to teach on how to use the Regulations.gov website. I chose to write on this proposal as designating wildlife sanctuaries is an important factor in conservation. I do not have any data to provide on the matter at hand. Many endangered species use this area as habitat. It is critical to protect areas where endangered species reside.
Jane Jacobsmeyer	I was very pleased to read this proposal and to learn of the opportunity that Papahānaumokuākea National Marine Sanctuary has to protect marine life, including multiple species of endangered animals, and preserve the beauty of the reefs in the area. It is also vital to preserve this location due to cultural and historical significance. As someone who grew up in Hawaii, I can clearly see the benefits of this proposition and the positive impacts this sanctuary can have on the community as they demonstrate responsible stewardship for the nature around them. I agree with Section 4.6.2 in regards to recreation and human use of the sanctuary. However, in establishing limitations and regulations for activities such as snorkeling, public involvement and enjoyment should be considered. Allowing the public more opportunities to interact with the wildlife and reef of the sanctuary will increase support for these creatures and maximize awareness. While these recreational activities do have a need to be regulated, they can be responsibly completed in such a way that marine life is protected, and communities are able to experience the wonders of the ocean. With this in mind, I support this proposal and look forward to the beneficial outcomes of it.Thank you for your consideration of my comments.

Submitter	Comment
Hannah Yun	Hello! Thank you for the opportunity to provide a comment on the proposed regulations to the proposed rule to designate the marine portions of the Papahānaumokuākea Marine Sanctuary. I have considered Manoa, and Hawai‘i more broadly, to be my second home for my entire life due to my familial ties to the island of Oahu. My uncle was born and raised in Kaneohe, and he has made an effort to share his homeland with me, rendering within me a profound respect for the culture ingrained in the islands. In addition to numerous visits throughout my childhood, I stayed with family for three months in 2021 and I soon became invested in efforts to preserve the land and ecosystems and prevent its degradation. What many mainlanders consider to be a vacation destination is the year-round home to the local and native populations, who work hard to preserve the ecosystems of the islands and, by extension, the cultural and historical significance that these ecosystems hold. I echo the assertion that the marine habitat surrounding the islands is home to a vast array of wildlife and organisms, including the green turtle, Hawaiian monk seals, the Hawaiian humpback whale, and deep reef and coral habitats. This wildlife has lived in the Pacific Ocean for a long time, and they serve critical functions in working in connection with the surrounding environment and ecosystem to preserve harmony and balance in the ocean waters and produce the same breathtaking landscape that many visitors flock to the islands to admire. As such, their function in preserving Native Hawaiian culture and history indubitably renders their protection important.Among the other proposed regulations for the proposed sanctuary, I wholeheartedly support the Prohibition on Exploring for, Developing, or Producing Oil, Gas, or Minerals, or Any Energy Development Activities. Oil drilling is widely recognized to pose an immense disruption to native wildlife, thus disrupting the ecosystems that these wildlife feed into and contribute to. In Alaska’s North Slope, the local polar bears, migrating caribou, and waterfowl find their natural habitats impeded by the authorization and presence of oil-drilling projects that exploit the natural resources of the land for the sake of energy production. The continuing prevalence of oil-drilling projects in natural habitats and sensitive lands across the mainland, Alaska, and Hawai‘i only further engrains the United States’ dependence on non-renewable energy sources and prevents ecologically-necessary transitions to renewable energy sources. I appreciate that the proposed regulation acknowledges the direct harm that potential oil spills would have on the marine ecosystems within the Pacific Ocean, and I agree that this prohibition is critical to ensuring the preservation of these ecosystems. Nature is an extension of culture, particularly in Hawai‘i. Thus, efforts to maintain the Hawaiian ecosystems and environment are efforts to preserve Hawaiian culture. I am still in progress in my semester on the mainland, but I plan to attend the virtual meeting on April 6th, and I have asked my family to attend the other in-person meetings. I am excited to track the progress of this rule and the regulations within and I look forward to seeing the development of the Papahānaumokuākea Marine Sanctuary.
Jennifer Welch	The proposed Papahanaumokuakea National Marine Sanctuary is an important measure to preserve Native Hawaiian sacred sites as well as preserve the flora and fauna, such as the Hawaiian Green Sea Turtle nesting sites and protection for our endangered seals. As a relative newcomer to Hawaii (12 years), I have witnessed abuse of animals on the main islands and fully support the protections proposed.
Jake Ruby	I support NOAA's proposed designation of the proposed sanctuary. It is important that we protect our environmental resources.

Submitter	Comment
Arwain Giannini-Karline	Our oceans urgently need protected space more than ever before. Marine life needs designated areas to thrive and grow, the entire ocean is under the greatest threat we've ever seen. Any actions we can do at this point to secure the future of our reefs and marine life are absolutely vital. This wonderful effort to preserve this part of the oceans must succeed if our way of life is to continue.
E Hsieh	As a Hawaii resident I strongly support and appreciate NOAA's proposal to designate portions of the Papahanaumokuakea national monument as a national marine sanctuary (while still preserving the monument status).
Meyer Cummins	Part III. Summary of Proposed Regulations, Item D. Co-Management of the Sanctuary of the Proposed Papahānaumokuākea National Marine Sanctuary explains that "NOAA and the State of Hawai'i would collaboratively manage the sanctuary," but notes that NOAA "would establish the framework for co-management..." What role does the State of Hawai'i have in shaping the framework of the proposed co-management of the sanctuary? This section implies that NOAA will have the sole discretion to design the "co-management framework" and goes on to say that NOAA "may" develop an MOA with the state to provide greater details of the terms of the co-management. This section suggests that NOAA will be the primary manager of this co-management system, or at the very least, will be the party that decides how much managing of the sanctuary the state will be permitted to do. Exactly how will the management duties will be distributed between NOAA and the state and will the state have the ability to veto NOAA decisions regarding management if it feels it is necessary? Further, this section states that "Co-management of the proposed sanctuary with the State of Hawaii would not supplant the existing co-management structure for the Monument." If this new co-management structure does not supplant the existing one, in what way would this proposed sanctuary modify, if at all, or add to, the existing co-management structure for the Monument? To your knowledge, has the state objected to or expressed concerns about the existing co-management structure for the Monument and will this process provide the state an opportunity to modify that structure, if necessary, or permit NOAA to mitigate the cause of the state's concerns, if any?
Anonymous	Katoo au i ta malama ana o teia wahi tupuna, oia o Papahanaumokuakea. Nui na tumu kanaka no ta malama ana o ia wahi tapu, e hoolohe i na leo o ta Hawaii! I support the caring of this place by designating it a sanctuary. There's so many reasons why this place is special and MUST be protected even further than it already is. Don't ignore our voices.

Submitter	Comment
Tina Marzan	While many may feel that the area in question should become one that generates more profit for Hawaii they should stop envisioning future dollar signs and look at the totality of what makes up the area, as well as its nearby surroundings, (keep in mind how far it already spreads out), and the impacts added activity and changes to existing ecosystems would be. The very thing---area, fish, protected sea life, it's habitats---many want to "use for profit" is what those same people can damage, possibly beyond repair or salvation, in implementing the changes. Much damage and unwanted change is and has already happened due to various weather and climate changes. Not every change in the ocean or near the monument areas and life there, is a good one. Want to know what has happened or what changes have already wrought in past several years or projected ones in recent, coming years? Talk with those who have worked or volunteered in the areas in past years. Then talk about what amounts to exploiting the monument and areas for profit would be like and what kind of future, if any, you're giving them.

Submitter	Comment
Maribel Ybanez	John Armor, Director of the Office of National Marine Sanctuariesc/o PMNM-Sanctuary Designation, NOAA/ONMS1845 Wasp Blvd., Bldg 176, Honolulu, HI 96818From: Maribel YbanezRE: Public Comment on National Marine Sanctuary Designation for the NorthwesternHawaiian IslandsGood morning, Director John Armor and members of the National Oceanic and Atmospheric Administration. My name is Maribel Ybanez and I am a Junior Environmental Science major at the University of San Francisco. I fully support NOAA-NOS-2021-0076 the Proposed Papahānaumokuākea National Marine Sanctuary.As someone who has both family and friends from Hawaii, this sanctuary would both heal a part of them that has been longing for protection for a long time and would save the oceans from the global decrease in marine biodiversity. This proposal should especially be looking into the sacredness of the waters, its impact on biodiversity, and its protection of waters in the US staying consistent. Papahānaumokuākea is sacred to the Native Hawaiians. This is a place of deep-rooted tradition, values, and practices for all generations of Native Hawaiians. The threats to the area from those only looking to kill the marine life and potentially killing the coral reefs, is affecting the land and the people who find it significant. The marine diversity in this area is massive and needs to be protected at all costs. For example, the coral reef ecosystem in this area supports 98% of the breeding population, serving as an important place for reproduction and continuing life. Papahānaumokuākea serves as an endemic hotspot and is necessary to keep the flow of endangered species that go through this area and use it.Papahānaumokuākea is already the largest contiguous protected conservation area of the United States, this proposal would not change that, but instead place it as a sanctuary, strengthening the existing protection on the land already. Therefore, not much change will be added since the United States has been protecting this area for decades, but adding a sanctuary would be mandatory for the sake of the marine life and to keep the sacredness of the waters.No culture should have to worry about their waters/lands without the maximum protection necessary. Along with culture, since this can strengthen the number in biodiversity, it is important to pass.I believe if passed, a native Hawaiian should direct it and oversee the plans for the Sanctuary. No one else can understand the waters of Papahānaumokuākea like a Native Hawaiian and should be taken seriously.I urge you to vote and initiate the Papahānaumokuākea National Marine Sanctuary, NOAA-NOS-2021-0076.Thank you for the opportunity to comment and I am willing to answer any questions you may have.Maribel Ybanez
Daniela Escontrela Dieguez	I strongly support the designation of Papahānaumokuākea as a National Marine Sanctuary. Papahānaumokuākea is of vital importance ecologically and culturally. The reefs in this area harbor a wide array of biodiversity and provide us with essential ecosystem functions. The sanctuary designation would also ensure the protection of highly mobile fauna such as sharks, whales and monk seals.

Submitter	Comment
Anonymous	The Papahānaumokuākea National Sanctuary seems incredibly beneficial to the area so I definitely support this. The sanctuary would create a stronger healthier ecosystem and preserve endangered species and rare species. This habitat is crucial for many organisms that can't be found anywhere else so if this area declines the species would be in great danger. I think the unified regulations would allow for much better care of the area as well as the increased knowledge from the research this would allow for.I cannot see a reason for this area to not receive the title of Papahānaumokuākea National Marine Sanctuary considering how important the area is to locals and the species that call it home.
Anonymous	Hello, I'm writing to support the designation of marine portions of Papahānaumokuākea Marine National Monument to be a part of the National Marine Sanctuary System. This would protect the evolving ecosystem that holds historical and cultural significance to the Northwestern Islands of Hawaii. The Pacific Ocean waters that surround the Northwest Hawaiian Islands and the submerged lands possess over seven thousand marine species. Some of these species are only found in these regions, and others are extremely endangered, such as the green sea turtle and the Hawaiian monk seal. The protection under a National Marine Sanctuary system would help prevent the tragic disappearance of these species. On July 30, 2010, Papahānaumokuākea was inscribed as a mixed (natural and cultural) World Heritage Site by the delegates of UNESCO at the 34th World Heritage Convention in Brasilia, Brazil. This stands true as the natural elements listed above are important to the land and the cultural aspects, such as the Battle of Midway, hold cultural meaning. Objectives must be taken to preserve the ecosystems, wildlife, culture, and maritime heritage. This can be done through applying additional regulations under the National Marine Sanctuary System and non-regulatory actions such as pedestrian evaluations and surveillance. I believe that authority, supervision, education, research, and protection of this area are important to the proliferation of the island's significance. As a future traveler to Hawaii, I chose this destination because of its importance, and it would be disastrous to see the natural and cultural beauty of the Northwest Hawaiian Islands deplete. "Aloha! Welcome to Papahānaumokuākea Marine National Monument – Where Nature and Culture Are One." Papahānaumokuākea Marine National Monument, 5 Dec. 2022, www.papahanaumokuakea.gov/about/.
Anonymous	I support the establishment of this sanctuary.
Jazon Ray-Keil	I support this National Marine Sanctuary! Its a no brainer!
Anonymous	I support the establishment of the Papahānaumokuākea National Marine Sanctuary.

Submitter	Comment
Anonymous	Protecting Papahānaumokuākea and the marine organisms it houses is of upmost importance. Oceans everywhere are facing many anthropogenic impacts, and the endemic and native organisms in this incredibly biodiverse area are at risk. I strongly support the proposed Papahānaumokuākea National Marine Sanctuary.
Heuionalani Wyeth	i strongly support the increased protection of Papahanaumokuakea that Sanctuary designation would confer. This precious environment needs as much protection as possible, Please designate the area a National Marine Sanctuary. thank you.
G H	I support adding marine sanctuary status to the Papahānaumokuākea area.
Jacquelyn Benson	I support the establishment of this sanctuary!
Noelle C	I support the establishment of this sanctuary as well as the expanded boundaries. The ecological reasonings behind the proposal of this sanctuary give it justice tenfold. We need some sectors in our environment where profit does not reign over what is right. We are sucking this earth dry and this is an opportunity to prevent that from being done at Papahanumokuakea. Economic interests who oppose this sanctuary are thinking short term, this proposal increases the chances for a healthier ocean that keeps those economic interests in opposition as well as the rest of us, "in business" for longer than we would be otherwise-this is smart longterm. This is a time of great urgency to protect whats left of our planet, and here we have the opportunity to do so.
Valerie Weiss	RE: Papahanaumokuakea Marine National Sanctuary. I support making this change to the sanctuary including especially no commercial fishing, no native Hawaiian fishing, and no aquarium fishing of any kind. No wildlife of any variety should be removed for any reason, other than possibly for treatment of injured mammals or birds. The sanctuary should be for species survival and species proliferation without the interference of humans other than medical help.
Mary Toss	I would like clear regulations enacted to support protections to the entire expanded protections to the entire federal monument area.
Len Nakano	Hello, my name is Len Nakano and I do not support a sanctuary in the NWHI. Thank you for your time.

Submitter	Comment
Klayton Kubo	Summary StatementI believe the “No Action” alternative is the most appropriate action because NOAA has not provided a legally sufficient justification for designating a new National Marine Sanctuary and has mischaracterized the impacts on socioeconomics, human uses, and environmental justice associated with the proposed action alternatives.Insufficient Justification for Sanctuary DesignationNOAA has not provided a compelling argument that a sanctuary is needed to complement or supplement existing authorities, which is a statutory requirement for designating a new sanctuary. Parts or all of the proposed sanctuary are already protected as a National Monument, National Wildlife Refuge and/or State Wildlife Sanctuary. Various federal and state government agency’s already have sufficient authority under several federal and state laws to enact any of the proposed the additional regulations or management actions. These laws include the federal Magnuson-Stevens Fisheries Conservation and Management Act, Fish and Wildlife Coordination Act, Marine Mammal Protection Action, Endangered Species Act, Clean Water Act, and Rivers and Harbors Act, as well as state laws and regulations under Hawaii Revised Statutes 187a and 195d. All of the regulations and management actions proposed in the proposed action items 1-3 could be enacted under these and other existing authorities without the need for a new sanctuary designation. Note: We don’t believe any new regulations or actions are needed – to the contrary, but if the government must enact new regulations or actions, it already has the authority to do so without this new proposed sanctuary.Inaccurate Assessment of Social and Cultural ImpactsThe assessment assumes the national monument designation is permanent and thus the proposed additional fishery regulations are only modest additional restrictions. This approach fails to recognize that any national monument and associated regulations can be eliminated via an executive action. Once a sanctuary is fully designated the associated regulations require significantly more effort to change or eliminate. Thus the assessment of the potential impacts of the proposed action alternatives should consider the effort needed to undo the new regulations enacted pursuant to the National Marine Sanctuaries Act compared to the effort needed to undo existing regulations enacted under the authority of the Antiquities Act. If we continue to get areas taken away how are we going to be a self sustainable state? Also the southern line of the National Marine Monument was promised please remember that.Klayton KuboWaimea, Kaua’i
Janis Clark	I'm writing in support of Papahanaumokuakea becoming a National Marine Sanctuary. We are losing marine life at an accelerated pace and we must take action now to protect oceans and all marine life.
Jake Ruby	(I had previously submitted a comment, but had more to say after attending the April 6, 2024 online hearing)My name is Jake Ruby and I am a 3L at UH Mānoa William S. Richardson School of Law.I am writing in full support of the proposed Papahānaumokuākea Marine Sanctuary. Creating a Marine Sanctuary to protect some of the most important marine resources in the ocean waters around Hawai‘i is extremely important.My only concern is the allowance of potentially harmful non-commercial fishing. While non-commercial fishing is a regulated activity, I suggest that the permits be rarely granted and tightly prescribe the amount of fish allowed.In addition to the preservation of natural resources, leaving the military vessels and aircraft from the battle of Midway undisturbed is both respectful to the war dead, and preserves the materials for future archeological purposes.

Submitter	Comment
Bruce Berger	I am writing to unequivocally support the establishment of the Paphanaumokuakea National Marine Sanctuary. This sanctuary is not only important to the preservation of all marine life but also respecting Hawaiian culture. It is our responsibility to preserve and protect our resources for future generations. Bruce E. Berger, M.D. Head of Research and Science Committee Marine Institute Maui Ocean Center
Anonymous	I support elevating Papahanaumokuakea a national marine sanctuary because of the priceless ecological value and natural beauty that it contains. We must protect these resources from further depletion and degradation.
Quinn Goo	Protecting Papahānaumokuākea and the marine organisms it houses is of upmost importance. Oceans everywhere are facing many anthropogenic impacts, and the endemic and native organisms in this incredibly biodiverse area are at risk. I strongly support the proposed Papahānaumokuākea National Marine Sanctuary.
Myra Dehestani	The National Oceanic and Atmospheric Administration's (NOAA) proposed designation of Papahānaumokuākea's marine areas as a national marine sanctuary is a suggested ruling that I wholeheartedly agree with, find comfort in, and feel is necessary amid the environmental conditions of today's world. With the daunting climate crisis and threats to species and ecosystems worldwide, acting to better protect the environment is a worthwhile endeavor. This designation intends to protect the area, preserve local values, strengthen protections for local ecosystems, wildlife, and culture, and make it possible to institute civil penalties and impose liability for violations of rules regarding the protected area, among other objectives (National Oceanic and Atmospheric Administration, "Proposed Papahānaumokuākea National Marine Sanctuary"). Papahānaumokuākea is particularly important for these objectives because of the inherent qualities of its marine areas, as "oceans are a vital source of food and other resources and an economic engine for many communities" (National Geographic). Furthermore, the region specifically is crucial due to the thousands of endemic marine species that reside in its waters. Two species facing the threat of extinction that rely on the region are the endangered Hawaiian green sea turtle (Chelonia mydas) and Hawaiian monk seal (Monachus schauinslandi) (National Oceanic and Atmospheric Administration, "Turtle and Seal Biologists Deploy"). Protecting these species among many others means contributing to biodiversity conservation, which is vital and "fundamental for the provision of ecosystem services, which we depend on for food, air, and water security" (Environmental Protection Agency). In addition to the environmental interest, protecting Papahānaumokuākea as a marine sanctuary also has cultural significance. Placed on the World Heritage List, Papahānaumokuākea represents "the Hawaiian concept of kinship between people and the natural world" (United Nations Educational, Scientific and Cultural Organization). More precisely, the region is "considered a sacred area, from which Native Hawaiians believe all life springs, and to which spirits return to after death" (Papahānaumokuākea Marine National Monument). As generations on generations of Native Hawaiians have dedicated themselves towards appreciating and caring for the land, these historical roots run deep, and this sentiment shouldn't be disregarded. Respecting this history through the protection of the region's waters and resources is a responsibility that should be upheld. If the State of Hawai'i is involved in this process and local

Submitter	Comment
	voices are considered, designating Papahānaumokuākea as a national marine sanctuary is an excellent way to honor the Hawaiian culture. For me personally, the environmental and cultural objectives of this proposed rule are among the most convincing in supporting it. Out of the three alternatives proposed for the boundaries of the national marine sanctuary at Papahānaumokuākea, I agree with NOAA's preferring alternative, Alternative 1. This preference dedicates the most square miles to the boundaries. With modern threats to the environment, the more that's protected, the better. Alongside protecting the area, I also suggest encouraging public interaction with Papahānaumokuākea in a safe and responsible manner to support public education, enthusiasm, and protection for the natural world. All in all, I believe this proposed rule will be an effective effort towards preserving the environment and life on earth in a time when it's needed most.Works CitedEnvironmental Protection Agency. "EnviroAtlas Benefit Category: Biodiversity Conservation." EPA, 9 Aug. 2023, www.epa.gov/enviroatlas/enviroatlas-benefit-category-biodiversity-conservation.National Geographic. "Protecting Marine Ecosystems." National Geographic, education.nationalgeographic.org/resource/protecting-marine-ecosystems/. Accessed 15 Apr. 2024.National Oceanic and Atmospheric Administration. "Proposed Papahānaumokuākea National Marine Sanctuary." Federal Register, 1 Mar. 2024, www.federalregister.gov/documents/2024/03/01/2024-03820/proposed-papahnaumokukea-national-marine-sanctuary.National Oceanic and Atmospheric Administration. "Turtle and Seal Biologists Deploy to Papahānaumokuākea for the 2022 Field Season." NOAA Fisheries, 3 May 2022, www.fisheries.noaa.gov/feature-story/turtle-and-seal-biologists-deploy-papahanaumokuakea-2022-field-season.Papahānaumokuākea Marine National Monument. "Papahānaumokuākea: A Sacred Name, a Sacred Place." Papahānaumokuākea Marine National Monument, 5 Dec. 2022, www.papahanaumokuakea.gov/about/name.html.United Nations Educational, Scientific and Cultural Organization. "Papahānaumokuākea." UNESCO World Heritage Convention, whc.unesco.org/en/list/1326. Accessed 15 Apr. 2024.
Kate & Mike Kitchell-Eldred	We applaud NOAA for developing an excellent proposal and NEPA analysis. The public information is very well done. We support the preferred alternative as it would provide added protections for an ecologically and culturally significant area as the oceans face drastic changes associated with climate change.
Allison Doss	I am writing to express my agreement with the proposed Papahānaumokuākea National Marine Sanctuary. As a wildlife conservationist and as someone who expresses a strong interest in learning more about other cultures and endorsing their protection, I fully support the benefits that this project poses. I believe that implementing the Papahānaumokuākea Marine National Monument as a National Marine Sanctuary would strengthen the protection of Papahānaumokuākea ecosystems, wildlife, and cultural and maritime heritage resources.

Submitter	Comment
Robert Hauff	I strongly support the establishment of a Papahanaumokuakea National Marine Sanctuary (Action Alternative 1). As a resident of the island of Oahu, the Sanctuary would provide benefits to our ocean environment in the main Hawaiian islands, helping protect threatened and endangered species as well as valuable fish stocks for the replenishment of over-fished species in the main Hawaiian islands. The Sanctuary could therefore play a role in improving local food security in the long-term, as well as contributing to the tourism industry in Hawaii through enhancement of wildlife viewing opportunities (such as sea turtles, cetaceans, albatross, and monk seals). The Sanctuary will also keep Papahanaumokuakea a wild, healthy ecosystem by reducing pressures from invasive species and harmful fishery interactions, benefitting the native species that are increasingly under threat from climate change and associated sea level rise. Large reserves, both marine and terrestrial, have been found to be critical in protecting biodiversity and the health of the planet. Research has repeatedly shown that size absolutely matters, which is why I support Action Alternative 1. Creation of the Sanctuary is forward thinking and will be viewed by future generations as an enlightened measure for protecting an incredible biological and cultural treasure for Hawaii and the entire world. Mahalo.

Submitter	Comment
Dallin Marsh	I am writing to express my strong support for the designation of Papahānaumokuākea Marine National Monument as a National Marine Sanctuary. This critical step will significantly bolster the ongoing efforts to preserve this unique and ecologically vital marine area.Enhanced Protections: The designation as a National Marine Sanctuary equips NOAA with crucial additional tools and resources to effectively manage human activities within Papahānaumokuākea. This enhanced management framework is vital for protecting the fragile ecosystems and endangered species that thrive within the monument's extensive boundaries. It ensures a more robust approach to conservation, where regulatory measures can be tailored to preserve the delicate balance of this marine habitat.Collaborative Management: The proposed focus on collaborative management, involving Native Hawaiian communities in the decision-making process, represents a significant positive development. The deep cultural connections and traditional ecological knowledge of Native Hawaiians are invaluable assets that will contribute profoundly to the sustainable health and management of Papahānaumokuākea.Increased Resources: The sanctuary designation promises to draw additional funding and resources, which are crucial for enhanced research, monitoring, and conservation initiatives. These resources will enable a deeper and more comprehensive understanding of the monument's diverse ecosystems, facilitating more effective protection measures and promoting long-term ecological health.While I support this designation wholeheartedly, I also have concerns regarding its potential economic impacts, especially on local fishing communities. It is crucial that the management plan includes comprehensive mitigation strategies to address potential economic challenges faced by these communities. Strategies should aim to support sustainable fishing practices and promote alternative livelihoods to ensure that the economic well-being of local populations is maintained.Thank you for considering my comments on this vital public matter. I appreciate the opportunity to contribute to the discussion on the future of Papahānaumokuākea.
Anonymous	I am submitting my support for NOAA-NOS-2021-0114, a proposed national marine sanctuary in Papahānaumokuākea, if and only if the sanctuary regulations mirror existing regulations (50 CFR 404) in the original Monument waters and the regulations for the Monument expansion area (MEA) are based on preexisting presidential proclamations and 50 CFR 404. Exploring for, developing, extracting, processing or producing oil, gas or minerals within the sanctuary should be strictly and expressly forbidden. Commercial fishing should be prohibited in the entire Sanctuary. Sustenance fishing should be limited to the MEA with the following conditions. Any resource harvested in the MEA during sustenance fishing: must be a sustainably managed resource;must be consumed or utilized within the MEA; either in whole or in part, may not enter commerce through sale, barter ortrade; and must be harvested incidental to a permitted activity.

Submitter	Comment
Leimomi Fisher	I submit this comment in my personal capacity as a Native Hawaiian attorney & descendant of a long line of lawai‘a (fishers) and sailors in Hawai‘i. My family also currently consists of true subsistence fishers that fish sustainably & only enough to feed their family. I strongly support sanctuary designation, and I urge you all to take a deeper look into the make-up of certain groups claiming to be “subsistence” and “traditional Native Hawaiian fishing practitioners,” when in reality they are entrenched in the commercial fishing industry. Several community groups & individuals are calling to action our communities to help dispel some of the misunderstandings that these commercial-interest groups have been spreading under the guise of “native rights.” The large-scale extraction that is being proposed by WESPAC to be taken annually from the expanded monument region does Not align with Native Hawaiian cultural or subsistence practices that never require that much take of fish. This amount of take is clearly coming from commercial intent & in my humble opinion, the vast majority of Native Hawaiians & subsistence fishers do not sell their fish to make a living. They fish only to feed their own families, share with friends, and maybe for a few large celebrations here and there. Please take a harder look at who is claiming to be “subsistence” and acting with “Native Hawaiian cultural understanding.” And please designate this sacred place as the sanctuary that it is, with legal protections & safeguards against greedy commercial fishing industry entities & individuals. Mahalo nui, thank you for considering my testimony.

Submitter	Comment
Naia Ulumaimalu Lewis	My name is Naiʻa Ulumaimalu Lewis.Today, I offer comments on behalf of myself and my family.I worked at Papahānaumokuākea for almost a decade and have been a member of the Native Hawaiian Cultural Working Group (CWG) since 2010. I am also the director of Big Ocean, a network of the world's large-scale marine-managed areas.I wholeheartedly support Alternative 1 - the preferred alternative – for the Designation of Papahānaumokuākea as a National Marine Sanctuary. Alternative 1 is critical because it would designate co-extensive boundaries with the Papahānaumokuākea National Marine Monument. This alternative includes the deep-water resources of the monument expansion area, including seamounts supporting rare oases of life in this primarily pelagic and deep-ocean environment, vulnerable shallow reef waters, and maritime heritage resources that may be excluded from sanctuary protections under other alternatives.The sanctuary would establish an additional layer of supplementary regulations over the existing boundaries of the current Marine Monument that would maintain and enhance existing resource protections. Additionally, the proposed sanctuary acknowledges the past advocacy and discussions among a wide group of people, from fishers to Hawaiians and conservationists, during the Monument expansion effort. It does not expand the area's specific boundaries any further than what is currently in place under the Papahanaumokuakea Marine National Monument. I want to underscore that it is inspiring to see that the proposed rule and Draft EIS for the proposed sanctuary keep existing protections, such as from deep-sea mining or other extraction, in place as a baseline.Sanctuary designation would also help to strengthen the durability of the existing protections provided through the Monument, which has been threatened by a former President and other lawmakers and resource managers in the past. Also, the sanctuary would be eligible for additional public and non-profit sources of funding that could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for areas such as operations, research, citizen science, education, and emergency response.The NMSA provides much clearer regulations and guidance for enacting civil penalties for permit and regulatory violations than what is currently available with the Monument Proclamation alone and imposes liability for damage to sanctuary resources.The sanctuary also keeps in place the existing Reserve Advisory Council, including the Native Hawaiian seats, which is essential to the longevity of the MPA and to the area achieving its highest potential as a puʻuhonua, sacred site, and refuge for the critical ecosystems and biocultural resources, of the Pacific and Hawaiʻi, generations to come.The industrial fishing industry has been a primary threat to this magnificent place's health and well-being and all its life forms. Currently, commercial fishing is prohibited in the management area of this region. However, non-commercial fishing is allowable. I want to highlight that maintaining the requirement of permit-only access approved by all agencies and following the regulations created to ensure protection is critical.I oppose any large-scale extraction that Wespac has proposed, and alarmingly, under the guise of native rights. I also oppose any sale, barter, or trade of large-scale extraction, and the cost recovery proposed by Wespac for these trips.I hope that the consistent and unified support of the Hawaiian community, conservation groups, and the public for the protection of this expansive part of our archipelago will be recognized. I offer my testimony today to help ensure the intergenerational protection of the most remote ¾ of the most remote archipelago on Earth in perpetuity.
Tee & Kathy Jimenez	Aloha and Mahalo to all the members of NOAA who have taken the initiative and time to identify, designate, include and protect areas of our precious marine habitat that have special cultural and national significance.

Submitter	Comment
Kyle Burns	Please help make Papahānaumokuākea Marine National Monument a national marine sanctuary. We, as humans, have already destroyed so much of the world, and we need to take every precaution to protect the world we still have left. We don't just want to maintain our earth's current health, but we want to promote a healthier world for all living creatures. Let's do our part in history! Thank you!
Todd Jones	I write in support of Papahanaumokuakea being designated a National Marine Sanctuary. This precious environment is a prime ecosystem for countless living organisms and a natural laboratory to better our understanding of how to maintain a symbiotic relationship with the Pacific Ocean.
Carol Wilcox	My name is Carol Wilcox, I am testifying as a prior member of the NWHI RAC, first as an alternate to member Laura Thompson and then as a sitting member when she retired. I stepped down in 2020 when Audrey Newman took my place. I support Sanctuary designation as described in Alternative #1 for the same reasons many others on the RAC have stated. 1.Continues and builds on decades of protection for this area, 2. Supports and adds to existing protections, 3.Allows for additional sources of funding, 4. Provides increased enforcement tools, 5. Maintains the Reserve Advisory Council, which has been and continues to be an essential partner in the protection of Papahanaumokuakea. Mining interests, commercial fishing industry generally, and Wespac specifically, all continue to threaten the well being of this place. I urge NOAA to protect against any effort to undermine resource protections through the otherwise permitted backdoors of research, native rights, fundraising, cost recovery, or education. Thank you for the opportunity to testify. Carol Wilcox I
Anonymous	I do not support the move to sanctuary status. This doesn't seem like a fair mechanism to accurately gauge the level of support or lack there of regarding moving this from a monument to a sanctuary. On one side you have conservationists who will fervently and unyieldingly demand the maximum levels of "protection" on any front. On the other side, you have actual stakeholders who are pragmatically trying to balance conservation benefits with how their current interaction actually affects some of those goals. One side is obviously more adept at navigating these channels to "influence policies and regulations". If you're setting out to do anything: 1) State the goal or intention 2) Have a way to measure the results 3) Collect Data 4) Determine if goals are met and if more or less measures are needed to achieve/maintain stated goals. The move to make NWHI a monument and subsequently a sanctuary without any measurable goals or objectives, should be viewed as rushed, insensitive, and irresponsible.

Submitter	Comment
Gabriela Dimas	Dear Eric Roberts,I am writing as a wildlife management and DVM student from Phx, Arizona. I wanted to express my enthusiasm and excitement about the proposed Papahanaumokuakea Sanctuary. In these times of drastic climate change it is more important than ever to protect the reefs and waters of Hawai'i, especially given the incredible number of threatened species that rely on these ecosystems. It also pleases me to read that this action will protect areas of cultural importance to Native Hawaiians. Best of luck and I look forward to following the progression of this project.Sincerely,Gabriela Dimas
C Tolbert	I strongly support the establishment of the Papahānaumokuākea National Marine Sanctuary. It is critical that we protect our marine natural and cultural resources for future generations. Thank you for the opportunity to comment.
Kathee LeBuse	I strongly support the proposed Papahanaumokuakea National Marine Sanctuary, as large marine preserves are essential to facilitate the natural propagation of marine species. Over used and stressed areas of the Pacific Ocean exhibit less volume and diversity of marine life. Marine sanctuaries are important incubators for replenishing our fish stocks, which are under increasing pressure. If we do not seize this opportunity now, it may be lost forever.
Anonymous	I write as a concerned college student wishing to pursue marine conservation and research as a future career. As someone who has participated in marine research focusing on restoration of endangered species and cultural heritage, this rule is particularly relevant to my career goals. With one year left in my degree, I have already spent two years in the field aiming to preserve places like Papahānaumokuākea Marine National Monument, and support NOAA's proposal to designate areas of this monument as a National Marine Sanctuary. With this designation aspiring scientists and researchers like I will be able to continue learning and protecting species, and ecosystems like these, without the designation they could disappear one day.I support this designation to make areas of the monument national sanctuaries because protection under the National Marine Sanctuaries Act is more secure than the designation through the Antiquities Act. While the presidential designation cannot be revoked, the size and boundaries of National Monuments can be reduced to any amount at any time (Congressional Research Service, 2019). This has happened 18 times in presidential history. The National Marine Sanctuaries Act is more secure and cannot be revoked once granted. Going through Congress, many public comment sections, creating a full EIS report, and co-management strategies, the designation will stand to protect the 582,570 square miles without change (National Ocean Service, 2024). With this designation it will protect the area from being potentially reduced in the future and provide lasting protection for the cultural, biological, and historical resources within the boundaries. With the help ofWritten in the proposed rule, human activity like fishing, boating snorkeling, SCUBA diving, and removing, moving, or taking and resources will be strictly prohibited. Research of the site would be allowed but any destruction to natural resources or organisms by visitors will be held liable and responsible for its destruction. This designation successfully eliminates some of the driving factors of fishery collapse such as fishing and habitat degradation (Rasband et. al. 2016). Eliminating these activities will continue to promote restoration and protection of this ecosystem. Therefore, I agree with NOAA's proposal to turn areas of the Papahānaumokuākea Marine National Monument into a Papahānaumokuākea National Marine Sanctuary

Submitter	Comment
Naomi Himley	Thank you for the opportunity to comment. My name is Naomi and I am a wildlife biologist and professional mariner. I strongly support the designation of Papahānaumokuākea as a National Marine Sanctuary. I was privileged to work in Hawaii for 8 months in 2020-2021 on bird conservation projects for the State Department of Land and Natural Resources. These projects included forest and seabird enhancement, monitoring, and threat mitigation efforts. In addition, I've worked for the conservation of Pacific seabirds from Oregon to Alaska for private biologists and the US Fish and Wildlife Service.Due to the way seabirds connect people and places to the oceans, I do not need to visit Papahanaumokuakea in order to understand its importance and the necessity of stronger protections for this special place. While I have been lucky to work in many places throughout North America, I consider Hawaii to be the most special and unique place I've ever been. From the endemic flora and fauna to the amazing people, no place compares to Hawaii. That uniqueness is truly irreplaceable and impossible to put a price tag on. Seabirds are among the most threatened taxa in the world and ensuring safe nesting places is of utmost importance to ensuring their place in a rapidly changing world. Papahānaumokuākea has been and still is the site of major rehabilitation efforts to benefit nesting seabirds from invasive mammal eradication projects to marine debris removal. The birds who nest there and people who have worked so hard on these projects deserve for those results to be enshrined in stronger protections for future years.While my personal experience and comments come from my connection to the ocean as a mariner and my connection to seabirds, I most of all want to emphasize that I support this designation out of support for Native Hawaiians. The Kānaka Maoli I worked with on Big Island as well as many other people I've never met are at the forefront of conservation and environmental stewardship in Hawaii. This particular designation was brought to my attention by Native Hawaiians and they lead the grassroots efforts for this designation. In addition to providing sanctuary for nesting seabirds, these islands and the surrounding water are immensely important to Native Hawaiians. From hosting archaeological sites from the ancient days to providing space for cultural practitioners today for ceremony, healing, and voyaging, protecting these islands goes beyond strictly ecological importance. I cannot overstate the significance of demanding stronger protections of Papahānaumokuākea for cultural reasons. In fact, these two issues should not be seen as separate things to weigh, but instead compliment and strengthen one another. Environmental protections which include Indigenous voices and a role in management are imperative in order to face the history of colonialism and move forward into the world I'd like to see. That is a world where Indigenous people lead the stewardships of their lands, and where these resources are protected from extractive industries which do not serve the local populations.Thank you for your time,Naomi Himley

Submitter	Comment
Tamra Hayden	As a 36 year resident of Hawai'i and a climate activist. The following is my testimony in support of the plan of Papahanaumokuakea National Marine Sanctuary.We have recently learned that the majority of coral reefs in the world are now considered "bleached". We are running out of time. In Hawai'i our fish ponds and way of life has been hindered and in some cases stoped do to our contentious relationship with the military. They continue to destroy our aquifers on Oahu and Kahlawe. They have spilled diesel fuel on Haleakala. We have lost to developers and I believe the illegal occupation of the United States Government in 1893. We need to save and protect the marine life that exists. I am concerned about ocean mining and having no legislation protecting our waters, the lame duck Congress has not helped to promote environmental issues.NOAA is proposing a sanctuary area approximately 582,250 square miles. The agency's preferred boundary overlaps with the marine portions of the monument. The boundary includes the marine environment surrounding the Northwestern Hawaiian Islands from the shoreline of the islands and atolls seaward to 200 nautical miles, including all state waters and waters of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, Midway Atoll and Hawaiian Islands National Wildlife Refuges, and state of Hawai'i Northwestern Hawaiian Islands Marine Refuge. Large-scale conservation areas such as this are important to protect highly mobile species, such as sharks and marine mammals. They also protect entire ecosystems, preserving critical ecological functions and conserving biodiversity.The proposed sanctuary would only add to — and not diminish — the management measures and protections provided by the presidential proclamations. NOAA has adopted the management measures from the presidential proclamations, and in a few places, added onto those measures to allow for consistency in management across the proposed sanctuary, the boundary of which would include the original monument as well as the monument expansion area. The proposed rule unifies management of the area by removing discrepancies and gaps in prohibitions, regulated activities, and permit criteria, providing clarity and comprehensive protection for the proposed sanctuary.Commercial fishing is currently prohibited in monument waters. National marine sanctuary designation will not change this.Please carefully consider what can still be done. We have the opportunity to save and protect this area Instead of regretting what we haven't saved for future generations. Let's do this for them. For all future generations of the world. Malama the Kai. Mahalo Nui Loa for your time.
Kim Mah	See attached file(s)My name is Kim Mah and I am a teacher at 'Aikahi Elementary School. We have been studying Papahānamokuākea for a semester and at the perfect time. I have included 4 essays that reflect what most of my students feel about this special place.
Anonymous	Yes, I support the proposed Papahanaumokuakea National Marine Sanctuary

Submitter	Comment
Vincent Silva	Hello and thank you for your time presenting the proposed plan for Papahanaumokuakea Marine Sanctuary. I am a lifelong commercial fisherman here on Kaua'i. While I am not against tighter fishing regulations and sustainable practices, I do disagree with a complete closure of the stated 582,250 square miles for fishing. I see commercial fishing not only as how I make my income, but as another food source to feed our people in Hawai'i. "Hawai‘i’s Seafood Consumption and its Supply Sources" tells us that 57 percent of our seafood is imported. How can we care for our environment, yet still have the needs of our people in mind? I believe through strict regulation, permits, quotas, and observation, we can achieve this together. There are currently very few vessels along the captains that I'm aware of in Hawai'i with the capacity and resources to make the long journey to the monument; besides the Honolulu longline fleet. A select few could be allowed access to the area following strict guidelines for operation. If this is beyond reason or contemplation at this time, could there be a time frame added to when this matter could be reevaluated, based on the abundance of Papahānaumokuākea and the needs of our people? Say in five to ten years time?Mahalo,Vincent Silva
Mary Alice Lorio	RE: Public Comment on National Marine Sanctuary Designation for the Northwestern Hawaiian Islands Greetings, I am writing in full support of the consideration of the designation of a National Marine Sanctuary in the Northwestern Hawaiian Islands. This sanctuary is necessary to protect a significant biological area as part of the National Marine Sanctuary System. This area is home to many ecosystems such as the coral reef ecosystem. By being able to protect these areas there will be an increase in biodiversity and productivity of species. These protected areas create a functionally productive ecosystem. I earnestly implore you and your organization to support this cause. Warm regards, Mary Alice Lorio
Roxanne Keli'ikipikāneokolohaka	Submitting written comment in support of sanctuary designation for Papahānaumokuākea. See attached written comment.

Submitter	Comment
Ansley Pontalti	I would like to share my strong support of the proposal to designate Papahānaumokuākea national monument as a marine sanctuary. The Papahānaumokuākea monument should be designated as a marine sanctuary due to its ecological, historical, and cultural significance.As an advocate for marine conservation, I believe the continued protection of marine ecosystems such as Papahānaumokuākea national monument are necessary to conserving quickly diminishing marine biological resources globally. The preservation of coral reefs and marine biodiversity are essential to environmental health locally and globally. This marine area contains interconnected ecosystems that are habitats to already endangered species such as the green turtle and Hawaiian monk seal. In addition to marine life, it also serves as an important habitat for seabirds, including species that arefound nowhere else in the world. Designating this area as a marine sanctuary will ensure the continued protection of one of the world's most important marineecosystems. In addition to the environmental impact, this proposal will also continue to protect the living culture of Native Hawaiians by protecting the spiritual cultural sites and significance in the region. By protecting this marine ecosystem we are safeguarding environmental and culturally significant resources.
Jennifer VanderVeur	I strongly support the designating Paphanaumokukea as a national marine sanctuary. This would help expand the protection of Hawaii's unique and priceless marine life, protected species and ecosystems. In addition this protection will help ensure the survival of culturally important species for generations of Hawaiians. Native Hawaiians are recognized as an underserved community by the federal government and this protection would help ensure resources for future generations by perpetuating the populations of culturally important species.
Anonymous	Aloha kākou,Mahalo for this opportunity to express my support and comments on this proposed agency action designating a National Marine Sanctuary within Papahānaumokuākea Marine National Monument (PMNM). I fully support the agency's Alternative 1 boundary of the proposed management plan; for adding additional permit categories regarding Native Hawaiian Practices within the proposed sanctuary; and limiting recreational activities to the Midway Atoll Special Management Area.Designation as a national marine sanctuary will strengthen existing protections for the PMNM, further the goals of resource protection and conservation of nationally significant ecosystems, and fill gaps in existing PMNM management activities through adoption of a sanctuary management plan.In tandem with enhanced environmental resource protection, designation must also protect Native Hawaiian cultural resources, heritage, and traditional and customary practices. To this end, please consider making the Office of Hawaiian Affairs a co-trustee of the monument and remove the exemption on non-commercial fishing to allow for more input from the Native Hawaiian community. It is of utmost importance that Native Hawaiians are consulted regarding sanctuary management and have an active role in decision-making that affects it.We are already experiencing the effects of the climate crisis in the form of coral bleaching, coastal erosion, and loss of threatened and endangered species due to habitat destruction and invasive species. Safeguarding our natural and cultural resources is an issue that requires comprehensive, immediate action and the federal and state governments have an obligation to provide long-term protection for this sacred area for the benefit of future generations.
Amanda Padilla	Hello, my name is Amanda Padilla and I do not support a sanctuary in the NWHI. Thank you for your time.

Submitter	Comment
Andy Ku	After reviewing the "Proposed Papahanaumokuakea National Marine Sanctuary", I 100% agree to propose this rule. This topic is critical, especially for the marine ecosystem. As a spearfisher and someone who appreciates the ocean very much, it is essential to protect the National Marine Sanctuary System for scientific research and the marine ecosystem from factors such as producing oil, commercial fishing, using toxic and explosives near the sanctuary, etc. These factors cause significant damage to the marine ecosystem such as ruining the coral and the fish's environment. Fishes need the coral to maintain a living environment. If there are a bunch of factors that could potentially harm the corals such as oils, gas, or any energy development activities, this could cause damage to the corals and ruin the marine ecosystem. I also believe this rule should be proposed because it will create positive tourism opportunities.
Andy Ku	As a spear fisherman and a person who loves the ocean, this regulation/rule should 100% be proposed and approved. The marine ecosystem is vital for many reasons. It supports diverse species, producing oxygen, regulating climate, providing food, economic resources, carbon storage, recreation, tourism, and cultural significance. Its protection and preservation are vital for the planet's health and the well-being of its inhabitants. The marine ecosystem also plays a part in culture. Many Native Hawaiians food sources come from the ocean. I believe this rule should be proposed because it would protect the National marine Sanctuary system from producing oil, gas, minerals, or any other energy development activities that could affect the corals and marine life. These factors can destroy habits by releasing carbon and suffocating coral reefs. The National Marine Sanctuary system needs to be protected for future scientific research. I believe proposing this rulemaking will increase awareness and public pressure regarding environmental issues. Preserving the National Marine Sanctuary will also provide opportunities for jobs and ensure the long-term health of marine ecosystems, and the sustainability of fisheries, tourism, and recreational activities. I work for the Hawaii State Department of Health and my main priorities is protecting the local communities from health disparities and creating a healthier Hawaii. I am a huge advocate for protecting what should be protected and minimizing every risk possible, especially our marine life here. Please support this proposed rule and protect our marine ecosystem.
Shannon Cummings	I object to any measure that prevent's American Samoa residents from making a living. Especially if that measure is based on questionable scientific conclusions.
Nate Ilaoa	This proposed expansion does not meet the Magnuson-Stevens Act National Standard 1 nor does it meet this administration's mandate for equity and justice for underserved communities. There's also no scientific evidence that these large marine reserves that close fishing have any conservation benefits to the fish stocks. I do not support the proposed Papahanaumokuakea National Marine Sanctuary expansion.
Anonymous	No to Sanctuaries
Anonymous	No to sanctuaries.
Fiataua Penalosa	I do not support a sanctuary in the NWHI.
Uilisone Tuese	No to sanctuaries

Submitter	Comment
Louis Solaita	Talofa Lava NOAA,I am writing about your expansion of the monuments around the pacific to include American Samoa. The Pacific Ocean is a vast region body of water that has provided fish to our people in American Samoa to include a rich history of purse seine and longline services. Cutting into our area will cause our people to suffer as our traditions are based on our waters and lands. I do not speak on what Hawaii needs as I know what we need in American Samoa. For decades American Samoa Mom and Pop stores have generated currencies that have been pouring into our economy. We speak about doing what's right for the territories and fishing waters, our island is not as blessed as Hawaii with their flat lands and wide American Influence to include flights and rich hotels. American Samoa has always prided themselves on sustaining industry. From world war 2 to the beginning of the canneries to our sons and daughters picking up their weapons to go to war. America has been successful on the backs of Samoans, now I ask America to give our people a chance to maintain our course with the canneries and boats that support this process. We have not had any issues of living and expanding for more industries in American Samoa, we are asking to keep the expansion project far far away from our areas of responsibilities. As we want American Samoa to grow, it will not if you decide to uphold this policy. We will lose everything and our territory will decline. This will have a ripple affect through crime rates and alienation of our homelands. We have seen this happen in parts of America and request that you reconsider this policy so that we can move forward and grow with the rest of the US.
Anonymous	The importance of a marine sanctuary is understood. However, closure of this much fishing grounds will make it difficult, dangerous and costly for commercial and non commercial fishermen alike. The sanctuary has been around for over 100 years, is adding so much square miles to it necessary? 7000 species have been found there and will still be there even if the sanctuary was widen. Fishing is for Substance not only Science!
Jason Miller	No more closures. Just forget about the Marianas.
Anonymous	I don't support it!
MJ Liliu	I do not support a sanctuary in the NWHI. Thank you.

Submitter	Comment
Jesse Rosario	Aloha and hafa adai;As an indigenous slander of Guam and a traditional fisherman of near and off- shore fishing we have relied and are dependent on our oceans valuable resources to feed our people and our communities by which we describe as our visitors and military personnel- DOD personnel included to our island. We have been the gate keepers of our ocean resources for centuries and will continue to perpetuate this legacy of effective leadership management by OUR island people who values the lands and oceans so that our people of generations can enjoy the benefits we have protected and manage for them. I fully endorse and support the Hawaiian people enabling their constitutional rights as well as their traditional rights and values to protest against the federal government to manage and place strict restrictions upon their own islands and oceans. The U.S. government needs to Respect our sovereignty and our rights to protect our own islands and oceans. The WPRFMC is comprised of indigenous peoples, fishermen & fisherwoman and others who have a rooted in Hawaii as their homeland. I strongly support WPRFMC to continue their mission of protecting our islands and oceans by ensuring effective conservation and scientific integrity of management decisions for our oceans. We don't need outsiders to determine our future who only exists when they visit our land and then claim to be experts in our culture and history. I strongly urge the federal governments to believe in our own management since we are the indigenous people of our land and oceans. Let's do the right things and support the indigenous peoples and communities to direct their future generations to live in harmony with our land and oceans.
Brian Thompson	Just another reason why this administration should leave. I don't support this plan.
Anonymous	The importance of a marine sanctuary is understood. However, closure of this much fishing grounds will make it difficult, dangerous and costly for commercial and non commercial fishermen alike. The sanctuary has been around for over 100 years, is adding so much square miles to it necessary? 7000 species have been found there and will still be there even if the sanctuary was widen. Fishing is for Substance not only Science!
Audrey Toves	Recreational Fishing should still be allowed with permits in the proposed areas. To ensure sustainability for the local community, cultural practices, and traditions for our present and future generations.
Anonymous	Talofa from Nuuuli Am.Samoa and I do not support sanctuary extension. Thank you.
Anonymous	I do not support the proposed Papahanaumokuakea National Marine Sanctuary expansion. This will have a negative impact on American Samoa's economy if further expansion on Marine Sanctuary takes place in our islands.
Calvin Ilaoa	I do not support the expansion.
Michael Gawel	RE: US Marine Sanctuary at Papahanaumokuakea Marine National Monument (PMNM). I wish to question some of the restrictions proposed on fishing and implications of this proposed sanctuary for decisions on other fisheries management approaches on other Pacific Islands' marine resources . I am on Guam. However, I have spent the last 54 years residing in Hawaii and other Pacific Islands where I have researched, taught, planned, developed and managed fisheries and marine resources, including teaching current managers and elected decision makers in Pacific Island countries that share pelagic fisheries resources with the U.S.Over the years I saw value and practicality of marine sanctuaries, particularly in providing support for research, education, management and enforcement to sustain ecological resources for future values. While marine monuments

Submitter	Comment
	protect resources from damage of marine mining, pollution, destructive fishing and over-fishing, etc., the sanctuary status can better serve to maintain and support scientific resources for monitoring, management and protection of natural resources. Current National Monument status can accomplish this but it can be eliminated by any US President by Executive Order as his/her personal decision. Sanctuaries do not have this same vulnerability. However, broad exclusion of sustainable fishing and resources uses should not be the objective of marine sanctuaries, even though it simplifies their administration. US Marine Sanctuaries must be created to include co-management authority of local stakeholders. Those existing sanctuaries can and do allow sustainable commercial fishing. This is evident in US Marine Sanctuaries that have monitored and managed resources for decades.Appropriate management of long-line fishing and trolling for pelagic species should be considered for management and allowed in the proposed PMNM. NOAA employs experienced excellent fisheries scientists as do the Western Pacific Regional Fisheries Management Council, the Secretariate of the Pacific Islands, the Pacific Forum Fisheries Agency, the Western and Central Pacific Fisheries Mgt Commission, Parties to the Nauru Agreement and others, all providing best advice on management of the highly migratory pelagic fish stocks targeted for world supply of sustainable, healthy fish protein. Such management applies to the pelagic fish that pass through the PMNM.While ever-improving technologies allow better management of impacts of activities in marine monuments and protected areas, these technologies and evolving recognition of traditional knowledge of resources should contribute to the best uses of the natural resources. Uses can include scientifically managed harvest of pelagic species done on a regional basis by countries and territories sharing the migratory fish resources and having history of sustainably using the resources for many thousands of years.Protection from impacts of proposed deep sea-bottom mining, which can potentially devastate living organisms and the area's ecology, is an important feature of sanctuary and monument status. This is likely not a threatened use at PMNM but is a serious threat to the Marianas Trench MNM which appears to contain some of the most valuable cobalt crusts for ocean mining as well as many possibly valuable minerals related to volcanic vents. The PRIA proposed sanctuary may also risk marine mining threats. But both of those monuments deserve consideration of allowing managed commercial fishing of pelagic species and have the same scientific management resources as the pelagic species moving through the PMNM.Decisions on management of a National Marine Sanctuary in Hawaii will influence the decisions for other proposed sanctuaries. Decisions should be derived separately for each area with co-management by local stakeholders and sustainably managed traditional, subsistence, commercial and recreational fisheries. The influence of Hawaii-based stakeholders in Hawaii sanctuary management is expected. But the dominance of those from Hawaii and from the US Mainland affecting decisions on marine resources management in other Pacific US Territories seems to be counter to equitable justice. Monuments/sanctuaries in the Marianas and the PRIA lack stakeholder powers to control decisions through lacking elected US Senators and equitably powered US Congress members (not to mention inability to vote for US Presidents). But traditional marine environmental knowledge in the US Territories, the US FAS in Micronesia and neighboring countries with histories of sustainably using and managing of the marine resources for literally thousands of years should not be over-shadowed by decisions on the sanctuary status in Hawaii.

Submitter	Comment
Anonymous	I support elevating Papahanaumokuakea a national marine sanctuary because of the priceless ecological value and natural beauty that it contains. We must protect these resources from further depletion and degradation.
Anonymous	Greetings! My take on this proposal is I'm against if regulations are managed by federal. I would love to see and have local level manage and protect all their resources with only financial support from NOAA. Only afford NOAA give comments and recommendations but have local decide what best options work for them.
David Cabrera	I do not support this proposed sanctuary. I believe this proposal needs to be further discussed with the local community agencies and NGOs of whom this proposed sanctuary most affects.
Tim Perez	Another setback to the people of the islands. The small boat fishing industry will slowly go away. This will hurt in the transmission of the fishing traditions of future young fishermen/fisherwomen.
Mark Oyama	I am for the opening of fishing for the native hawaiians.
Anonymous	I do not support the proposed marine sanctuary. Already there are too many closures, monuments, preserves, military training areas closures, critical habitat areas. Please find another area outside of the western pacific.
Abdine Ouedraogo	The preferred sanctuary boundary area, which is 582 square miles (the largest sanctuary area choice). - Tight enforcement and monitoring of marine waste, fishing gear, and line to prevent entanglement of marine life that is endangered in marine protected areas; NO longline fishing. -Tight restrictions: NO fishing in marine protected areas for non-commercial purposes and NO fishing for sustenance. -NO exclusions for mining operations in the sea. -NO submarine activity.
Katheryn Wagner	The beautiful and incredible creatures of the ocean--from the smallest coral polyp to the chunkiest seal--cannot speak. We must speak for them. Please protect as large a swath of the ocean as you can! We need the oceans to be healthy so we humans, too, can be healthy.
Aitofi Lomu	I am for it. Our ocean has to be saved for future generations. Many of these fishing vessels are killing other organisms that do not relate to their goal. There should be a limit to these fishing lines. Over fishing is destroying the ecosystem and other species in the ocean. Let us not forget that once a living thing is threatened or endanger it can affect the ecosystem. This can also affect us humans.

Submitter	Comment
Helen Raine	I would mike to offer my support for this proposal. In particular I would Like to see the following: - Preferred sanctuary boundary area (maximum sanctuary area alternative 582K square miles) - Strict Monitoring & Enforcement on marine debris, fishing line, fishing gear to eliminate entanglement of endangered marine life in marine protected area; NO longline fishing - Strict regulations / NO non-commercial fishing, -NO exemptions for marine mining activities
Virjean Etelagi	I oppose the Federal government's attempt to expand the fishery closures of the North Western Hawaiian Islands.

Submitter	Comment
Robin Girard	Proposed Papahānaumokuākea National Marine Sanctuary 15 CFR Part 922 Docket No. 240213-0047 RIN 0648-BL33 Federal Register 89.42 (Mar. 1, 2024) 15272–310 Aloha, To the extent that the proposed rule does not diminish existing protections under Hawai'i law for the traditional and customary practices of native Hawaiians; and to the extent that the proposed rule does not authorize commercial fishing or the non-subsistence taking of fish and other biological resources within the marine sanctuary area, I write in support of the creation of the Papahānaumokuākea National Marine Sanctuary. However, I wish to express two reservations. First, I remain concerned that Section 922.224(f) of the proposed rule, which exempts "scientific exploration or research activities by or for the Secretary of Commerce of the Secretary of the Interior when the activity occurs within the [Outer Sanctuary Zone]," provides a sufficient loophole to permit the large-scale taking of biological resources from within the sanctuary under the guise of science. The pretext of scientific research has been used in the past to justify—or to claim as lawful—takings that would otherwise have been prohibited by domestic or international law, such under as Japan's "scientific" whaling policy. See, e.g., Yanxi Fang, A Whale of a Problem: Japan's Whaling Policies and the International Order, HARV. INT'L R. (Oct. 23, 2019), https://hir.harvard.edu/a-whale-of-a-problem-japans-whaling-policies-and-the-international-order/. The proposed rule should impose greater constraints on the types and scope of takings permitted within the proposed sanctuary for valid scientific purposes. Second, I am concerned that the proposed rule does not provide sufficient protections against biofouling by vessels traversing the proposed marine sanctuary. See §§ 922.243(c), .244(13). Biofouling can occur not only through discharge, but through hull fouling and other contaminated equipment. Ensuring that invasive species and exotic diseases are not introduced into the proposed marine sanctuary is paramount to protecting the unique biodiversity of the region, especially in light of the ravages caused by stony coral tissue loss disease in the Caribbean and Gulf of Mexico. See Michael S. Studivan et al., Transmission of Stony Coral Tissue Loss Disease (SCTLD) in Simulated Ballast Water Confirms the Potential for Ship-Born Spread, 12 SCI. REPS. (Nov. 10, 2022), https://www.nature.com/articles/s41598-022-21868-z; Nicholas A. Rosenau, Considering Commercial Vessels as Potential Vectors of Stony Coral Tissue Loss Disease, 12 Frontiers in Marine Sci. (Sept. 22, 2021), https://www.frontiersin.org/articles/10.3389/fmars.2021.709764/full/. I would request that the proposed rule include greater protections against incidental—as well as intentional—biofouling. Mahalo, Robin William Girard, Ph.D.

Submitter	Comment
Ramon Tebuteb	It appears that the proposed National Marine Sanctuary over the existing Papahanaumokuakea National Monument will go beyond the shores of Hawaii. The petitioners are in fact well on their way to the CNMI. I am in full support of our Hawaiian family who opposed another US federal bureaucratic overreach. I support the status quo as is. It is enough that the presidential proclamation policy does not give respect to our local policies, local traditions.That Antiquity Act was short to pulling the trigger of a loaded silencer.Perhaps the energy should be focused on the existing Monument now. Her regulations are sufficient as is. The process to "fix" policies along the way if we need to, exist. It does not need additional cosmetics. Too much make up. We should "make up" what we already have. Listen to the locals who ocean the seas for their family.You see, central to all Pacific Islanders, are our cultural heritages and our ocean. Infact, our way of life is central to the ocean. We only fish what we need. We gift our knowledge to the ocean and from the ocean.Stop this proposal. Work on the existing Monument. Status quo.Respectfully,
NOAA-NOS-OCS	Dear Superintendent Roberts,The Office of Coast Survey of the National Oceanic and Atmospheric Administration (NOAA) is responsible for charting U.S. coastal waters. Our mission is to help ensure safe navigation for all vessels, regardless of size and purpose. We need your assistance in updating NOAA ENCs (Electronic Navigational Charts) in order to provide mariners with information about federally regulated areas, including those described in Federal Register Vol. 89, No. 42 / Friday, March 1, 2024 / Pages 15272 – 15310 / Proposed Papahanaumokuakea National Marine Sanctuary.My credentials follow:- Cartographer; member since December 2004 of NOAA / National Ocean Service / Office of Coast Survey / Marine Chart Division / Nautical Data Branch.- Experienced in using Geographic Information System (GIS) software, i.e., Esri ArcMap and ArcGIS Pro, to plot geographic coordinates and boundaries on NOAA nautical charts.- Extensive experience in vetting boundaries and regulations associated with Federal Register proposed and final rules as they relate to nautical charting.- Examined other sanctuary boundaries created by Office of National Marine Sanctuaries (ONMS) personnel and exchanged email correspondence with ONMS personnel to provide feedback.My feedback about the proposed rule follows:1. Page 15294, Appendix A to Subpart W, Points 610-662 - Papahanaumokuakea National Marine Sanctuary Boundary:Points 610 through 662 form the easternmost extent of the proposed sanctuary boundary. However, these points are coincident with a portion of the Inner Reporting Area Boundary Around Nihoa ATBA. Should Points 610 through 662 be coincident with the Reporting Area Outer Boundary instead of the Inner Reporting Area Boundary? To view a supporting graphic, please refer to “Attachment1 Easternmost Boundaries Issue.pdf”.2. Pages 15302 - 15303, Appendix D to Subpart W - Unnamed, unnumbered table:ONMS did not designate a table number and name for the first set of coordinates that encompasses Kure Atoll.3. Pages 15306 - 15307, Appendix E to Subpart W, Table 1 - Ship Reporting Area (Reporting Area Outer Boundary):According to FR page 15278, Column 1: “NOAA proposes to establish this reporting area, which would be defined as ‘‘the area of the proposed sanctuary that extends outward ten nautical miles from the PSSA [Particularly Sensitive Sea Area] boundary, as designated by the IMO…”The coordinates for the Reporting Area Outer Boundary of Appendix E / Table 1 do not completely coincide with a 10-NM buffer (geodesic) from the PSSA boundary per the International Maritime Organization (IMO).To view a supporting graphic of the boundary issue, please refer to “Attachment2 - Ship Reporting Area (Reporting Area Outer Boundary).pdf”. Refer to “Attachment3_IMO Resolution MEPC.171(57).pdf” for the

Submitter	Comment
	coordinates of the PSSA boundary.I recommend a re-evaluation of the boundary points for the Reporting Area Outer Boundary.4. Pages 15302 – 15306 – Boundary Discrepancies - Special Management Area (SMA) and Special Preservation Areas (SPA):The proposed SMA and SPA boundaries do not coincide with the boundaries as described in Presidential Proclamation 8031 nor do they coincide with the proclamation's SMA and certain SPA boundaries as charted on ENCs that are larger scale than Band 2 (General Navigational Purpose). It appears that the coordinates of the proposed boundaries may have been derived from the SMA and SPA boundaries of the national monument as depicted on the Band 2 ENCs.I have included an attachment of one example (Onunui and Onuiki [Gardner Pinnacles] SPA) that represents a boundary discrepancy that is similar to the SMA and other SPAs. Refer to "Attachment4 - Onunui and Onuiki (Gardner Pinnacles) SPA.pdf".If the proposed SMA and SPA boundaries of the national marine sanctuary are not reconciled with the previously established SMA and SPA boundaries of the national monument, then how will the differences in boundaries potentially impact the enforcement of sanctuary regulations and monument regulations? Is it possible that overlapping, non-coincident, charted boundaries could lead to uncertainty for stakeholders that navigate in the area?I look forward to collaborating with you in order to potentially address the four issues that I have identified. Please contact me if you have any questions and/or comments.Respectfully,Lance RoddyCartographerNautical Data Branch (NDB), Marine Chart DivisionOffice of Coast Survey, National Ocean Service, NOAA
Anonymous	I am in favor of designating Papahānaumokuākea Marine National Monument as a marine sanctuary.
Anonymous	I oppose adding more layers of regulations in the Papahanaumokuakea National Marine Sancturary. There has already been egregiously mismanaged by vby existing sanctuary agency partners ex. NOAA has failed to access ecosystem based marine life and only has focused on protected species such as green sea turtles and monk seals. The area once had a pristine and well managed fishery for bottomfish and lobster. The State of Hawaii has introduced taape which has now spread throughout the archipelago (up to Midway) which is in violation of sanctuary rules. Since establishment of the sanctuary has there been any enforcement actions? We should not pre-determine the faith and future of generations to come. Only God has that right!
Andy Ku	The proposed rule I am commenting on is the Proposed Papahanaumokuakea National Marine Sanctuary. The Papahānaumokuākea National Marine Sanctuary aims to enhance the area's ecosystems, wildlife, and cultural heritage (National Oceanic and Atmospheric Administration, n.d). It will be managed by NOAA and the State of Hawaii, complementing the existing management structure for the marine national monument. The sanctuary will provide clear protections for Papahānaumokuākea's resources, ensuring its continued protection and protection. The goal is to preserve and protect natural habitats, populations, and ecological processes in national marine sanctuaries, ensuring their continued existence and preservation. The rule also proposes to raise public awareness and promote understanding, appreciation, and sustainable use of the marine environment and its natural, historical, cultural, and archaeological resources. As a spear fisherman and a person who loves the ocean, this regulation/rule should 100% be proposed and approved. The marine ecosystem is vital for many reasons. It supports diverse species, producing oxygen, regulating climate, providing food, economic resources, carbon storage, recreation, tourism, and cultural significance. Its protection and preservation are vital for the planet's health and the well-being of its inhabitants. This rule should be proposed because it would protect the National Marine Sanctuary system from oils, gas,

Submitter	Comment
	minerals, or any other energy development activities that could affect the corals and marine life. Oil and gas operations could release harmful pollutants into the air and water, causing degradation of clean air and water for the survival of polar bears, whales, walruses, and humans (World Wild Life (n.d). These factors can destroy habits by releasing carbon and suffocating coral reefs. Oil can lead to the death of marine organisms, have sublethal effects on their fitness, and disrupt the structure and function of marine communities and ecosystems (National Library of Medicine, 1970). The National Marine Sanctuary system needs to be protected for future scientific research. Proposing this rulemaking will increase awareness and public pressure regarding environmental issues. National marine sanctuaries provide a unique opportunity for monitoring and research, enhancing our understanding of natural and historical resources, and providing early warning capabilities to detect changes in ecosystem processes and conditions, thus serving as sentinel sites (National Marine Sanctuary, 2014). Preserving the National Marine Sanctuary will also provide opportunities for jobs and ensure the long-term health of marine ecosystems, and the sustainability of fisheries, tourism, and recreational activities. One of the comments I have for this proposed rule is there should be an extended boundary of protecting the National Marine Sanctuary. The marine life and ocean outside of the National Marine Sanctuary should also be protected and have regulations against harmful factors. I don't expect the entire ocean or marine ecosystem but I do believe it is important to protect the coral, fish, and quality of the water around the National Marine Sanctuary. The proposed rule focuses on protecting the sanctuary and raising public awareness for the community to understand and appreciate the marine environment and its natural, historical, cultural, and archaeological resources. This is extremely important and should be advertised throughout schools, social media, publications, and the news. Many individuals need to be educated on the importance of the marine environment and why it is important to propose this rule. I work for the Hawaii State Department of Health and my main priorities are protecting the local communities from health disparities and creating a healthier Hawaii. I am a huge advocate for protecting what should be protected and minimizing every risk possible, especially our marine life here. The Papahanaumakuakea Marine National Monument is a beautiful monument and has a lot of history behind it . This proposed rule has my full support and I believe this is a very important rule that should be reviewed and supported by people who appreciate and value the ocean. Please support this proposed rule and protect our marine ecosystem.

Submitter	Comment
Jerome Ierome	It is obvious that NOAA's "politically motivated" action to expand the PNMS in the Hawaiian Islands, was determined by what they claimed to be a "thorough analysis and feedback" from their own selected "public" communities. These presidential "politically motivated" proclamations, designations, and expansions of monuments traced back to President Clinton in 2000, Bush in 2006, and to President Obama in 2016. The NOAA claimed, that the "stakeholders, Native Hawaiian communities, state agencies" to name a few, were all among the public communities they analyzed and decided to collect "feedback" from! So, it is fair to say, that the Hawaii Longline Association, workers who would bear the adverse consequences, and the employees who represent the true faces of those who will be affected by the expansion are the true victims here. Where is the equality and equity that the federal government preached and required into law? I stand with hundreds, if not thousands of others who are saying, "No to the Expansion" proposed by NOAA.
Natalia Palamo	My name is Natalia Palamo and I do not support the expansion.
Anonymous	This is ubsurd..don't you so called experts know pelagic spices are not territorial..the only thing the boundaries will do is make it harder and more costly for local fisherman to provide fresh and affordable fish to local communities
Anonymous	We don't support expansion
Tune2Oceans LLC & AhiHubKauai	Thanks for the opportunity to submit comments in regard to the Proposed Papahanaumokuakea National Marine Sanctuary. I am opposed. The current management framework and oversight of the Monument area is extensive, has worked well, and should continue to do so in the future. The imposition of additional bureaucratic layers of governance would take human and financial resources away from areas where they are vitally needed. It's not in the best interest of MHI stakeholders or even the Sanctuary's environmental resources themselves. My opposition to the proposed rule is based on scientific and management expertise as a senior fisheries Ph.D. scientist in this region- as a large pelagics fisheries researcher (MHI) with scientific publications relevant to the NW Hawaiian islands, as a member of the Science and Statistics Committee of the Wespac Fisheries Management Council (2007-2016), and sea turtle ecologist and former advisor to the IUCN Sea Turtle specialist group. Science and research is what is needed in the face of climate change and changing baselines- yet remains grossly underfunded by federal and HI state budgets. I'd prefer to see the current administration's focus turn to those realities, rather than imposition of Sanctuary status that already has extensive oversight by multiple agencies. Thank you.

Submitter	Comment
Namele Naipo-Arsiga	I oppose the sanctuary designation of Papahanaumokuakea.The sanctuary designation is a strategic power grab by the department of commerce which NOAA is a bureau within. The mission of this department is to create the conditions for economic growth and opportunity for all communities. NOAA is a conduit of the government to capitalize over the ocean and all beings that depend on it. Designating Papahanaumokuakea will relinquish the monument title and co-agency management framework. Moving forward into a sanctuary designation will increase the vulnerability of all organisms small and large, including the potential to open doors to the harmful practice of deep sea mining and recreational tourism.Papahanaumokuakea should hold its status as a monument utilizing a co-agency management system. Though this is not a perfect framework, this frame provides decision making across many agencies rather than just one under a sanctuary designation.The sanctuary designation will not further protect or safeguard resources. There is a total of 15 marine sanctuaries within the northern hemisphere. One is within Hawaii, the Hawaiian Islands Humpback whale sanctuary. This year, 2024, yielded six confirmed reports of vessel strikes to humpback whales within Hawaii. Within a two week span, there were two confirmed cetacean deaths caused by vessel strikes a dolphin yearling on Kauai and humpback calf on Lanai shores which is in the sanctuary boundaries. There are multiple threats to whales including acoustic disturbances, entanglement, and vessel whale contacts. NOAA knows of these threats yet they allow recreational boating, fishing and tourism within the sanctuary boundaries. These allowed activities conflict with the known appropriate and healthy environment that humpback whales require. Why has NOAA not instituted regulations and prohibitions to facilitate the change necessary to promote the well being of the humpback whales within its sanctuary boundaries? This mismanaged sanctuary is an example of what can be expected if Papahanaumokuakea becomes a NOAA sanctuary.Another issues with the sanctuary designation is access. There should be no commercial fishing/ boating, recreation, and US Armed forces activity within or near the monument boundaries. These activities cause known harm to the organisms living and transversing these spaces above and below the water surface. Papahanaumokuakea has more than 7,000 species of wildlife including 23 endangered species, 14 millions seabirds, 90% of the Hawaiian sea turtles population, 80% of the Hawaiian monk seal population, and 3.5 million acres of coral reefs. The abundance of life requires protection for the future and cannot be subject to military activities, recreational use, and harmful large scale commercial fishing operations.

Submitter	Comment
Mystic Aquarium	2 May 2024To Whom It May Concern:Thank you for the opportunity to comment on the proposed Papahanaumokuakea National Marine Sanctuary (Docket No. 240213–0047). Here I support NOAA's proposal to designate marine portions of Papahanaumokuakea Marine National Monument as a National Marine Sanctuary with the objective to protect nationally significant biological, cultural, and historical resources and fully support implementation of Alternative 1.Alternative 1 is the most inclusive of the marine elements of the Monument and links shallow-water coral reefs, deeper mesophotic reefs, and island and seamount slope habitats, including deep-sea corals, with shallow and deep pelagic waters. Alternative 2 excludes open ocean and deep-water regions and alternative 3 excludes shallow reef areas. Neither of these later alternatives incorporates the ecological connectivity and species interactions inherent to such ecosystems that facilitate and enhance conservation objectives.The one troubling issue in the draft is the exclusion of the word "conservation" from quotes of the purpose of the National Marine Sanctuary Act. That is, while the draft designation document (Section 2.2.1 and elsewhere) states that (16 U.S.C. § 1431 b 2) "one purpose of the NMSA is to provide coordinated and comprehensive management of special areas of the marine environment that would complement other existing regulatory authorities", the Act actually states that the purpose is "… to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities" (emphasis by the writer). While the text in the draft may be an error, it is absent throughout the document and fails to emphasize the legislative goal of "conservation". This omission should be corrected in the final designation document and EIS. If this was intentional, the rationale for such deviation should be clearly explained. Indeed, the proclamation designating the Marine National Monument has an overarching focus on preservation under the authority of the Antiquities Act. I would hope that the Sanctuary plan would do the same.Thank you, in advance, for your consideration.Sincerely,Peter J. Auster, PhDSenior Research Scientist, Mystic AquariumandResearch Professor Emeritus of Marine Sciences, University of Connecticut
Gail Grabowsky	As a 20 year veteran of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (RAC) as the Education Representative I am in full support of Sanctuary Designation for Papahanaumokuakea National Marine Monument and World Heritage Site. I think this would complete the protections and opportunities for this absolutely precious, pristine and sacred place.Dr. Gail GrabowskyDean, School of Natural Sciences & Mathematics, Chaminade University, Honolulu, Hawaii.Executive Director, United Nations CIFAL Honolulu Sustainability Training Center
Epenesa Jennings	National Marine Sanctuary boundaries for islands affect the livelihood of their residents, especially in the Southern hemisphere and Hawaii. Many islanders are dependent on local fishing for their livelihood. Subsistence fishing is a "thing" on many islands. Expanding the opportunity for "outside" fishing companies limits the authority of local residents who actually own the land culturally, but never get to voice their opinion. I object to this move and feel that our islands will be included in NOAA's proposed move for the Proposed PapahanaumokuakeaNational Marine Sanctuary. Leave the islands alone.

Submitter	Comment
Jason Pritchard	Please let American Samoa control our own fishing territory. It is better for people that reside in American Samoa to make the best recommendations vs those that have no idea about our economy or way of life. That live in the united states. To those that live away they want to use us as a number in on their chart but we will be affected in every way on the ground here on American Samoa. Our islands our oceans. If they want to close fishing close around the continental United States. Please don't make decisions for us here. It is unfair and un-American. Thank you
Ray Tulafono	I am opposing the NWHI Sanctuary Proposed Expansion by the Federal Government. I believed this proposed closure will further handicapped the Hawaiian Longline Fishery which provide fish to markets in Hawaii.
Robert Pecoraro	I strongly support designating Papahānaumokuākea Marine National Monument as a national marine sanctuary to enhance protections and safeguard resources in the marine portions of the Monument. This designation will help to give the Hawaii marine ecosystem a fighting chance, here on the Kona coast. Climate change and pollution have ravaged the fragile ecosystem here in Kona, and in many parts of Hawaii. Once beautiful, healthy reefs have been reduced to rubble. In addition to addressing the issues that have contributed to reef degradation, this designation will help to protect the reef inhabitants, which will be necessary if the reefs are to be restored to their previous condition. Strict regulation and enforcement will be necessary to ensure the success of this designation. I implore you to consider this proposition for the good of the reefs, for the good of Hawaii and for the good of this planet. Thank you for your consideration.
Bary Mayer	I support the Sanctuary designation for the PMNM; the more protection, the better! Imua!
Pono Advocacy	Papahānaumokuākea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.
Anonymous	As a Hawaii resident I see first hand the impact of invasive species and destructive development practices. the strip mining approach to commercial fishing proposed here is astounding and unconscionable. The ONLY way to stop this for ever is to give this a Sanctuary status. Just DO it please? Mahalo!
Elle Cook	I am sharing today that our family fully support the designation of Papahanaumokuakea as a National Marine Sanctuary. The wildlife that this can/will support is critical.
Gerdine Markus	I would like to see that proposed Marine Sanctuary come into being, so we have beautiful resources for our reiki to enjoy when they grow up. Thank you, Gerdine Markus
Shyla Moon	Give the oceans back to the people of Hawaii for fishing for food.
Deborah Eudene	Please approve this designation.

Submitter	Comment
Rhonda Mayfield	Thank you for the opportunity to comment on the proposal to designate marine portions of Papahānaumokuākea Marine National Monument as a national marine sanctuary. I am in full support of this designation. My siblings grew up on Midway Island and I was born there. We need to protect our reefs and wildlife.
Anonymous	I don't support this proposal
Joseph Watts	I would like to express my concern for the Northwest Hawaiian Islands and the life in the waters surrounding them, a world natural treasure that I may never experience in person but nevertheless wish to help perpetuate for the future in as pristine a state as possible. Please designate the expanded sanctuary status so that these jewels of the Pacific may thrive even more. This planet needs places like this fully protected so as to help life thrive and help to heal our Earth.
Harald Ebeling	To Whom It May ConcernI am writing in strong support of the proposed Papahanaumokuakea National Marine Sanctuary.The arguments in favor are overwhelming and should be undisputed: the strongest possible protection of extensive, contiguous marine habitat is crucial in times of global pollution, ocean warming, overfishing, and rampant human-rooted disturbance of fragile ecosystems. Sanctuary status has been an integral part of the effort to protect this area for over two decades; actually executing this important step is way overdue. I am unaware of any counter-argument that should be allowed to even delay this designation, let alone prevent it. Extensive concessions were made in the original Monument designation to accommodate Kaua'i fishermen; the proposed Sanctuary designation must not be taken hostage by yet more shortsighted demands of a few that threaten the protection of an ecosystem that is a global natural and cultural treasure.As a resident of Hawai'i Island, as a US citizen, and as an environmentally aware member of our species, I hope and expect that the proposed Sanctuary will be approved and executed promptly without modifications or concessions.Aloha,Harald Ebeling

Submitter	Comment
Pelika Andrade	My name is Pelikaokamanaoio Andrade from the island of Kauai. As a Native Hawaiian deeply committed to the care of Papahanaumokuakea and active in the Papahanaumokuakea Native Hawaiian Cultural Working Group (CWG), I am advocating and sharing my support for the Designation of Papahanaumokuakea as a National Marine Sanctuary. I am in SUPPORT of sanctuary designation, specifically Alternative 1, the preferred alternative. It's important to know that sanctuary designation would strengthen the existing conservation benefits of the Monument by applying additional protections and management tools for the marine areas of Papahānaumokuākea, while keeping the existing Monument boundaries in place. Sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President. Also, Wespac is proposing large-scale extraction from the expanded region of Papahānaumokuākea (350,000 lbs of bottomfish and 180,000 lbs of pelagic fish annually), with the recommendation that permittees take home catch for "consumption, including community sharing, bartering, and trade" and recover costs from these trips, through the "sale of catch." I strongly oppose Wespac's attempt to yet again push their industrial fishing interests forward at the expense of the health of Papahānaumokuākea.From a traditional Hawaiian Lens and relationship, the suggestions and proposals of Wespac are directly conflicting with Hawaiian Rights and Responsibilities. Native Hawaiian relationships are familial, dependent on reciprocity, and based on long-term success. Practices and customs developed and altered based on these relationships while traditional lifestyles shifted to ensure the relationship remained. Our contemporary relationship with our islands are extremely unhealthy, have strayed from familial, are not reciprocating and are very short-sighted. We collectively are extracting/consuming/taking without the knowledge and actions of replacing threatening long-term success. We collectively no longer treat the world around us as family, we don‘t reciprocate what we take or consume, and our actions cannot sustain us for the long term. The proposals of Wespac are in direct conflict with Native Hawaiian fundamental relationships.To reiterate, I support the Designation of Papahanaumokuakea as a National Marine Sanctuary, specifically Alternative 1. I support sanctuary designation to strengthen the existing conservation benefits of the Monument, while keeping the existing Monument boundaries and management structure in place.
Miranda Sarola	-Preferred sanctuary boundary area (maximum sanctuary area alternative 582K square miles)(Alternatives are being considered for area of marine waters to be protected)- Strict Monitoring & Enforcement on marine debris, fishing line, fishing gear to eliminate entanglement of endangered marine life in marine protected area; NO longline fishing- Strict regulations: NO non-commercial fishing, NO sustenance fishing in marine protected area-NO exemptions for marine mining activities-NO submarine activityMahalo,Miranda

Submitter	Comment
William Quinlan	[I am from Oahu with knowledge and experience as a certified Scuba instructor for 50 years. My diving around the world has taught me how important supporting Papahanaumokuakee is.Specifically I am in support Alternative 1 - the preferred alternative - which would designate boundaries that are co-extensive with the marine portions of the Papahānaumokuākea National Marine Monument.The preferred alternative acknowledges the deep discussions, thoughts and opinions expressed by hundreds and thousands of people who came forward during the Monument expansion effort. It rightfully does not expand the area's specific boundaries any further than what is currently in place.The proposed rule and Draft EIS also establish an additional layer of regulations over the existing boundaries of the current Marine Monument that would maintain and enhance existing protections.The proposed management plan appropriately incorporates Mai Ka Pō Mai, which was informed and created by the Native Hawaiian community, and the vision of how Papahānaumokuākea should be cared for now and in perpetuity.Papahānaumokuākea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.A sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President.A sanctuary can also attract additional public and non-profit funding, which could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for operations, research, citizen science, education, and emergency response.The National Marine Sanctuary Act provides clearer regulations and guidance for enacting civil penalties for permit and regulatory violations than what is currently available with the Monument Proclamation alone and imposes liability for damage to sanctuary resources.Regarding industrial fishing, Wespac's proposal to have large-scale fish extraction in Papahanaumokuakea is not beneficial to the resource or to the communities of Hawaii and the greater Pacific and only seeks to benefit a select few. I/we oppose any sale, barter, or trade of this large-scale extraction and the cost recovery proposed by Wespac for these trips.Because the fishing rules are being developed under a separate process not aligned with Sanctuary designation, NOAA should ensure it has protective regulations consistent with the Monument Proclamations. This process should include an EIS, with a public comment period.With only 3% of the global ocean fully protected, we must support additional protections for Papahānaumokuākea that will help to mitigate against possible negative impacts from changes in political administrations.Mahalo.William QuinlanOahu
Kaupa Kawelo	I support the sanctuary designation for papahānaumokuākea, specifically, I support alternative 1.

Submitter	Comment
B.A. McClintock	I fully support the designation of Papahanaumokuakea as a National Marine Sanctuary. The proposed rule and Draft EIS also establish an additional layer of regulations over the existing boundaries of the current Marine Monument that would maintain and enhance existing protections.The proposed management plan appropriately incorporates Mai Ka Pō Mai, which was informed and created by the Native Hawaiian community, and the vision of how Papahānaumokuākea should be cared for now and in perpetuity.Papahānaumokuākea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.
Sheryl Gardner	A sanctuary designation would strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President. Specifically I am in support Alternative 1 - the preferred alternative - which would designate boundaries that are the same as the marine portions of the Papahānaumokuākea National Marine Monument.
Lily Monte	Aloha I am a concerned citizen for this area. I believe the following should be enforced for this area and many more. - Preferred sanctuary boundary area (maximum sanctuary area alternative 582K square miles) (Alternatives are being considered for area of marine waters to be protected) - Strict Monitoring & Enforcement on marine debris, fishing line, fishing gear to eliminate entanglement of endangered marine life in marine protected area; NO longline fishing - Strict regulations: NO non-commercial fishing, NO sustenance fishing in marine protected area -NO exemptions for marine mining activities -NO submarine activity Mahalo

Submitter	Comment
Helen Nielsen	Aloha, I am in full support of Sanctuary designation for Papahanaumokuakea National Marine Sanctuary, especially under designation 1. Our many oceans' quality continues to decline worldwide. There have been so many well-documented benefits provided by professionals as to why this Sanctuary should continue and be strengthened. Seeing first had the changes in the reefs over the past 30 years really frightens me and we should be doing all we can to protect the most pristine places left. What kind of a world will we be left with if we are not continually proactive against harmful policies, especially to the PMNS.
Mina Elison	Aloha,I am sharing today that I fully support the designation of Papahanaumokuakea as a National Marine Sanctuary.Specifically, I, am in support Alternative 1 - the preferred alternative - which would designate boundaries that are co-extensive with the marine portions of the Papahānaumokuākea National Marine Monument.The preferred alternative acknowledges the deep discussions, thoughts and opinions expressed by hundreds and thousands of people who came forward during the Monument expansion effort. It rightfully does not expand the area's specific boundaries any further than what is currently in place.The proposed rule and Draft EIS also establish an additional layer of regulations over the existing boundaries of the current Marine Monument that would maintain and enhance existing protections.The proposed management plan appropriately incorporates Mai Ka Pō Mai, which was informed and created by the Native Hawaiian community, and the vision of how Papahānaumokuākea should be cared for now and in perpetuity.Papahānaumokuākea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.A sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President.A sanctuary can also attract additional public and non-profit funding, which could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for operations, research, citizen science, education, and emergency response.The National Marine Sanctuary Act provides clearer regulations and guidance for enacting civil penalties for permit and regulatory violations than what is currently available with the Monument Proclamation alone and imposes liability for damage to sanctuary resources.Regarding industrial fishing, Wespac's proposal to have large-scale fish extraction in Papahanaumokuakea is not beneficial to the resource or to the communities of Hawaii and the greater Pacific and only seeks to benefit a select few. I/we oppose any sale, barter, or trade of this large-scale extraction and the cost recovery proposed by Wespac for these trips.Because the fishing rules are being developed under a separate process not aligned with Sanctuary designation, NOAA should ensure it has protective regulations consistent with the Monument Proclamations. This process should include an EIS, with a public comment period.With only 3% of the global ocean fully protected, we must support additional protections for Papahānaumokuākea that will help to mitigate against possible negative impacts from changes in political administrations.Mahalo, Mina

Submitter	Comment
Nicholas J. Anderson	I generally support the proposed sanctuary designation, but I comment to express my concern about the exemptions and exceptions associated with non-commercial fishing. Without sufficient funding and resource allocation, monitoring and oversight of activities in the enormous designated area may be inadequate and render difficult or impossible the detection of potentially illegal fishing activities. The final version of this sanctuary regulation should be revised to contemplate the likelihood of abuse of non-commercial fishing exemptions. Under the draft rule, non-commercial fishing activities in the OSZ authorized under the Magnuson-Stevens Fishery Conservation and Management Act are not subject to sanctuary regulations. This act is criticized for its failure to stem overfishing and the final version of the sanctuary regulations should reflect this shortcoming in its prevention of non-commercial fishing abuse in the Papahanaumokuakea National Marine area.
Patricia Richardson	I fully support National Marine Sanctuary designation of the waters of Papahanaumokuakea Marine National Monument. This fragile and vulnerable environment deserves all possible protection from commercial exploitation. Designating the areas from the shorelines out to current Monument boundaries as a National Marine Sanctuary would add a much needed level of protection. My connection to Papahanaumokuakea Marine National Monument comes from twenty years of volunteering at Mokupapapa, the Discovery Center for the Monument, in Hilo, Hawaii. I explain the geography, geology, history and wildlife of the Monument to visitors from near and far. I have also made three trips to Midway Atoll to count albatross nests as a volunteer with the U.S. Fish and Wildlife Service. The northwestern part of out Hawaiian archipelago is indeed a beautiful and unique area. I want to see the islands, atolls, reefs and deep water areas receive maximum protection. This area is home to Hawaiian monk seals, nesting ground for Hawaiian green sea turtles, and nesting area for over 20 species of native seabirds. The near-shore reefs are filled with native fish, some found only in these waters. This unique wildlife and its habitat must be preserved now and for future generations to experience.

Submitter	Comment
Paulette Smith	As a former monk seal responder and educator on the Big Island from 2013 - 2017, I learned a great deal about Papahanaumokuakea. If ever we needed stronger protection for this area and ecosystem, I implore you to support the sanctuary designation, alternative 1. Reflecting on this designation, I think of a program with which I was involved. Take a look at the 23 seals painted in a painting that now hangs in the Mokupapapa Discovery Center in Hilo. One talk by our volunteer educational program inspired fourth graders to become advocates and messengers for the conservation of the critically endangered Hawaiian monk seal. One talk. Supported by their teacher, those 4th graders grasped the crucial importance of conservation as did over 100 other classrooms on the Big Island in which this program was presented. They are the legacies of your actions. I saw clearly in those unstained, transparent eyes of over 4,000 fourth graders we reached, their hopefulness for a brighter future for that ONE species, the Hawaiian monk seal. Imagine what your actions can do for an entire ecosystem, region. Please, their future for preserving, protecting, enhancing this incredibly unusual area is in your hands. They desperately need the wisdom of the kupuna that no one living or having experienced Hawaii for years doesn't have rub off on them. And you in the legislature carry within you that wisdom, however great or small, but I believe it is great. For one cannot live or experience Hawaii without breathing in the connection to the aina, without absorbing and benefiting from encounters with the kupuna. And with it bears the heavy weight of acting wisely for it. Which is why, especially for the youth of today, they need your support to more strongly protect Papahanaumokuakea. With respect, Paulette W Smith, formerly of Hilo, Hawaii.

Submitter	Comment
Linda Elliott	Aloha,I would like to share that I fully support the designation of Papahanaumokuakea as a National Marine Sanctuary. I have grown up here in the Hawai‘i islands and I have studied our native species and I have worked as a conservation biologist for several decades. I have also had the amazing life changing experience of working in the remote islands and seeing what Hawai‘i ecosystems should be like for Hawai‘i's unique and precious biodiversity. We have lost so much and now is the opportunity to protect what remains and help recover the ecosystems. This in turn will protect our islands from climate change and for future generations of all species.Specifically, I am in support Alternative 1 - the preferred alternative - which would designate boundaries that are co-extensive with the marine portions of the Papahānaumokuākea National Marine Monument.The preferred alternative acknowledges the deep discussions, thoughts and opinions expressed by hundreds and thousands of people who came forward during the Monument expansion effort. It rightfully does not expand the area’s specific boundaries any further than what is currently in place. The proposed rule and Draft EIS also establish an additional layer of regulations over the existing boundaries of the current Marine Monument that would maintain and enhance existing protections.The proposed management plan appropriately incorporates Mai Ka Pō Mai, which was informed and created by the Native Hawaiian community, and the vision of how Papahānaumokuākea should be cared for now and in perpetuity. Papahānaumokuākea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.A sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today’s uncertain political climate, ensuring added safeguards regardless of who becomes President.A sanctuary can also attract additional public and non-profit funding, which could strengthen the public’s appreciation of Papahānaumokuākea and support a more consistent budget for operations, research, citizen science, education, and emergency response.The National Marine Sanctuary Act provides clearer regulations and guidance for enacting civil penalties for permit and regulatory violations than what is currently available with the Monument Proclamation alone and imposes liability for damage to sanctuary resources.Regarding industrial fishing, Wespac’s proposal to have large-scale fish extraction in Papahanaumokuakea is not beneficial to the resource or to the communities of Hawaii and the greater Pacific and only seeks to benefit a select few. I/we oppose any sale, barter, or trade of this large-scale extraction and the cost recovery proposed by Wespac for these trips.Because the fishing rules are being developed under a separate process not aligned with Sanctuary designation, NOAA should ensure it has protective regulations consistent with the Monument Proclamations. This process should include an EIS, with a public comment period.With only 3% of the global ocean fully protected, we must support additional protections for Papahānaumokuākea that will help to mitigate against possible negative impacts from changes in political administrations.Mahalo,Linda ElliottWildlife BiologistHāwī, HI 96719

Submitter	Comment
Jill Williams	Aloha,I am sharing today that Jill Williams fully support the designation of Papahanaumokuakea as a National Marine Sanctuary.I live on Oahu with knowledge of Papahanaumokuakea)].Specifically I am in support Alternative 1 - the preferred alternative - which would designate boundaries that are co-extensive with the marine portions of the Papahānaumokuākea National Marine Monument.The preferred alternative acknowledges the deep discussions, thoughts and opinions expressed by hundreds and thousands of people who came forward during the Monument expansion effort. It rightfully does not expand the area's specific boundaries any further than what is currently in place.The proposed rule and Draft EIS also establish an additional layer of regulations over the existing boundaries of the current Marine Monument that would maintain and enhance existing protections.The proposed management plan appropriately incorporates Mai Ka Pō Mai, which was informed and created by the Native Hawaiian community, and the vision of how Papahānaumokuākea should be cared for now and in perpetuity.Papahānaumokuākea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.A sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President.A sanctuary can also attract additional public and non-profit funding, which could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for operations, research, citizen science, education, and emergency response.The National Marine Sanctuary Act provides clearer regulations and guidance for enacting civil penalties for permit and regulatory violations than what is currently available with the Monument Proclamation alone and imposes liability for damage to sanctuary resources.Regarding industrial fishing, Wespac's proposal to have large-scale fish extraction in Papahanaumokuakea is not beneficial to the resource or to the communities of Hawaii and the greater Pacific and only seeks to benefit a select few. I/we oppose any sale, barter, or trade of this large-scale extraction and the cost recovery proposed by Wespac for these trips.Because the fishing rules are being developed under a separate process not aligned with Sanctuary designation, NOAA should ensure it has protective regulations consistent with the Monument Proclamations. This process should include an EIS, with a public comment period.With only 3% of the global ocean fully protected, we must support additional protections for Papahānaumokuākea that will help to mitigate against possible negative impacts from changes in political administrations.Mahalo.Jill Williams
American Samoa Veteran and their Families	Proposed Sanctuary needs to be reevaluated with the understanding this life giving area of ocean that the indigenous islands state and territories are a part of must have an equitable return on this federal investment. What is need , Local state and Territories Regulatory Management fisheries independence, Federal legislation protection of local and US fishing fleet in the Pacific, US Fishing fleet only, Coast Guard /Navy needs to have a larger monitoring presence in illegal Fishing, More Federal laws. protection of indigenous fishing rights and ocean resources in line with the laws protecting our US Native Americans on the main land. Sustainable and equitable Compensation for States and Territories. OR NO . WE DO NOT WANT THIS.

Submitter	Comment
Anonymous	I am OPPOSED to this regulation because it will just decrease the fishing waters for American Samoa even more, and it's already getting smaller and smaller with each passing day.
National Wildlife Federation	The National Wildlife Federation is pleased to submit the attached letter of support for designation of marine portions of Papahānaumokuākea Marine National Monument and the Monument Expansion Area (collectively called the Monument) as a national marine sanctuary. Dedication of this national marine sanctuary would honor the legacy of these islands and atolls, their significance to Indigenous Hawaiians, and protect abundant populations of wildlife such as coral, fish, sharks, turtles, rays, whales, dolphins, birds, and other important marine ocean species in the face of threats like deep-sea mining, climate change, and overfishing. Thank you for doing all that you can to ensure maximum protections for this national Hawaiian treasure for fish, wildlife, Pacific Island communities, and those who love this area, now and for generations to come.
Anonymous	I am not for opening up Papahanaumokuakea because keeping the area can protect species of fish from going extinct. Keeping Papahanaumokuakea closes can help keep fish species alive.
Anonymous	They shouldn't open it up for commercial fishing because it's a historical monument and should be preserved forever. Also I don't think it would be appropriate for Hawaiian culture to have those islands being used for fishing.
Anonymous	Overfishing is bad. Overfishing is very bad and hurting our marine life. We have to make a change and love you Aina. Mahalo Nui loa Family
Anonymous	What we've learned about the North- western Hawaiian islands is that each ecosystem is valued. We've come to the understanding that although local fisheries can only fish within a certain zone. Fishing is heavily relied based how expensive it is with the economy itself and I believed will give some breaks for certain areas of our island. It's the continuous cycle, that maintains overfishing and doesn't prevent the potential consequences reflected on economic decisions.
Anonymous	I believe that Papahanaumokuakea should be protected. If we expand the quotas and open up to more fishing then it would lead to more overfishing. This is overall bad for our environment because of the impacts that it'll have on our marine.
Anonymous	I believe that this proposed rule can lead to many harmful impacts in our ocean ecosystem. First of all, allowing fishermen to fish along the Northwestern Hawaiian Islands will go against and outwardly disrespect our culture in preserving the NWHI as a national monument, keeping the marine organisms safe and thriving. An economic factor to this is if we allow the fishing in the NWHI, it will eventually lead to overfishing around our EEZ and the benefits of the spill over effect will cease to exist. This will also encourage the demand for fishing in other protected areas of the ocean leading to more overfishing and rising demand of fish across the globe.
Anonymous	I think that if this site is sacred then they should not open it up. I believe they shouldn't do it in order to protect the area from any harm caused by modern fisheries.
Anonymous	Don't give in and save our national monument and also save the marine life ecosystem, If you open it up the numbers of illegal fishing will rise and the marine life ecosystem can decrease drastically.

Submitter	Comment
Anonymous	You shouldn't open up the north western islands. Why would you put fishermen above culture, and just for them to overfish the area. Theres already been studies showing the increase in fish that is spilling over from the north western islands.
Anonymous	I feel that the new rule should not continue because.It could effect people dramatically since people use fish as a food resource.letting these Fisher men do this would make fish go extinct.
Anonymous	i think they should keep the monument alone and within protection. if they allow it to be open for fishermen, i believe it will cause a bigger issue with the already current issues with overfishing. it will not help areas like such be protected if they keep opening these areas to be fished.
Anonymous	Papahanaumokuakea should not be used for commercial fishing. It is important to keep areas for fish to reproduce and grow without the need to worry about commercial fishing. It should be seen as sacred grounds for fish to thrive.
National Wildlife Federation	Dear Superintendent Roberts, The National Wildlife Federation strongly supports designation of marine portions of Papahānaumokuākea Marine National Monument and the Monument Expansion Area (collectively called the Monument) as a national marine sanctuary. Dedication of this national marine sanctuary would honor the legacy of these islands and atolls, their significance to Indigenous Hawaiians, and protect abundant populations of wildlife such as coral, fish, sharks, turtles, rays, whales, dolphins, birds, and other important marine ocean species in the face of threats like deep-sea mining, climate change, and overfishing. With over 7 million members and supporters, the National Wildlife Federation is the nation's largest conservation organization. Our unique Federation model means we have affiliate partners in 52 states and territories, including Hawai'i. We cannot complete our mission of uniting all Americans to ensure wildlife thrive in a rapidly changing world without addressing threats facing ocean health and marine biodiversity. We are eagerly employing our science-based advocacy, community partnerships, and engagement of diverse stakeholders, to build community and political support for the protection of additional offshore areas around the nation. This includes supporting the added protections and management needs for Papahānaumokuākea that will be afforded through sanctuary designation that are crucial to strengthening the existing resource protections. The proposed Papahānaumokuākea sanctuary area extends 1,200 miles across the northwestern region of the Hawaiian archipelago, starting approximately 140 miles from the main Hawaiian Islands, and roughly 3,000 miles from the nearest continental land mass. This vast ecosystem is one of the largest wild, pristine marine sites in the world, encompassing 582,578 square miles of the Pacific Ocean. The monument protects traditional Hawaiian habitation sites, heiau (temples), koʻa (fishing grounds and shrines), culturally significant species such as sharks, sea turtles, and other ʻaumākua (ancestral family gods), and the flight paths and foraging habitat of seabirds essential to traditional navigators during ocean voyaging by canoe. The addition of the national marine sanctuary would provide important regulatory and management tools to complement and

Submitter	Comment
	enhance existing protections for Papahānaumokuākea ecosystems, wildlife, and cultural and maritime heritage resources. We urge that NOAA act swiftly to designate the new sanctuary by finalizing and approving the associated draft environmental impact statement (EIS) (Alternative 1) and draft sanctuary management plan that are currently out for public comment. Specifically, this proposed action and national marine sanctuary designation would: • Maximize benefits for the largest proposed sanctuary of the three alternatives that NOAA is evaluating, and provide critically needed guidance for management, a top priority of which should be species protections. • Protect this coral reef ecosystem that is a global marine biodiversity hotspot, providing essential habitats for rare species such as the threatened green turtle and the critically endangered Hawaiian monk seal, the Hawaiian humpback whale, sharks, millions of seabirds, and others. There is a high degree of endemism in this area, and it is crucial to safeguard these species and actively manage these habitats so they not only survive, but thrive. • Provide comprehensive and coordinated management of the marine areas of Papahānaumokuākea to protect nationally significant biological, cultural, and historical resources. By adopting a co-management model NOAA and partners will help ensure that traditional ecological knowledge (TEK) and Western science can be at the forefront of ongoing and future protections for the Pacific. This includes enhancing management of the proposed sanctuary by having a Native Hawaiian program specialist on staff and the sanctuary advisory council including Native Hawaiian seats, and outreach to the Native Hawaiian Community. While there is still more work to be done to expand the National Marine Sanctuaries Program so that there are geographically representative, ecologically connected, and climate-resilient marine areas off all U.S. coasts, the Papahānaumokuākea designation is critically needed and demonstrates meaningful progress toward these broader goals. Thank you for doing all that you can to ensure maximum protections for this national Hawaiian treasure for fish, wildlife, Pacific Island communities, and those who love this area, now and for generations to come. Sincerely, Jessie Ritter Associate Vice President, Water and Coasts National Wildlife Federation National Wildlife Federation Lindsay Gardner Director of Marine Conservation National Wildlife Federation National Wildlife Federation

Submitter	Comment
Chelsea Tanimura	MEMORANDUMFOR: Gina RaimondoSecretary of CommerceFROM: Chelsea TanimuraLifelong resident of Hawai'iDATE: May 5, 2024SUBJECT: Department of Commerce National Oceanic and Atmospheric Administration 15 CFR Part 922 [Docket No. 240213–0047] RIN 0648–BL33 Proposed Papahānaumokuākea National Marine SanctuaryThe National Oceanic and Atmospheric Administration (NOAA) proposes to designate marine portions of Papahānaumokuākea Marine National Monument as Papahānaumokuākea National Marine Sanctuary (proposed sanctuary) to protect nationally significant biological, cultural, and historical resources and to manage this special place as part of the National Marine Sanctuary System. The proposed sanctuary consists of an area of approximately 582,570 square statute miles (439,910 square nautical miles) of Pacific Ocean waters surrounding the Northwest Hawaiian Islands and the submerged lands thereunder. NOAA proposes to establish the terms of designation for the proposed sanctuary and proposes regulations to implement the designation of the national marine sanctuary. NOAA is also publishing a draft environmental impact statement (DEIS), prepared in coordination with the State of Hawai`i, and a draft management plan (DMP). NOAA is soliciting public comments on the proposed rule..As a lifelong resident of Hawai'i, I am pleased to comment in support of NOAA-NOS-2021-0076, the Proposed Papahānaumokuākea National Marine Designation for the Northwestern Hawaiian Islands. This proposed rule would help to protect biodiversity; this is critical as the coral reefs are the home of both immature marine life and the breeding population of important species that residents depend upon, either for commercial purposes or to feed their families. I have witnessed first hand over nearly four decades a dramatic decline in the number of fish near shore; where once as a child I could see numerous schools of aholehole swimming in knee deep water, this is now an occurrence that my own son and I will remark on nowadays due to the rarity. Likewise, I remember that halalu would "run" for days off of Port Allen on Kaua'i; this does not happen anymore.Papahānaumokuākea is currently the largest contiguous protected conservation area in the United States and this proposal would strengthen its protection by designating it as a sanctuary. The original Papahānaumokuākea Marine National Monument, and the Monument Expansion Area, located around the Northwestern Hawaiian Islands, were established under the Antiquities Act of 1906 (54 U.S.C. 320301 et seq.) through, respectively, Presidential Proclamation 8031 of June 15, 2006; as amended by Presidential Proclamation 8112 of February 28, 2007; and Presidential Proclamation 9478 of August 26, 2016. The monument was created to protect and preserve the marine area of the Northwestern Hawaiian Islands and certain lands.However, the Papahānaumokuākea National Monument has faced criticism for its size, mainly from the fishing industry.It was also included in former President Trump's list of national monuments to be reviewed for removal of its monument status reportedly due to feared negative impacts on jobs. This rule grants double protection to Papahānaumokuākea since it would designate Papahānaumokuākeaa as a marine sanctuary on top of its current status as a National Monument. Should Papahānaumokuākea lose its status as a National Monument, it would still be considered a marine sanctuary, which would continue its protection against commercial uses. National marine sanctuaries are governed under a different law that allows protection of a marine system as a whole and also allows NOAA to involve more stakeholder groups, including state and local governments, to participate in protecting the sanctuary. National Monuments are typically managed by the federal government only. Protecting marine species from overfishing may also help to improve commercially important stocks into the future.This region also has cultural significance and Native Hawaiians should be invited to play a significant role in its

Submitter	Comment
	management and stewardship. The Monument is administered jointly by four Co-Trustees—the Department of Commerce, the Department of the Interior, the State of Hawai`i, and the Office of Hawaiian Affairs. I suggest that should this rule become official, that groups representative of the diverse views of Native Hawaiians be involved in the planning and promulgation. Native Hawaiians have depended upon and cared for the ocean, this particular section of ocean, for centuries and know it best.I appreciate the opportunity to comment on this proposed rule and look forward to seeing the protection for this vital area increased. I truly hope to see a return of the species I once saw in abundance during my childhood for my son’s sake and for all of the children of Hawai‘i.Sincerely,Chelsea Tanimura

Submitter	Comment
Lydia Garvey	Strongly urge Alternative 1 - the preferred alternative - which would designate boundaries that are co-extensive with the marine portions of the Papahānaumokuākea National Marine Monument.The preferred alternative acknowledges the deep discussions, thoughts and opinions expressed by hundreds and thousands of people who came forward during the Monument expansion effort. It rightfully does not expand the area's specific boundaries any further than what is currently in place.The proposed rule and Draft EIS also establish an additional layer of regulations over the existing boundaries of the current Marine Monument that would maintain and enhance existing protections.The proposed management plan appropriately incorporates Mai Ka Pō Mai, which was informed and created by the Native Hawaiian community, and the vision of how Papahānaumokuākea should be cared for now and in perpetuity.Papahānaumokuākea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.A sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President.A sanctuary can also attract additional public and non-profit funding, which could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for operations, research, citizen science, education, and emergency response.The National Marine Sanctuary Act provides clearer regulations and guidance for enacting civil penalties for permit and regulatory violations than what is currently available with the Monument Proclamation alone and imposes liability for damage to sanctuary resources.Regarding industrial fishing, Wespac's proposal to have large-scale fish extraction in Papahanaumokuakea is not beneficial to the resource or to the communities of Hawaii and the greater Pacific and only seeks to benefit a select few. I/we oppose any sale, barter, or trade of this large-scale extraction and the cost recovery proposed by Wespac for these trips.Because the fishing rules are being developed under a separate process not aligned with Sanctuary designation, NOAA should ensure it has protective regulations consistent with the Monument Proclamations. This process should include an EIS, with a public comment period.With only 3% of the global ocean fully protected, we must support additional protections for Papahānaumokuākea that will help to mitigate against possible negative impacts from changes in political administrations.Your attention to this most urgent matter would be much appreciated, for all present & future generations!TYLydia Garvey Public Health Nurse

Submitter	Comment
Calley O'neill	Aloha and greetings from Waimea,I am sharing today that my ohana and team and I stronglyh and ully support the designation of Papahanaumokuakea as a National Marine Sanctuary.This is in alignment with Native Hawaiian ecological knowldege and science. We must have our monument be a sanctuary.Or…[I am from (share your location) with knowledge and experience in (x or your ties to Papahanaumokuakea)].Specifically [I, we] are in support Alternative 1 - the preferred alternative - which would designate boundaries that are co-extensive with the marine portions of the Papahānaumokuākea National Marine Monument.The preferred alternative acknowledges the deep discussions, thoughts and opinions expressed by hundreds and thousands of people who came forward during the Monument expansion effort. It rightfully does not expand the area's specific boundaries any further than what is currently in place.The proposed rule and Draft EIS also establish an additional layer of regulations over the existing boundaries of the current Marine Monument that would maintain and enhance existing protections.The proposed management plan appropriately incorporates Mai Ka Pō Mai, which was informed and created by the Native Hawaiian community, and the vision of how Papahānaumokuākea should be cared for now and in perpetuity.Papahānaumokuākea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.A sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President.A sanctuary can also attract additional public and non-profit funding, which could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for operations, research, citizen science, education, and emergency response.The National Marine Sanctuary Act provides clearer regulations and guidance for enacting civil penalties for permit and regulatory violations than what is currently available with the Monument Proclamation alone and imposes liability for damage to sanctuary resources.Regarding industrial fishing, Wespac's proposal to have large-scale fish extraction in Papahanaumokuakea is not beneficial to the resource or to the communities of Hawaii and the greater Pacific and only seeks to benefit a select few. I/we oppose any sale, barter, or trade of this large-scale extraction and the cost recovery proposed by Wespac for these trips.Because the fishing rules are being developed under a separate process not aligned with Sanctuary designation, NOAA should ensure it has protective regulations consistent with the Monument Proclamations. This process should include an EIS, with a public comment period.With only 3% of the global ocean fully protected, we must support additional protections for Papahānaumokuākea that will help to mitigate against possible negative impacts from changes in political administrations.We urge you to make this your highest priority and let us know of your decision.Mālama Papahānaumokuākea !Calley O'Neill and Ohana

Submitter	Comment
Megan Dalton	Aloha,I am sharing today that I, Megan Dalton, fully support the designation of Papahanaumokuakea as a National Marine Sanctuary.I have several years experience in working in Papahanaumokuakea and have seen first hand its biological and cultural importance.Specifically, I am in support Alternative 1 - the preferred alternative - which would designate boundaries that are co-extensive with the marine portions of the Papahānaumokuākea National Marine Monument.The preferred alternative acknowledges the deep discussions, thoughts and opinions expressed by hundreds and thousands of people who came forward during the Monument expansion effort.The proposed rule and Draft EIS also establish an additional layer of regulations over the existing boundaries of the current Marine Monument that would maintain and enhance existing protections.Papahānaumokuākea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.A sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President.A sanctuary can also attract additional public and non-profit funding, which could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for operations, research, citizen science, education, and emergency response.The National Marine Sanctuary Act provides clearer regulations and guidance for enacting civil penalties for permit and regulatory violations than what is currently available with the Monument Proclamation alone and imposes liability for damage to sanctuary resources.Regarding industrial fishing, Wespac's proposal to have large-scale fish extraction in Papahanaumokuakea is not beneficial to the resource or to the communities of Hawaii and the greater Pacific and only seeks to benefit a select few. I oppose any sale, barter, or trade of this large-scale extraction and the cost recovery proposed by Wespac for these trips.Because the fishing rules are being developed under a separate process not aligned with Sanctuary designation, NOAA should ensure it has protective regulations consistent with the Monument Proclamations. This process should include an EIS, with a public comment period.With only 3% of the global ocean fully protected, we must support additional protections for Papahānaumokuākea that will help to mitigate against possible negative impacts from changes in political administrations.Mahalo.

Submitter	Comment
Timothy Teleso	The fact that this bill doesn't have a Samoan name but is trying to control Samoan waters is one reason this bill should not be passed. To have what I'm guessing is a Hawaiian name and try to sanction our waters is just not right. Hawaiians unlike Samoans are a weak people who have been exploited for as long as history has been recorded. Who are these people who think they know about our island? Have they lived here? Are they raising their families here? Why do you think you know about our island and most of all why do you think you should decide what happens with our oceans. You want us to just sit back and let illegal Chinese fishing boats take advantage of our bountiful EEZ? People who do not live on this island should not be allowed to make these types of decisions. Ask any local person about this issue and they will not agree with this bill. This bill has been proposed by a bunch of hippies who have nothing better to do but try to do what in their eyes will "save the planet," but at what cost? If this bill passes I would love for the people who are pushing this bill to leave their federal salaries and come live in American Samoa to see experience the hardship they're going to cause. American Samoa needs the tuna industry, it is our one and only export and is the foundation of our economy. They say we can resort to tourism. How? We have only one airline here that operates 2 regular flights a week and at certain times of the year is completely booked for months. We only have a few hotels and only so much land that would actually be suitable for new hotels. Building supplies at minimum are tripled in cost compared to the mainland US due to shipping and duty which will only increase if the canneries aren't exporting tuna. Weigh the damn pros and cons and you'll see this bill should not be passed. Come to American Samoa and have an in person town hall meeting and we will show you.
Roger McManus	May 6, 2024This comment letter responds to the Federal Register Notice - Proposed Papahanaumokuakea National Marine Sanctuary, dated March 1, 2024.The proposed rule would establish a new National Marine Sanctuary to protect nationally significant resources that overlays a large portion of the current National Marine Monument. NOAA is currently a partner of the established management regime with the Department of Commerce through the National Oceanic and Atmospheric Administration's Office of National Marine Sanctuaries, the U.S. Department of the Interior through the U.S. Fish and Wildlife Service's Pacific Islands Regional Office, and the State of Hawaii through the Department of Land and National Resources Division of Aquatic Resources and Division of Forestry and Wildlife, and the Office of Hawaiian Affairs.My initial question for the proposal is why, exactly, NOAA considers designating a marine sanctuary as its preferred alternative? The draft EIS says a major purpose of the proposal is to improve coordination and management. In my view this need is not justifiable. The sanctuary would add to the current management regimes already in the identical area; two national wildlife refuges, the Coral Reef Reserve, and the Marine National Monument. How does adding another layer of bureucracy to the same area help coordination and management? According to the draft EIS, management of the proposed sanctuary would leave out two fo the Co-Trustees: the Department of the Interior and State representation. How does this help management and coordination?I understand that in the original Monument area fishing activities are significantly curtailed, but that certain specific fishing for "non-commercial" purposes was to be allowed in the expanded Monument established in 2016 as long as catch did not enter commerce. I understand too, that no regulations have been issued for the expanded Monument area almost a decade after the expanded designation. Why were new regulations not issued with the new authority?

Submitter	Comment
	It would seem this would have been a priority for NOAA ?We now have a proposal to establish a new marine sanctuary within the boundaries of the existing Monument, but the proposal in the new Federal Register notice does not explain why that is desirable and what is lacking in the current protective management regime administered for the Monument. How would the new Sanctuary improve management? Why is the proposed management of the new Sanctuary exclude some of the partners in Monument management. There appears to be no convincing rationale that this seemingly illogical proposal will be beneficial or administratively justifiable.We now have a proposal to estab a new marine sanctuary within the boundaries of the existing Monument, but the proposal in the Federal Register does not explain why that is desirable and what is lacking in the current protective management regime administered for the Monument. How will it provide better management fo the Sanctuary? Why will all of the original government participants not be retained in managing the Sanctuary?Essentially why do we need an additional management regime for the same area that already has an established management regime? What are the deficiencies in the current management regime that need to be fixed and cannot be adequately addressed under the current management regime? Cannot the public be effectively engaged in management decisions that includes the expertise and experience of the existing team of experts?This proposal should not go forward for further public review until a plan and an accompanying EIS addresses the administrative and substantive issues that are outstanding. If there is a need demonstrated to amend the current management regime that need should be the subject of substantive review with proposed options. Such an approach would inspire public confidence which is lacking in the current process.In all my decades of service in the Federal government and in the private sector working with Federal management agencies, including the Council on Environmental Quality in the Executive Office of the President - this is the strangest DEIS I have ever read. It does not inspire confidence in NOAA policy development or implementation.It would be appreciated if NOAA worked more constructively with its government partners in the management of the Monument.Sincerely Roger E. McManusredwardmcmanus@gmail.com
Birgit Winning	Comments on the proposed Papahānaumokuākea National Marine Sanctuary documentThank you for the opportunity to submit comments on the proposed designation of a Papahānaumokuākea National Marine Sanctuary, which would include marine areas of the existing Papahānaumokuākea Marine National Monument. The monument is home to over 7,000 species, including many threatened or endangered birds, plants, seals, and sea turtles. Beyond its biological significance, the area also holds a rich cultural history and is of great importance to Native Hawaiians. The monument embodies the importance of preserving a place that holds both biological and cultural significance.As the draft DEIS acknowledges, most living resources in the monument appear to be in healthy condition, owing in part to years of layered protections by the co-managing agencies. Further, NOAA expects that implementation of the No Action Alternative would not result in any change to existing management or uses of the area. Therefore, no beneficial or adverse impacts would occur from the No Action Alternative.The National Oceanic and Atmospheric Administration (NOAA) has proposed Alternative 1 as its preferred option. While this option includes some additional resource protections, it also has the potential for long-prohibited fishing to be allowed again. The Marine Mammal Commission considers fishing in the MEA to be a significant threat to a number of marine mammals. As noted in the draft DEIS, NOAA anticipates that the additional protection measures provided under Alternative 1 provide negligible impacts for protected species. This conclusion must mean that NOAA does not plan to allow fishing since if they did, there would be

Submitter	Comment
	impacts; as part of the designation, NOAA should commit to continuing the no-fishing provisions of the Monument.NOAA anticipates that the No Action Alternative would continue the existing impacts, including ongoing impacts of climate change, marine debris, derelict fishing gear, and deteriorated seawalls, primarily impacting corals, sea turtles, and Hawaiian monk seals. However, it is unclear how preferred Alternative 1 would alleviate the existing impacts. What are the options for effectively addressing the threats to marine mammals, sea turtles, and their ecosystem from marine debris and global warming?Should NOAA decide to move forward with the Sanctuary designation, I respectfully recommend the following: Preserve existing Monument protections. The designation should include a provision to permanently ban all commercial fishing. Almost all fishing is currently prohibited in the Monument, and any marine sanctuary alternative should include a complete and permanent ban on all commercial fishing. Sustenance and traditional fishing by Native Hawaiians are addressed through the Monument's permitting process.Remedy the entrapment of wildlife, including sea turtles, seabirds, and monk seals, at Lalo's Tern Island. More than 300,000 seabirds breed and nest on the atoll, while the critically endangered Hawaiian monk seals give birth on the shores. More than 90 percent of the sea turtles in the Hawaiian Archipelago, which stretches for roughly 1,500 miles, nest on the atoll. The rusted seawall on Tern Island is an enormous hazard for the island's wildlife, as are other entrapment hazards, including decaying buildings. Any action Alternative for the proposed marine sanctuary and management plan should include funding mechanisms to remove the seawall and decaying buildings. This action should take place even if the No Action Alternative is selected.5.6.2 Past, Present, and Reasonably Foreseeable Future Projects, Table 5.1 All Actions listed have a projected timeline. Is the projected timeline for the seawall removal at French Frigate Shoals listed as unknown because there are no funding appropriations for the priority, or is there another reason?Marine Debris—Expand efforts led by the National Fish and Wildlife Foundation and Papahānaumokuākea Marine Debris Project. Marine debris, mostly derelict fishing gear, degrades reef health and entangles fish, marine mammals, sea turtles, and other mobile species.All alternatives commit to integrating Native Hawaiian culture into all areas of management informed by Mai Ka Pō Mai.Over a period of 7 years, I volunteered and worked on several Northwestern Hawaiian Islands. As a result, I gained some familiarity with the conservation issues in this area.Thank you for your consideration,

Submitter	Comment
Chloe Berridge	John Armor, Director of the Office of National Marine Sanctuariesc/o PMNM-Sanctuary Designation, NOAA/ONMS1845 Wasp Blvd., Bldg 176, Honolulu, HI 96818From: Chloe BerridgeRE: Public Comment on National Marine Sanctuary Designation for the NorthwesternHawaiian IslandsMy name is Chloe Berridge – I am a law student, lover of marine life, and community advocate. I support Alternative 1 of NOAA-NOS-2021-0076 the Proposed Papahānaumokuākea National Marine Sanctuary.The coral reef ecosystem in this area supports 98% of the breeding population, serving as an important place for reproduction and continuing life. Papahānaumokuākea serves as an endemic hotspot and is necessary to keep the flow of endangered species that go through this area and use it. We are already experiencing the effects of the climate crisis in the form of coral bleaching, coastal erosion, and loss of threatened and endangered species due to habitat destruction and invasive species. While the United Nations and national goal is to reserve 30% of our waters for marine sanctuaries, only 3% of the global ocean is fully protected. Safeguarding our natural and cultural resources is an issue that requires comprehensive, immediate action and the federal and state governments have an obligation to provide long-term protection for this sacred area for the benefit of future generations.Designation as a national marine sanctuary will strengthen existing protections for the PMNM, further the goals of resource protection and conservation of nationally significant ecosystems, and fill gaps in existing PMNM management activities through adoption of a sanctuary management plan. A sanctuary can also attract additional public and non-profit funding, which could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for operations, research, citizen science, education, and emergency response. In tandem with enhanced environmental resource protection, designation must also protect Native Hawaiian cultural resources, heritage, and traditional and customary practices. To this end, please consider making the Office of Hawaiian Affairs a co-trustee of the monument and remove the exemption on non-commercial fishing to allow for more input from the Native Hawaiian community.Once again, I strongly support designating Papahānaumokuākea as a national marine sanctuary. It will help expand the protection of Hawaii's unique and priceless marine life, protected species, and ecosystems, while also making strides towards the important goal of reserving 30% of our waters for marine sanctuaries.

Submitter	Comment
Hawai'i Goes Fishing	The isolated nature of the Papahanaumokuakea National Marine Monument, and its vast expanse, has provided a great deal of natural protection ever since the end of WWII. The only vessels that can access that area reliably and safely are larger ocean-capable boats in excess of 50 feet. The cost to get to reach that area in terms of fuel, food and time exceeds the personal resources of most fishermen in Hawai‘i.The area has repeatedly been described as "pristine". This is before the monument was established, and before the area was closed to the few remaining bottomfish fishermen who were permitted to operate in that area. By definition, "pristine" mean no evidence of human interaction could be observed. And that was while fishing was still taking place. Since no harm could be detected at that time, even the monument status is superfluous and needlessly deprives Hawai‘i of a valuable cultural resource.It should be noted that if an area is to be truly protected, it needs to be constantly monitored. No state or federal agency has the resourcs to do that. Even the Coast Guard acknowledged during a WPRFMC meeting a few years ago that it didn't have the ability to regularly send assets to maintain watch throughout the expanse of the monument.The only ones who were in the area, and could have reported unpermitted incursions, were the longline fishing boats and, prior to that, longer-range bottomfish fishermen. But with the establishment of the monument, the only eyes in the area are gone.There's no need to add yet another expensive layer of protection to an area that has already been proven to be well-protected for more than 79 years. Ever since the end of WWII, what was known as the Northwestern Hawaiian Islands have been an isolated refuge for fish and wildlife. And they have thrived ever since.
Pacific Whale Foundation	Please see attached file in support of Alternative 1.
Anonymous	If the islands have some kind of significant meaning, such as cultural or historical and we close it off to maintain that meaning, then I understand closing it off to the public. If it's just a fishing advantage and it's being taken advantage off, then opening it to the public shouldn't be too harmful.
Anonymous	leave it closed we will lose our fish and it’s allowing more illegal fishing
Anonymous	leave it closed we will lose our fish and it’s allowing more illegal fishing
Anonymous	Absolutely Not. Allowing fishing in the proposed Papahanaumokuakea National Marine Sanctuary would endanger fragile marine ecosystems and jeopardize the biodiversity of one of the world's most pristine environments. The sanctuary serves as a crucial habitat for endangered species and supports a delicate balance of marine life. Permitting fishing would disrupt this balance, leading to irreversible damage and threatening the long-term sustainability of the entire ecosystem. Conservation efforts must prioritize protecting these valuable habitats rather than exploiting them for short-term gain.
Kanoa Semas	Do not open the national marine sanctuary because itll lead to overfishing
Anonymous	I personally believe that we should keep the fish sanctuary enclosed from the public and let the fish build and have a sustainable coral reefs that’s will help rebuild our oceans and our damaged ecosystems.

Submitter	Comment
T.S.	I oppose this rule change because a sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards. As a student in marine science, we have learned about the significant positive impacts this sanctuary in the northwestern Hawaiian island have had and if this sanctuary is imposed upon it will have wide reaching negative consequences.
Anonymous	Aloha, I am sharing today, that I fully support the designation of papahanaumokuakea as a national marine sanctuary. I am currently in a marine science course and we are learning so much about the importance of marine life and how these sanctuaries are a necessity to help sustain our oceans. Opening this sacred sanctuary up will in turn lead to a depletion of our marine life and will completely stir up the ocean and the marine life living in it.
Anonymous	I oppose this rule change because opening these areas will make people do more illegal fishing. Also buying more quotas means more fishing, but it's in our waters not from the areas that we bought it from.
Anonymous	I don't want them to open the fish sanctuary to the public becuase it's allowing people and fishermen access to this fish sanctuary which could cause them to lose their population and amount a lot very fast. Having this sanctuary keeps a stable balance and an amount of fish becuase it's a place that fish can be bread and grow without fishermen or people killing and catching them. Keeping the population stable. Having it open could unstablize the population.
Anonymous	I oppose to that proposal because it be a gamble on opening up the sanctuary and exploiting our resources and stock
Emmanuel Salinas	we can use the people to hepl use tthat would be a big help becuase of how we take care of the land. we can help th people out.
Markus Faigle	I fully support the designation of Papahanaumokuakea as a National Marine Sanctuary. Specifically I am in support Alternative 1 - the preferred alternative - which would designate boundaries that are co-extensive with the marine portions of the Papahānaumokuākea National Marine Monument. The proposed management plan appropriately incorporates Mai Ka Pō Mai, which was informed and created by the Native Hawaiian community, and the vision of how Papahānaumokuākea should be cared for now and in perpetuity.With only 3% of the global ocean fully protected, we must support additional protections for Papahānaumokuākea that will help to mitigate against possible negative impacts from changes in political administrations.Regarding industrial fishing, Wespac's proposal to have large-scale fish extraction in Papahanaumokuakea is not beneficial to the resource or to the communities of Hawaii and the greater Pacific. It only seeks to benefit a select few. I oppose any sale, barter, or trade of this large-scale extraction and the cost recovery proposed by Wespac for these trips.Best regards,

Submitter	Comment
Anonymous	I am writing today as I fully support Papahānaumokuākea being designated as a protected marine sanctuary. The proposed rule to open Papahānaumokuākea to commercial fisheries would be detrimental to the environment and culture of Hawai'i. By opening more areas to fisheries they may deplete the diverse aquatic species that are found within the ecosystem.
Anonymous	This sanctuary is a vital resource when it comes to commercial fishing in Hawaii because its surplus of replenishment regarding the fish populations allows for some of its numbers to “spillover” into legal fishing grounds within the state; simultaneously, increasing catch rates of desired species like bigeye tuna by 54%. However, not only does this landmark ensure that our fish populations and species will not go extinct, it also provides a valued sanctuary to other organisms such as our green sea turtles, monk seals, and other marine species as they utilized this closed off area to safely reproduce and nurse their young. In a cultural light, long before Hawaii had modernized, those who inhabited the land before us have taught invaluable lessons as they believed “if we provide for the land, the land shall provide for us;” therefore, as we’ve witnessed and fallen victim to the mass issue of pollution both on our lands, shores, and oceans, it’s time we provide for the land and ocean that has so lovingly provided for its people food, a sense of home, opportunities, and a place where they can safely create memories with their families and loved ones. It is within the great interest of the islands to ensure the safety and the protection of the original boundaries of this national monument: Papahanaumokuakea
Anonymous	According to what I’ve reviewed on behalf of NOAA’s recommendation for altering the privileged basis of Papahanaumokuakea’s National Monument and thus establishing a National Marine Sanctuary, I have concluded to oppose the attempt keeping in mind the possible conflicting potentials that would arise by extending the privilege of the area, quotas, considerable regulations, etc. Though, there are benefits and intervening advantages, the amount of harm committing to the plan can do has extensive ability to conflict the important relationship between Hawai’i’s land and people, the effective measure of the land itself and the emotional connection that subsides Kanaka’s and residents whom rely on the flow amidst the already present and difficult established system.
Alohilani Antoque	save our island.
Anonymous	I support the plan the designation of Papahanaumokuakea as a National Marine sanctuary.
Anonymous	I support the plan the designation of Papahanaumokuakea as a National Marine sanctuary.
Emily Ilaoa	I do not support the expansion of the Papahanaumokuakea National Marine Sanctuary.
Gary Beals	The Papahanaumokuakea National Marine Sanctuary should not have been created in the first place and certainly not expanded. The 'Permitted fishing' that occurred in the past was sustainable and allowed a degree of 'over-watch' preventing illegal fishing and other activities from occurring.

Submitter	Comment
Roy Morioka	As a small boat fisher (non-longline) of Hawaii, based in Honolulu, I would probably never go the proposed Papahānaumokuākea Sanctuary. But am concerned that the traditional artisanal small boat fishery as was practiced by the indigenous community for generations will be lost. I object to the misinformation citing the introduction of "industrialized" fishing in the proposed sanctuary. For years there were limited entry fisheries in what was formerly known as the "leeward islands" or "Northwest Hawaiian Islands - NWHI". Regulated traditional small boat fisheries have a place in Hawaii and must be culturally perpetuated. Additionally, at a minimum there is a needs a provision for an exemption should a natural disaster occur since the majority of our airports are at or near sea level and ports leaving us vulnerable to a tsunami or a hurricane occur severing our lifeline for food and goods, that the Sanctuary be opened for access to those fisheries by the small boat community for sustenance and community sharing. Mahalo for this opportunity to comment.
Anonymous	Aloha, I am sharing today, that I fully support the designation of papahanaumokuakea as a national marine sanctuary. I am currently in a marine science course and we are learning so much about the importance of marine life and how these sanctuaries are a necessity to help sustain our oceans. Opening this sacred sanctuary up will in turn lead to a depletion of our marine life and will completely stir up the ocean and the marine life living in it.
Anonymous	I greatly support the rule so that it provides more homes to marine life. Many species could be of use for the sanctuary.
Anonymous	i propose we help them find a better place to fish where there is a better number of catch so that both parties can be happy. They can fish with better catch and we can continue to have the sanctuary.
Anonymous	I am sharing today that I do not support the rule because it is home to other marine animals that are important to the Hawaiian Islands.
Anonymous	Brah…Das Unko Grays gulch. No touch um brah cause he gon be all angry. If u no get mana no touch um. Please ;)!
Anonymous	I oppose the rule against Papahānaumokuākea because it’s the only place where wildlife can live freely without the existence of humans. There’s already so much trash that exists on that island and if fishermen are allowed to fish there, there will be even more trash and less fish will be there, which could potentially lead to extinction.
Anonymous	i disagree for this rule because i think that it could be not beneficial for the animals as it is a home for them.
Anonymous	I disagree. This is a bad idea because we should keep the fishing grounds private to the other living organisms that need the food.

Submitter	Comment
Anonymous	Papahanaumokuakea is a none fishing zone and should continue to stay that way. Fish get to reproduce there causing an over spill so those fisherman can catch those fish. Go fish somewhere else, there's plenty other fish in the sea for you guys to catch.
Anonymous	I disagree with this choice because not only are you taking land thats being used as monk seal and native hawaiian birds nesting grounds, but endangering our fish populations, the only reason why Hawaii's Big eye tuna is doing good is because of the spill over from the protected areas but if the area is no longer protected the Big Eye tuna populations with dwindl.
Anonymous	I disagree nobody should be able to be on that land and should be kept native land. nobody should be able to fish or even step foot on the property. We don't want other people to ruin and or even be there
Anonymous	I disagree cause I feel like it should protect the fish and other native animals.So we should save all of the animals over there.For the further generations to enjoy .
Anonymous	I disagree because it protects the fish. If it's protected then the fish can be reproduce and there would be more.
Anonymous	I disagree because the environment will be negatively affected. The endangered species might be wiped out and our ecosystem will change for the worse. Although the fishermen will get more money, the population of the fish will be in danger.
Anonymous	While the Papahānaumokuākea Marine National Monument is currently closed to tourism, tourism's impact on the marine environment can't be forgotten when protecting these species. Hawaii had 10 million visitors in 2019 alone and with that, marine life is significantly impacted. This sanctuary needs to have protections in place from tourist activities that could potentially harm marine habitats and ecosystems like wake activities and scuba diving. These impacts need to be evaluated and accounted for. Currently, since there are no visitors, there are virtual tours and other places suggested to visit and these may need to stay permanently in place in order to protect the marine life around the monument.
Anonymous	Please keep Papahanaumokuakea has a non fishing zone. If we keep it as a non fishing zone it will help the fishers more but letting them keep there's job.
Anonymous	i disagree because the environment might be harmed and slightly negatively affect the people around us jobs , and species might be cleared, also limited species
Anonymous	I disagree with the designation of Papahanauokuakea because the number of illegal fishing will rise and the marine life ecosystem will plummet. Fisherman want money but it doesnt mean you should disregard sacred land that is very important to the people of hawaii.
Anonymous	I disagree because I think that we should protect the native fish this is important so we don't kill off the population. This will allow fish to reproduce and keep the population alive.

Submitter	Comment
Anonymous	Aloha, today I will be supporting the designation of Papahanaumokuakea as a National Marine Sanctuary. Papahanaumokuakea being a National Marine Sanctuary has been the main factor of having the amount of fish that's been given out to are committee and being shipped elsewhere, with that being said reducing the size of the sanctuary along with the increased quota would be short sided if we were to go with the reduction of the sanctuary with it reducing the amount of fish catches in the future.
Northwestern Hawaiian Islands Hui	There are only two purposes for a sanctuary designation to overlay existing protected areas, 1) to provide a political safeguard to prevent an unscrupulous US president from weakening existing protections or worse, and 2) to supplement and complement existing protections. If US Department of Commerce agencies aim is to provide an open door for US interests' exploitation of natural resources, the US should do so in their own country, not in Hawaii. To do so in Hawaii, which retains its status as a co-equal State and remains under a globally recognized belligerent US military occupation, is distasteful, dishonorable, and clearly of a criminal nature. The United States claims its authority over the Hawaiian Islands derives from the joint resolution of annexation of July 7, 1898. However, the joint resolution is not customary international law nor is it a treaty. Rather, it is congressional legislation, which the United States Supreme Court, in United States v. Curtiss-Wright, stated “Neither the Constitution nor the laws passed in pursuance of it have any force in foreign territory unless in respect of our own citizens, and operations of the nation in such territory must be governed by treaties, international understandings and compacts, and the principles of international law.”

Submitter	Comment
Na Iwi Kupuna	RIMPAC EFFECTS• Military readiness activities may adversely impact cultural resources within the boundary alternatives. With regards to maritime heritage resources, the Navy's EIS notes that "stressors, including explosive and physical disturbance and strike stressors, associated with the" Navy Hawaii-Southern California Training and Testing action "would not affect submerged prehistoric sites and submerged historic resources in accordance with section 106 of the National Historic Preservation Act because mitigation measures have been implemented to protect and avoid these resources" (U.S. Department of the Navy, 2018).• Military readiness activities may adversely impact cultural resources within the boundary alternatives. With regards to maritime heritage resources, the Navy's EIS notes that "stressors, including explosive and physical disturbance and strike stressors, associated with the" Navy Hawaii-Southern California Training and Testing action "would not affect submerged prehistoric sites and submerged historic resources in accordance with section 106 of the National Historic Preservation Act because mitigation measures have been implemented to protect and avoid these resources" (U.S. Department of the Navy, 2018).• Military readiness activities may adversely impact cultural resources within the boundary alternatives. With regards to maritime heritage resources, the Navy's EIS notes that "stressors, including explosive and physical disturbance and strike stressors, associated with the" Navy Hawaii-Southern California Training and Testing action "would not affect submerged prehistoric sites and submerged historic resources in accordance with section 106 of the National Historic Preservation Act because mitigation measures have been implemented to protect and avoid these resources" (U.S. Department of the Navy, 2018).Yet, hundreds of aircraft, and several other aircraft carriers and destroyers from the battle, remain to be discovered in Papahānaumokuākea. Pg.178The EPA placed Tern Island on the Federal Agency Hazardous Waste Compliance Docket in 2004 due to legacy military waste and associated hazardous substances buried on the island. EPA and FWS completed a CERCLA Preliminary Assessment (PA) of Tern Island in 2014, confirming that PCBs, lead, hydrocarbons, dioxins/furans, and heavy metals from onsite buried military wastes have been released in sensitive marine and terrestrial environments based on elevated levels of polychlorinated biphenyls (PCBs) in monk seals inhabiting the area. In 2019, EPA completed a removal assessment for hazardous substances on the island. Data from the report demonstrated elevated concentrations of metals, PCBs and PAHs in soil, groundwater, and surface water in the vicinity of the legacy "Bulky Dump" and the SE corner of the island. Pg 253Help rebuild Hawaii and the world. Stop the wars. Understand Aloha. Keep the military out of Hawaii. The US military Industrial Complex needs to understand peace and stop the raping of lands , children worldwide.
Nahshon Lealofi	As a resident of American Samoa, and as a person of Samoan descent, I do not support this proposal. Telling indigenous peoples what to do with what was handed to them from their ancestors reeks of colonialism and white supremacy.
Anonymous	Protect the islands.
Anonymous	I am against the rule change because we need to preserve the fish and ecosystems in the northwestern Hawaiian Islands because they are one of the last thriving ecosystems in the ocean. We need the oceans Ecosystems to survive.

Submitter	Comment
Charlie Blaney	As a resident of Kauai, I wish to state my opposition to the Proposed Papahanaumokuakea National Marine Sanctuary designation. It is unnecessary and adds an unjustified layer of bureaucracy to existing Monument conservation and monitoring measures already in place. By all factual accounts, they are working well. The proposed extra layer of oversight will cost us all, in terms of lost opportunity to fund far more relevant ocean and cultural science and monitoring. Fishermen are always the last persons protected from over zealous, and sadly, uninformed individuals and organizations that seek to vilify them. I guess these folks buy their seafood from unregulated, foreign fisheries, and simply don't care. Enough already! Don't waste our money on redundant federal actions which seem to be purposely undertaken to garnish their "legacy" without consideration of impacts on the local communities they harm.
Warren Osako	I fully support the designation of Papahanamokuakea as a National Marine Sanctuary. We must preserve as much of our natural environment for the future generations.
Ken Gill	I would like the FWS to consider a visitation program for prior service military and dependants. Most of us have spent the prime of our lives volunteering to defend our country. Most of us are well into our senior years and have a small window of opportunity to visit a base that meant so much to us, and our country. There needs to be something done to allow this. I have written to the president, Congress, and the Senate with no luck. I just wish I could share a week with my wife on the island. Thank you.
Anonymous	I am a 70 year old local fisherman and come from a family of the same. We have always fished from small boats and the catch that we get is usually to recover the expense of the trip, add some small income to our household and share our catch with family and friends. We are not part of an industrialized fleet but part of a group of local fisherman who enjoy the sport. I support Westpac suggestion.
Anonymous	The Papahanaunokuakea is a sanctuary that needs to stay as a no fish zone. Fish and other animals like birds and monk seals use this place as a to stay protected and reproduce. If we fish there, our fish supply will be depleted due to no spill over.
Anonymous	I think that people shouldn’t fish in no fishing zones so that fish can reproduce. Fish are important so it is important to protect our marine habitats so that we don’t run out for future generations.
Anonymous	I think that we should keep no fishing zones so that the future generations would be able to experience what we did and be able to eat fish too. Another reason why we shouldn’t fish there is because it prevents overfishing and if we were to over fish, there wouldn’t be anymore jobs and people would loose money and we would loose a part of our culture.
Anonymous	We should keep the Sanctuary because off all of the benefits. This will make sure we have food for our future generations and that it will ensure we have somewhere that fish can reproduce. Another thing it showing how much fish populations have increased after the sanctuary made
Anonymous	By protecting our ocean we should implement a regulation in the amounts of fish we can catch and boundaries. Protect with off boundaries around the island and keep it isolated to grow more of the ecosystem.

Submitter	Comment
Anonymous	I'm aiming towards marine data access for my fishing industry commissions, and other entities that need such information for fishery conservation and management purposes. But I think making it all a commercial show is unnecessary because the more the world knows about it, the more unsecured our marine and animals get, which isn't safe for our environment.
Anonymous	I think that it's a bad idea to fish there because it's not an area where you are supposed to fish. It is an off limits area that people aren't supposed to fish by.
Anonymous	Protecting Hawaii ecosystem is important because it helps protect unique marine animal life. And without these animals our marine ecosystem will not be as vibrant and fresh.
Anonymous	I disagree because this will probably hurt the sea life there, and eventually hurt us.
Anonymous	This decision will destroy our fishing environment in Hawai'i. Us Hawaiians depend on our fishing, massive fishing company will destroy our reefs.
Anonymous	I think that is a bad idea because native fish and new species environment could possibly be damaged or harmed by commercial fisherman
Anonymous	I am sharing today that I don't support the designation of Papahanaumokuakea as a National Marine Sanctuary. This is because we need to think about our future generations. If we make this sanctuary a fishing zone again, people can tend to overfish. With the overfishing, it will cause the fish to lose specific species and can reduce reproduction which is not healthy for our future generations. With species gone, it can also interfere with the food chain itself and it is not healthy for our oceans and environment. We need to take a stand and make sure our future generations will be taken care of and not have a world that doesn't have that much fish in the oceans.
Anonymous	I am writing to express my full support of expanding the current Papahanaumokuakea National Marine Monument and establishing it as a Marine Sanctuary. After having the opportunity to volunteer as an Albatross Census Volunteer in 2022 on Kuaihelani, I was able to witness firsthand how ecologically critical the NWHI are and they absolutely need to be protected. Expanding these protections and increasing both outreach and involvement specifically to involve the Native Hawaiian community across the islands is so important. I would, however, like to address the suggestion of opening Kuaihelani to the public being made by other commenters. While I can obviously see the potential financial benefits from this kind of visitation, I don't believe that allowing this kind of visitation would be beneficial to the atoll or the precious wildlife that depend upon it. Resources are significantly limited, and the existing infrastructure is certainly not suitable to host a significant tourism operation. The resources that do exist should be focused on much needed conservation efforts across Papahanaumokuakea, and not creating an exclusive tourist experience that would ultimately exclude most potential visitors due to costs and how remote Kuaihelani is. There are many factors to consider, but the most important is the potential impact to the wildlife.

Submitter	Comment
Aidan Sanders	My name is Aidan Sanders, I am a law student at the William S. Richardson School of Law here in Hawai'i. I became interested in this matter after colleagues introduced me to it. Moreover, being an avid enjoyer of nature I have always had a passion for the conservation of our nation, for both personal and posterity reasons. I want those who will come after us to enjoy the same sublime beauties that nature has to offer. As such, I SUPPORT NOAA's Proposed Rule to designate Papahanaumokuakea as a National Marine Sanctuary.Firstly, it is incumbent upon NOAA to make this designation, pursuant to the National Marine Sanctuaries Act. Congress found that this nation has recognized the importance of protecting special areas of public domain. This can be seen in the protection of national parks and forests. However, this protection, prior to the adoption of the NMSA, was not yet extended to marine environments. As such, Congress found that certain areas of marine environment possess historical, cultural, conservational, and scientific qualities that give them a special significance. Congress found that the need to designate certain areas as sanctuaries, to control activities within them, was necessary to conserve these qualities. Thus, it empowered the Secretary of Commerce with the ability to designate certain marine areas as sanctuaries and consequently regulate the activities within these areas. Here, Papahanaumokuakea demonstrates all of these qualities: it has rich historical quality, cultural significance to the Hawaiian people, and is home to a number of endangered species which contribute to our world's ecosystem. As such, the designation of Papahanaumokuakea as a sanctuary will enable NOAA to protect these interests.Moreover, this designation would be consistent with past Executive Orders which aimed to protect Papahanaumokuakea as an environmental, cultural, and historical treasure trove. Thus, NOAA’s rule would remain consistent with past administration’s desire to protect this area for its inherent quality.We have a privilege to experience the aesthetic beauty that the current world offers us. We also have an ethical duty (and opportunity) to preserve these beauties to future generations. Though Papahanaumokuakea will not become something experienced purely for its aesthetic beauty, its conservation could lead to a healthier ecosystem—enabling future generations to enjoy the same beauties of wildlife we get to enjoy today.Thank you again for your time, your efforts to preserve this ecosystem, and for listening.
Anonymous	We can protect our ecosystem by having designated places for the pubic to do what they wish. And if they were to go to other places we should fine them 1,000 U.S.D.
Anonymous	I think that this is not right and that we should keep it how it is due to its effectiveness and the way it helps our ecosystem remain healthy and productive.
Anonymous	I support designating the NWHI as a sanctuary because it would provide us with more fish because there would be less plastic debris and trash in the water the economy would be better too.
Anonymous	I support designating the NWHI as a sanctuary because it would provide us with more fish because there would be less plastic debris and trash in the water the economy would be better too.
Anonymous	I disagree to allow WecPac to fish at the NEHI because it is a sanctuary and to help fishes to be able to re populate.

Submitter	Comment
Anonymous	I disagree with allowing WecPac to fish in Papahanaumokuakea instead we should focus on removing the marine because it's something that we should focus on and is more important than fishing there and adding into the pollution and downfall of our marine life.
Anonymous	I disagree with allowing WecPac to fish in Papahanaumokuakea instead we should focus on removing the marine because it's something that we should focus on and is more important than fishing there and adding into the pollution and downfall of our marine life.
Anonymous	I support this decision to make this place a sanctuary because i believe they should not be allowed to fish at this monument. I also believe this should become a sanctuary because it is an important monument to Hawaiian culture and i believe it should be preserved and protected
M.C.	I disagree with allowing WecPac to fish in Papahanaumoku National Marine Sanctuary because the whole point of a sanctuary is to keep things safe and protect it. Allowing fishing there would defeat the purpose of a sanctuary. It would also drop the big eyed tuna even more and exploit the fishing areas.
Anonymous	The north western Hawaiian islands provide spillover for the main Hawaiian islands this is especially important because we are already over fishing and buying more quotas from other countries. The northwestern Hawaiian islands also provide a safe space for monk seals if we have commercial fishing in the area it would endanger the monk seals even further.
Anonymous	I support making a sanctuary because as an animal lover, I feel like that some animals need to be protected because there are some animals that are nearing extinction and they are one of the few that can't be found anywhere else the world.
Anonymous	I support designating the North Western Hawaiian Islands as a sanctuary. I believe that by banning fishing in this area, fishing will increase rather than decrease. The national monument will act as a breeding ground for the fish to thrive and reach higher populations, which means overall more fish caught.
Anonymous	I support designating the NHWI as a sanctuary because it's saves the animals vital to our islands.
Anonymous	I support designating the NWHI as a sanctuary because i believe having this area protected will not only help keep more species alive and healthy but, it will protect the land as well. This is beneficial because as we know overfishing and climate change plays a big part into what we leave behind for future generations and the impact we can make with having these lands protected will leave a better future for other generations to come.
Anonymous	I support designating the NWHI as a sanctuary.
Anonymous	Don't have much to say but that it's not a topic that I'm not really interested, I'm not oppose to learning a bit more but I am very truthful to say that this topic held no significant meaning to me. So it is very hard to say anything because I didn't care enough nor did the material persuade me to care about it.
Anonymous	i support designated the NWHI as a sanctuary because it helps the ecosystem and it also helps the fish

Submitter	Comment
Anonymous	I disagree with WECPAC allowing to fish in papahaunamoku. I believe that papahaunamoku has a significant part in Hawaiian history and it should remain untouched so that the generations to come can have the experience of being able to see a part of the sea with many moolelo thrive with life.
Anonymous	I support designating the NWHI as a sanctuary because it helps the economy. I also I believe that this plan will be beneficial to help with fish population & a healthier ecosystem.
Anonymous	I agree designating the NWHI as a sanctuary because there is a lot of cultural ties to Native Hawaiians and letting in non-natives to over fish is very disrespectful. Papahānaumokuākea holds a lot of significance and lets cultural practitioners reconnect with their culture which guarantees the education of Hawaiian practices for the future Native Hawaiian generations.
Anonymous	I support designating the NWHI as a sanctuary because this will help grow nations of fishing, healthy for the ocean, and protect our cultural resources.
Anonymous	I support the idea of making these islands an NWHI as a sanctuary because it will allow the island's population of fish thrive. As well as make it a safe place to allow them to use as a place to repopulate safely and efficiently.
Anonymous	i support the designating the nwhi as a sanctuary because it helps the economy. it helps the fish environment. it helps with the fish being able to have growth and not be extinct.
Anonymous	I am sharing that I fully support the designation of Papahanaumokuakea as a National Marine Sanctuary. The proposed sanctuary is a place of unique environmental resources that provide large-scale ecosystem services for the region and the world. The addition of a national marine sanctuary would provide regulatory and management tools to augment and strengthen existing protections for Papahānaumokuākea ecosystems, wildlife, and cultural and maritime heritage resources.
Anonymous	I support designating the NWHI as a sanctuary becuase it will helps growth of fish grow in the marine enviorment.
Anonymous	I support the proposed sanctuary because it is a necessary step to protecting the biodiversity of our islands. It is vital to preserve our marine ecosystem to maintain the health of both the community and the environment for years to come, as well as preserving our culture for future generations.
Anonymous	I agree in designating the NWHI as a sanctuary because it provides as a valuable ecosystem for endangered and native species. Overfishing is a massive problem in the world, and by creating safe spaces for these fish and other marine organisms that get caught up in fishing practices, their populations can continue to survive and continue providing for Hawaii's fish consumption.
Anonymous	Aloha,I am sharing today that I fully support the designation of Papahanaumokuakea as a National Marine Sanctuary. I say this because as a sanctuary can also attract additional public and non-profit funding, which could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for operations, research, citizen science, education, and emergency response.

Submitter	Comment
Anonymous	The proposed sanctuary would include the marine portions of the existing Papahānaumokuākea Marine National Monument. Marine Sanctuary would not change the area's status as a marine national monument
Anonymous	I disagree with allowing WecPac to fish in Papahanaumokuakea. I disagree because it’s important to keep all the fish in it. I believe we should keep it save and help out the environment
Anonymous	I support the north western islands because it’s not only important but it’s been there for centuries. It’s not only a good place for sanctuary but it’s also a good place to learn the history of its plants.
Anonymous	I disagree with allowing wepac to fish in papahanaumokuakea
Anonymous	I disagree with allowing Westpac to fish in papahanaumokukea because we do not want to run out of fish and go over the fishing limit. We want to save our fish.
Anonymous	I disagree with allowing WePac to fish in Papahanaumokukea since it will potentially harm the ecosystem and the marine life that lives there. And we want to savor our fish and not go over the fishing limit.
Glenn Metzler	I support Alternative 1 and strongly support Marine Sanctuary Status for the current Monument. We know that Monument status cannot assure that an area will not be withdrawn from this status and will remain protected, based on past actions by the federal government. There is also the danger that extractive practices can occur under Monument status as has been proposed under what was termed "customary exchange". As NOAA itself has said: "Increased size and abundance within MPAs may lead to a spillover effect, potentially increasing fish abundance and fishery yield in nearby waters outside of the MPA boundaries (Russ and Alcala, 1999; Crowder et al., 2000) and dispersing larvae that replenish more distant fishing grounds (Bohnsack 1998; NRC, in press)." Monument-only status cannot guarantee this benefit

Submitter	Comment
Craig Serverance	For the record I serve the WPRFMC's SSC, SSPC and Education Committee. I am also a very part-time commercial fisherman who cares about the fishing community and perpetuation of their traditions. I support the Sanctuary Designation Process, because it requires comprehensive economic, social and cultural impact assessments on the affected communities before finalizing regulations. These are required under NMSA, MSA and NEPA etc. and use of EOs and the Antiquities Act is a top down approach that circumvents that process, I also support Sanctuary development because of the public educational benefits that will come if adequate support is provided. And I support the intent of allowing sustenance, subsistence and indigenous fishing, and the perpetuation and enhancement of Hawaiian fishing practices. However I find it hard to imagine that very much, if any, of that kind of culturally important activity will even be safe or possible in the MEA without extensive subsidy or some means of partial cost recovery. Customary Exchange, when it is correctly understood, is a possible means of doing that. I strongly oppose the proposed prohibition on "commercial fishing" in the MEA and hence prefer option 2. The continuation of surface commercial fishing from 50-200 nmi around the vulnerable island based ecosystems will have comparably little impact on those resources. It is likely to have significantly greater adverse impact on the fishing industry, and the communities like Hawaii that they serve. Recent refereed scientific papers (Hampton et.al., Pons et. al., Hilborn et.al.) call into question the assumed effectiveness of such blue water Large scale MPA, since pelagic resources move. For this reason, static, rather than more flexible systems of closed areas are more likely to be ineffective in the context of climate change. Two recent papers (Lynham et. al. , and Chan et.al.) have done preliminary assessments of economic impacts of the proposed closed area of the MEA. Lynham's paper uses a small and less representative sample, and has methodological flaws. Chan's paper uses a larger data set and looks at more direct potential economic impacts, suggesting they are not insignificant. Neither fully addresses the cumulative effects of restrictions on long term viability of certain vessels, on fuel costs, and potential cumulative effects on the distribution chain, the fishery system (processing and marketing, imports offsetting) and ultimately to the public consumer and the public. I hope that the process will lead to fair, comprehensive and equitable SIA and cultural impact assessment. Craig Severance Prof Emeritus, Anthropology, U H Hilo
Lynn Ryan Ryan	Ms Lynn Ryanpop 1237Kailua Kona Hawaii 96745My comments are to accept option 1 to support national marine sanctuary status.Sincer5e4ly, Lynn Ryan pop 1237 kailua kona hi 96745
Dawn Marie Barraza	I lived on Midway Island as a little girl. I attended George Cannon School for 1st, 2nd, and 3rd grade. I am now 64 years old and I have such fond memories of my time I Midway. I would love to see it opened for visitors. I hope this can happen so I can visit this special place one more!

Submitter	Comment
Shark Stewards	SuperintendentPapahānaumokuākea Marine National Monument and UNESCO World Heritage Site1845 Wasp Blvd, Building 176Honolulu, HI 96818Re: NOAA-NOS-2021-0114Dear Superintendent Clark,We strongly support designating parts of the Papahānaumokuākea Marine National Monument as a national marine sanctuary to enhance protections and safeguard resources in the marine portions of the Monument. We believe sanctuary designation will complement the efforts of the Office of Hawaiian Affairs, the state of Hawaii, and other federal agencies to conserve this nationally significant area and its cultural resources and bolster strong and lasting protection for the marine environment. Papahānaumokuākea is a sacred place with deep cosmological significance to Native Hawaiians who have a genealogical relationship to all living things in the Hawaiian archipelago. The Monument is a mixed (natural and cultural) World Heritage Site. It preserves sacred places, stories, artifacts, and strong Polynesian cultural ties to the land and seas, dating back more than a thousand years.Coral islands, undersea volcanoes, flat-topped undersea mountains, banks, and shoals stretch 1,350 miles. The Monument supports a diversity of life, including over 7,000 species, many found nowhere else on earth. Threatened green sea turtles and endangered Hawaiian monk seals are among the rare species that inhabit the island chain. The National Marine Sanctuaries Act established the National Marine Sanctuary System to protect areas of the marine environment that have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities. The monument is an area of national significance that merits this protection in addition to the protections provided by the Antiquities Act. It is critical that sanctuary designation strengthen and enhance the protection of Papahānaumokuākea, as designated under the Antiquities Act and the Presidential Proclamations. Those efforts should include integrating traditional Hawaiian knowledge systems, values, and practices into management. We oppose any regulatory or management measures that would decrease the current level of protection within the Monument and Monument Expansion Area.In the attached letter, we support the "Papahānaumokuākea Marine National Marine Sanctuary.Thank you for the opportunity to comment on the proposed sanctuary designation.
Taulapapa William Sword	I am opposed to the sanctuary because the people of Hawaii and the Pacific island territories do not benefit from closures of key fishing areas. There is no benefit to the nation. The areas outside of 600 feet should be managed by the Magnuson Stevens Act which has a better history of getting community feedback and allows sustainable fishing for the national good. Rules should not be made by only a few people.
Lupe Malele	I disagree with the proposed rule for Papahanaumokuakea National Marine Sanctuary.
Anonymous	No action, in opposition of any new management measures in the sanctuary
Kelly Ikeda	My name is Kelly Ikeda and i am against the sanctuary”.

Submitter	Comment
Nana-Hanua Manuel	I am Nana-Honua Manuel of Waikahekaheiki, Puna, Moku o Keawe. My political national status is that of an American Citizen as a child born in the USA occupied country of Hawaii takes on the political national status of her parents. My husband is kanaka maoli and we have 4 children and 7 grandchildren. My testimony in this forum does not represent my free and informed consent. The USA does not have jurisdiction in the Northwestern Hawaiian Islands due to the overthrow of the Constitutional Hawaiian Kingdom government in 1893 facilitated, in an Act of War, by the US Navy Marines. The USA does not have a treaty of annexation with Hawaii and therefore does not have title to the lands & waters of Hawaii. The USA does not have the free and prior informed consent of the Hawaiian people. These issues are 131 years overdue to be addressed and all other considerations are irrelevant without addressing them.
Kekoa Seward	Aloha , As a native hawaiian and full time commercial bottom fisherman I oppose any addtional government regualtion of the North Western Hawaiian Islands. The current regulations and any addtional proposed regulations are a direct attack against my families culture and way of life. As a small boat , hook and line fisherman our by catch is next to zero and carbon footprint extremely low. Local hawaii caught fish is some of the highest quality protein in the world and we provide a valuable service to the people of hawaii and the local economy. Being shut out of some of our most prolific fisheries is a complete slap in the face to the fishing comunity and the entire state of hawaii. As a Kanaka Maoli and Lawaia no one cares about our resources more than we do, NO ONE! This resource needs to be accessible for mine as well as future generations to come. Any and all current and future regulations are a slap in the face to the hawaii fishing comunity and the people of hawaii. KU I KA MANA! - I am rooted in the knowledge passed on from my ancestors Capt Kekoa Seward FV/ KUMANA
Anonymous	Aloha, my name is Tia and I do not support a sanctuary in the NWHI. Mahalo.
Anonymous	This is an outstanding proposal. I commend NOAA for this positive and necessary work. I hope this marine sanctuary will be approved and successfully protected. Thank you.
Karie Wakat	As a Hawaiian resident, I fully support the sanctuary designation. This is one of the wildest areas still left in the USA. Keeping it so will ensure the existence marine life for future generations to come.

Submitter	Comment
Les Welsh	I am writing to express my full support for the designation of Papahanaumokuakea as a National Marine Sanctuary. Specifically I support Alternative 1 - the preferred alternative - which would designate boundaries that are co-extensive with the marine portions of the Papahanaumokuakea National Marine Monument. Papahanaumokuakea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahanaumokuakea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature. A sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President. Regarding industrial fishing, Wespac's proposal to have large-scale fish extraction in Papahanaumokuakea is not beneficial to the resource or to the communities of Hawaii and the greater Pacific and only seeks to benefit a select few. I strongly oppose any sale, barter, or trade of this large-scale extraction and the cost recovery proposed by Wespac for these trips. With only 3% of the global ocean fully protected, we must support additional protections for Papahanaumokuakea that will help to mitigate against possible negative impacts from changes in political administrations.Thanks you for the opportunity to comment and offer my support for this sanctuary designation.Les Welsh
Matthew Murasko	Preferred sanctuary boundary area - maximum sanctuary area alternative 582K square miles (smaller alternative areas in consideration) Strict Monitoring & Enforcement on marine debris, fishing line, fishing gear to eliminate entanglement of endangered marine life in marine protected area; NO longline fishing; NO non-commercial fishing, NO sustenance fishing. NO exemptions for marine mining activities or other human impact damaging activities; NO submarine activity. Maintain access for sacred cultural practices, not in any way affecting ecosystems; integrate Mai Ka Pō Mai. Create extra protection regulations, monitoring & enforcement for keystone marine life like manō (sharks), corals, cetaceans; NO unnecessary/harmful to life type scientific research. Mahalo Nui Loa, Matthew Murasko / Haiku-Maui-Hawaii

Submitter	Comment
Samuel Meleisea	Talofa,My name is Samuel Meleisea from American Samoa. I serve as the Representative for a district of 22,000 people in American Samoa. The expansion of this monument and any other in the Pacific is a threat to Pacific people's way of Life. The view point of indigenous Hawaiians and local Hawaiian people is important in driving conservation efforts for this proposed expansion. There is no need to expand this monument for any other reason but to satisfy the selfish needs of a few individuals in Washington, DC. Individuals who have no idea what the people need in these affected areas. These monument expansions will eventually affect American Samoa's ability to freely fish in our own local waters. Hawaiian locals and its indigenous people should be asked if these efforts are indeed for their benefit. I can say that such efforts hinder more than help those who rely on the resources within these proposed expansion areas. I do not want Hawaii to fall victim to what looks on the surface as harmless conservation efforts, but are political moves to limit our ability as Pacific people's to access the ocean and the resources within. The Alaskan and Atlantic fisheries are not as heavily regulated as we are here in the Pacific. Why is that? Are we less of a People than our Alaskan and Atlantic counterparts?If this proposed expansion goes through in Hawaii, similar efforts will be proposed for our waters in American Samoa. The people of American Samoa rely on our fisheries. We don't need it to be heavily regulated for conservation. We have been stewards of our own land and ocean for Millenia. We do not need the federal government to tell us what we can and cannot do on our own land and ocean. Our political framework ensures we have the freedom to dictate our own affairs. We do not want any monument expansion. It will hurt our already fragile economy. I advise caution and strongly recommend that the federal government return to the stakeholders and have earnest, frank, honest discussions about what conservation efforts will work and how to balance that with the needs of the surrounding communities who rely on those fisheries. Hawaii is a case study for the rest of the Pacific. And I would hate for our Hawaiian brothers and sisters to lose out. More dialogue is needed instead of making hasty decisions that will have an adverse impact on the livelihoods of people thousands of miles away. Pacific lives matter!Samuel Ioka MeleiseaTualauta Representative, American Samoa LegislatureAmerican Samoa ResidentIndigenous Samoan
Neil Frazer	Aloha,The Papahānaumokuākea National Marine Sanctuary should include Middle Bank, located between Kauai Island and Nihoa Island.The preponderance of scientific evidence indicates that the benefits of sanctuaries increase disproportionately with size, especially when the extra area is ecologically rich, like Middle Bank.Subsurface volcanoes provide habitat for a great diversity and density of marine species, and when such areas are protected they increase fisheries catches outside their borders.In short, the scientific, ecological and commercial benefits of including Middle Bank outweigh any possible benefit from excluding it.Thank you for your unselfish service to our nation.Sincerely,Neil Frazer, PhDProfessor of Earth SciencesUniversity of Hawaii at MānoaHonolulu, HI 96822For a list of my peer-reviewed publications see:https://www.soest.hawaii.edu/earthsciences/people/faculty/faculty-pubs/pubs_neil.pdf
Genevieve Davis	Aloha. I am a Hawai’i island resident in favor of making Papahānaumokuākea Marine National Monument a national marine sanctuary

Submitter	Comment
Archie Soliai	I staunchly oppose this proposed sanctuary. It is one of many examples of federal overreach, a spit, not a slap, in the face and disregard for the rights of indigenous people that basically own these waters. The sad thing about this all is that the federal government does not give a rat's ass in any of the voices from the local people that are opposed to this proposal. I have heard several Hawaiian indigenous people speak in opposition on this proposal, however, being pitted against well-funded NGO's is almost impossible to overcome. Fishing access for indigenous people must be a priority for federal policies. Majority of the US EEZ in the Western Pacific are already closed from fishing access due to federal policy (sanctuaries, monuments, etc). The question is: who benefits and who loses from these sanctuaries? Certainly, the US citizens, nationals and populace do not benefit. Our Pacific communities rely on these fisheries for food, livelihood and cultural sustenance. Denying them of these necessities will also deprive them of their way of life. The majority of our Pacific oceans / EEZ are already closed to commercial / subsistence fishing, and we do not want any further prohibitions that will not benefit our Pacific people nor the environment. NO to the proposed sanctuary!!
Tee & Kathy Jimenez	I am 76 yrs old, soon to be 77. Hawaii has always been my home. Growing up in Hawaii, I have seen the results and destruction of areas that were not protected. The plants, animals, and sacred places are often seen by new comers as opportunities to " Sell Hawaii". They may have intentions of "sharing" the wonders they have "discovered" but often our treasures are "Loved " to extinction. We must do all we can to preserve the untouched areas of our world for all people to know and enjoy for all time. Aloha and Mahalo for your attention to this important matter.
Isaac/Paka Harp	Aloha Kakou (everyone), My name is Isaac Harp, also known as Paka. I am a kanaka maoli lawai'a (Hawaiian fisherman) and I am deeply concerned with a Department of Commerce/NOAA proposal to designate an extremely weak Sanctuary in the Northwest Hawaiian Islands. Everyone who fishes in the main islands should be concerned with this! Please see the attached file for more information. Mahalo!
Luwella Leonardi	Aloha, I had attended both meetings on Oahu. Let me say first, that I am in opposition to this Sanctuary from a Monument. Over the years, I have attended many meetings and too, showed up to opposed this process from its start. I'm basing my argument on traditional customary practices as well as ancient practices as not being fully respected. As a child, I sat on my dad's lap encircled all around us with elder's, although, my only interest was the comfort of my dad, I have a sense of my ancestors. My second reason's are —studying Kiribati's plans, and too— meeting their President, I've formed my conclusion to oppose. Thirdly, 'sustenance' is not our practices of Ku and Hina. My argument here is the natural boundaries of Pacific Oceania, it's Biosphere and the crust that we sit on are more than 'Industrial Wars'! Why are all of you designing an underwater village to destroy all living things on earth? For this reason, I am opposed to your designing of a village under the sea. Mahalo

Submitter	Comment
WhoPoo App	The National Marine Sanctuary must include prohibitions on wind turbine activity in order to be effective and not violate the ESA. Only Hawaii requires bird and bat death data to be gathered by an independent third party and to be made available to the public on request.The “US Fish and Wildlife Service has encouraged wind developers to avoid prosecution for killing eagles by applying for licenses to cover the number of birds who might be struck by wind turbines,” reports Joseph Goldstein in The New York Times.In the rare circumstances when governments require the wind industry to mitigate their impact, such as by setting aside land elsewhere, there is often little to no enforcement, scientists say.In other circumstances, wind developers do not follow through on their promises and in some cases lie.When wind developer “Apex submitted its application to [New York] state in late 2017 to build the wind farm, it said there were no known bald eagle nests on the island, according to public documents reviewed by The Times.”Later, Apex flew a helicopter over the eagles nest, even though doing so posed a direct threat to the birds. “They destroyed an active eagle’s nest,” said a local conservationist.While the wind industry has hyped technical fixed, none have proven successful at even demonstration levels.Curtailment, which is the intentional halting of turbine blades, is the only proven way to reduce the killing of birds, bats and insects.For example, scientists have found that curtailing wind turbines when wind speed is low can reduce bat fatalities 44% to 93%.However, very few wind farm developers are willing to commit to curtailment as a means of reducing their impact on the environment, notes Scott Cashen, a biologist that has been reviewing wind farm applications over the past decade.One US government study found that curtailment levels are lower than 5% of total wind energy generation.And curtailment often isn’t enough to stop the killings. “In fact, red-tailed hawk fatalities peaked at the 50% of turbines that never operated during the three years of monitoring,” reported Sean Smallwood, another leading scientist studying the impact of wind turbines on bird populations.Smallwood calls the most-studied wind farm in California, Altamont Pass, a “population sink for golden eagles as well as burrowing owls.”While Smallwood helped improve the siting of wind turbines to modestly reduce their death toll, he also discovered that scientists had been significantly undercounting bird deaths, in part because scavengers like coyotes quickly eat them, and because body parts were outside the search radius.“I recently found two golden eagles mortally injured by modern wind turbines just after I had been watching them,” wrote Smallwood in an extensive ritique of the methods relied upon by the US Fish and Wildlife Service. Both eagles “ended up outside the maximum search radius, and both left no evidence of their collisions within the search radius.”As such, the mainstream practice of limiting death counts to search radii “is analogous to excluding highway fatalities,” he writes, “when fatalities are found beyond the road verge.”Environmental journalists deserve a significant amount of blame for suggesting the problem is either small or has been solved. “Wind farm works to reduce eagle deaths from old turbines,” reads the headline of a PBS Newshour story that typifies journalistic bias.But greater responsibility for the threatened extinction of birds and bats lies with environmentalists who promote wind energy as good for the environment.Against the best-available science, Sierra Club claims that “the toll from turbines is far from a major cause of bird mortality.”

Submitter	Comment
WhoPoo App	This National Marine Sanctuary must include prohibitions on wind turbines for the safety of fish schools and whales. Nor do governments require that wind developers disclose when they kill birds and bats, or count the dead. Wind developers have even sued to prevent the public from accessing data about bird kills.Incredibly, wind developers are allowed to self-report violations of the Migratory Bird Treaty Act, the Endangered Species Act, and the Bald and Golden Eagle Protection Act.Only Hawaii requires bird and bat death data to be gathered by an independent third party and to be made available to the public on request.The “US Fish and Wildlife Service has encouraged wind developers to avoid prosecution for killing eagles by applying for licenses to cover the number of birds who might be struck by wind turbines,” reports Joseph Goldstein in The New York Times.In the rare circumstances when governments require the wind industry to mitigate their impact, such as by setting aside land elsewhere, there is often little to no enforcement, scientists say.In other circumstances, wind developers do not follow through on their promises and in some cases lie.When wind developer “Apex submitted its application to [New York] state in late 2017 to build the wind farm, it said there were no known bald eagle nests on the island, according to public documents reviewed by The Times.”Later, Apex flew a helicopter over the eagles nest, even though doing so posed a direct threat to the birds. “They destroyed an active eagle’s nest,” said a local conservationist.While the wind industry has hyped technical fixed, none have proven successful at even demonstration levels.
Greg Gordon	Please approve this marine sanctuary. We need places that protect marine life for the health of our planet.
Anonymous	Papahānaumokuākea needs to be protected. The world has far too few places where nature can be allowed to be itself, without humans screwing it up. It's a necessary step to have somewhere that can act as a reservoir of wildlife that can repopulate their original range, once humans finally stop making the rest of their range uninhabitable. Please protect Papahānaumokuākea.
John Morrison	I believe protection and preseravation of our reefs is of the utmost imoportance
N. Hornxx	strongly support designating parts of the Papahānaumokuākea Marine National I may never get to visit, but will find hope in and strongly support designating portions of Monument as a national marine sanctuary to enhance protections and safeguard resources.

Submitter	Comment
Mary Shanahan-Reitz	Aloha,I strongly support the goal of providing the strongest possible protections for the Northwestern Hawaiian Islands (NWHI).The current Sanctuary proposal fails to utilize the strongest existing protections (NWHI Reserve and NWHI State Refuge) and represents a direct threat to the sacred and fragile NWHI pu'uhonua.I am deeply concerned about plans by the Department of Commerce to designate a "Commerce Sanctuary" in the NWHI that :· opens up this sacred and fragile ecosystem to fishing and commercial activities· creates loopholes that allow the Department of Commerce to violate rules that apply to everyone else· reverses existing strong protection measures of the NWHI Reserve and NWHI State Refuge· eliminates the existing checks and balances of the existing Co-Trustee management that currently includes agencies dedicated to protecting Native Hawaiian rights (Office of Hawaiian Affairs) and biodiversity preservation (the U.S. Fish and Wildlife Service),This shocking reversal of 24 years of protections will have devastating impacts on the NWHI ecosystem.The Northwestern Hawaiian Islands are NOT FOR SALE. They are not for commercial gain, commercial use, "development", or fishing.Instead, regulations for the EXISTING strong protections must be issued, strongly enforced with tough penalties for violators.Mahalo nui loa.
Donald Schug	According to the Western Pacific Regional Fishery Management Council, Middle Bank is a well-known fishing site for commercially-important deepwater bottomfish species. NOAA is currently incapable of monitoring the location of commercial fishing activity at Middle Bank, and it is likely that it will be unable to enforce the commercial fishing prohibition in the portion of the seamount within the proposed sanctuary. Moreover, there are no existing federal or state regulations to prevent a commercial fishing vessel from severely depleting the bottomfish resources on Middle Bank. We know this type of local depletion is possible because it has occurred on other fishing grounds in the Main Hawaiian Islands. Consequently, some bottomfish species populations in the sanctuary will be vulnerable to intense fishing pressure and could experience sharp declines. The analysis for the preferred alternative should describe these potential adverse biological/ecological effects to sanctuary resources.
Jackie Milligan	I support the designation of a National Marine Sanctuary for Papahānaumokuākea. As the Marine Science Educator for Ke Kai Ola, The Marine Mammal Center, my job is to teach keiki in our community about the importance of ocean conservation through the lens of endangered Hawaiian Monk seals. Our various education programs highlight the critical habitat found within Papahānaumokuākea for not only monk seals but numerous other endangered species that are found nowhere else in the world. These kūpuna islands are extremely significant to the indigenous Hawaiian community and represent the ancestral ties to the pae 'āina that has grown and changed for millennia in the Pacific. My hope is that our governing bodies can continue to emphasize this importance and validate these indigenous voices by created a sanctuary to help protect both the cultural and biological aspects of this sacred place. I hope that as we transition from current residents of this 'āina to future ancestors, we leave a legacy for our descendents that we are proud of. I hope that the National Marine Sanctuary holds these values close, and considers making sure that indigenous people and voices are represented in the staff that help manage this area.

Submitter	Comment
Anonymous	I am in full support of the protection of Papahānaumokuākea. I support it because it is connected to my home land. Papahānaumokuākea is of great importance to Native Hawaiians and Hawaiian culture is a foundational element in management. The name Papahānaumokuākea commemorates the union of two Hawaiian ancestors – Papahānaumoku and Wākea – who gave rise to the Hawaiian Archipelago, the taro plant, and the Hawaiian people. Papahānaumokuākea is also home to a variety of post-Western-contact historic resources, such as those associated with the Battle of Midway and 19th century commercial whaling. NOAA is proposing a sanctuary area approximately 582,250 square miles. The agency's preferred boundary overlaps with the marine portions of the monument. The boundary includes the marine environment surrounding the Northwestern Hawaiian Islands from the shoreline of the islands and atolls seaward to 200 nautical miles, including all state waters and waters of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, Midway Atoll and Hawaiian Islands National Wildlife Refuges, and state of Hawai'i Northwestern Hawaiian Islands Marine Refuge. Large-scale conservation areas such as this are important to protect highly mobile species, such as sharks and marine mammals. They also protect entire ecosystems, preserving critical ecological functions and conserving biodiversity.
Susannah Biggs	there is no reason NOT to protect them!!!
Anonymous	I fully support the decision of giving Papahanaumokuakea more protection. I have three reasons for why I think this, because there are some species there that live only on Papahanaumokuakea, Native Hawaiian's need this land, and because this is important for future generations. The first reason why I think this is because of endangered species. In Papahanaumokuakea there are plenty of exotic creatures, and maybe there are even some species that live there that we don't know about. These creatures need good habitats to grow up, which is what Papahanaumokuakea is giving. Since it has a unique and delicate ecosystem, we need to protect the ecosystem even better because not many places have one like this. My second reason for adding more protection is because not only do creatures need Papahanaumokuakea, Native Hawaiians do too. Papahanaumokuakea is a rare place that's barely touched by humans (excluding Native Hawaiians), making it the perfect place for rituals and traditions that the Native's might do, such as hula. My final reason is for future generations. Future generations need to remember the past mistakes like war, because if we forget we will make the same mistakes, over and over again. These are the reasons why I fully support the added protections to Papahanaumokuakea.

Submitter	Comment
Anonymous	I support the designation of Papahānaumokuākea as a National Marine Sanctuary because it is of great importance to the natives and the Hawaiian culture. One reason I support the designation of Papahānaumokuākea is because this sacred place is grounded with native language and culture. It is important to keep this place designated so we can keep the Hawaiian language and culture alive. Another reason to keep Papahānaumokuākea designated is because this place has rare species and thriving biodiversity. These animals on Papahānaumokuākea can go extinct if we don't let them thrive on their own. If we let this place thrive maybe people will make it open to the public, but if we don't let this sacred place thrive it will never be open to the public. Papahānaumokuākea is a beautiful place that future generations should be able to learn about and maybe even see. If future generations learn or see this sacred place they can teach others what they can do to keep Papahānaumokuākea a healthy and thriving place. This is why I support the designation of Papahānaumokuākea.
Anonymous	I support the designation of Papahanaumokuakea as a National Marine sanctuary. Papahanaumokuakea is sacred to native Hawaiians. We should respect the Hawaiians culture. Papahanaumokuakea needs more protection to save the animals. It's a place scientists can study. If we study more we can learn more and help the plants and animals and keep them safe.
Jeffery Zankel	In a time when most of the world's coral reefs are severely degraded it is important to help protect those few that are still in tact. The Proposed new Papahanaumokuakea National Marine Sanctuary regulations would be an important step in keeping the USA's healthiest reef healthy. Jeffrey Zankel Sebastopol CA
Anonymous	I support the designation of Papahanaumokuakea as a national marine sanctuary. We should help preserve this marine sanctuary because this sanctuary means a lot to the native Hawaiians and people who are Hawaiian today. These islands are part of Hawaiian culture and if we don't act or help this sanctuary it could not be a sanctuary anymore. This would mean that we would also be forgetting parts of this culture.To protect this sanctuary means to protect the animals in it. Protecting our native plants and animals is important. Today there are not as many native animals and plants as there used to be back in the older days. We need to protect them so we can keep our ecosystem. Different animals come to Papahanaumokuakea to live or for migration. Lots of native animals live on these islands. There are not many sanctuaries to help the native plants and animals. We need to help this place so pollution from humans does not enter this sanctuary. Although there might not be many sanctuaries left we can still help this one and preserve the animals and plants. In conclusion, I support Papahanaumokuakea as a national marine sanctuary.
Risa Mandell	Let's recognize the inherent value, dignity and uniques of the living beings who will inhabit the Papaanaumokuakea National Marine Sanctuary.

Submitter	Comment
Joan Diamond	The proposed sanctuary is an essential piece of our past and our future. Protecting plant and animal life and species, teaching the importance of o, I ask NOAA, please act to protect our oceans.
Justin Smith	Please protect Papahanaumokuakea from further destruction by making it a protected area. As a young 4 year cancer survivor due to polluted water, it is extremely important to me to protect natural water sources, especially the ocean which is rapidly changing as a result of irresponsible human behaviors.
Doug Krause	We strongly support designating parts of the Papahānaumokuākea Marine National Monument as a national marine sanctuary to enhance protections and safeguard resources in the marine portions of the Monument. We believe sanctuary designation will complement the efforts of the Office of Hawaiian Affairs, the state of Hawaii, and other federal agencies to conserve this nationally significant area and its cultural resources and bolster strong and lasting protection for the marine environment. Papahānaumokuākea is a sacred place with deep cosmological significance to Native Hawaiians who have a genealogical relationship to all living things in the Hawaiian archipelago. The Monument is a mixed (natural and cultural) World Heritage Site. It preserves sacred places, stories, artifacts, and strong Polynesian cultural ties to the land and seas, dating back more than a thousand years. Coral islands, undersea volcanoes, flat-topped undersea mountains, banks, and shoals stretch 1,350 miles. The Monument supports a diversity of life, including over 7,000 species, many found nowhere else on earth. Threatened green sea turtles and endangered Hawaiian monk seals are among the rare species that inhabit the island chain. The National Marine Sanctuaries Act established the National Marine Sanctuary System to protect areas of the marine environment that have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities. The monument is an area of national significance that merits this protection in addition to the protections provided by the Antiquities Act. It is critical that sanctuary designation strengthen and enhance the protection of Papahānaumokuākea, as designated under the Antiquities Act and the Presidential Proclamations. Those efforts should include integrating traditional Hawaiian knowledge systems, values, and practices into management. We oppose any regulatory or management measures that would decrease the current level of protection within the Monument and Monument Expansion Area.

Submitter	Comment
Lino Tenirio	I honestly feel there are way too many sanctuaries already and it's hurting the local fishermen. Pretty soon they'll starving to death as there is hardly any good fishing grounds to fish at. So am inclined to say "No" to any proposal in having more sanctuaries.
Jeff Carrillo	Save our oceans with the largest boundless boundary
Anonymous	Aloha, I am sharing today that I fully support the designation of Papahanaumokuakea as a National Marine Sanctuary because it helps our ocean remain diverse and fruitful. If we allow commercial fishermen to fish in these waters and exploit these resources, there will be little to no resources for future generations. The immediate availability of fresh fish is extremely important to our Hawaiian culture and will be important for future generations.
Anonymous	If we fish in no fishing zones, there will be no reproduction which leads to no more fish. There will not be any fish that will also cause business to go bad and worse for our environment.
Wesley Murakane	I Wesley A Murakane is in full support of Proposed Papahanaumokuakea National Sanctuary designation.
Tiare Ka‘ōlelopono	Please protect Papahānaumokuākea archipelago, it is of great ecological, cultural & sacred importance to Native Hawaiians. Papahānaumokuākea is under threat from marine debris, fishing gear, climate change & needs increased protections for its marine waters, ecosystems, wildlife & cultural heritage. We humbly request the following: Strict Monitoring & Enforcement on marine debris, fishing line, fishing gear to eliminate entanglement of endangered marine life in marine protected area; NO longline fishing Implementation of strict regulations and the protection of Papahānaumokuākea including: ZERO non-commercial fishing and commercial overfishing. ZERO sustenance fishing in marine protected area. ZERO exemptions for marine mining activities or other human impact damaging activities. ZERO submarine and war games activity. ZERO unnecessary/harmful to life scientific research. MAINTAINED access for sacred cultural practices that are not in any way affecting ecosystems including integrating Mai Ka Pō Mai CREATE protection regulations, monitoring & enforcement for keystone marine life like manō (sharks), corals, cetaceans, etc. Mahalo nui for your consideration.

Submitter	Comment
Nonu TuiSamoa	I am a Samoan and Polynesian. I am from the Poly branch of the Nesian Archipelago of the this vast Pacific Ocean. I strongly support my Polynesian cousins in Hawaii; and strongly oppose any Sanctuary expansion in the NWHI. My generation and others who are here now, rightfully deserve the right to harvest and enjoy these marine resources in our Pacific region. Just let Nature regulate itself. It is the best regulator we have.
Shark Stewards	This beautiful underwater sanctuary needs us to help it thrive for our next generation for the amazing sharks, turtles,monk seals and indigenous fish that live there
Paul Moss	I strongly support designating parts of the Papahānaumokuākea Marine National Monument as a national marine sanctuary to enhance protections and safeguard resources in the marine portions of the Monument. Sanctuary designation will complement the efforts of the Office of Hawaiian Affairs, the state of Hawaii, and other federal agencies to conserve this nationally significant area and its cultural resources and bolster strong and lasting protection for the marine environment.Papahānaumokuākea is a sacred place with deep cosmological significance to Native Hawaiians who have a genealogical relationship to all living things in the Hawaiian archipelago. The Monument is a mixed (natural and cultural) World Heritage Site. It preserves sacred places, stories, artifacts, and strong Polynesian cultural ties to the land and seas, dating back more than a thousand years.Coral islands, undersea volcanoes, flat-topped undersea mountains, banks, and shoals stretch 1,350 miles. The Monument supports a diversity of life, including over 7,000 species, many found nowhere else on earth. Threatened green sea turtles and endangered Hawaiian monk seals are among the rare species that inhabit the island chain.Thank you for your consideration of these comments.

Submitter	Comment
The Rainbow Warriors Collective	The Rainbow Warriors Collective stands in unwavering solidarity with Native Hawaiians and all who seek to protect the ecological and cultural sanctity of Papahānaumokuākea. We applaud President Obama's visionary designation of this precious archipelago as a Marine National Monument. Now, as NOAA, the State of Hawai'i, and partner agencies collaborate towards its elevation to a National Marine Sanctuary, we strongly urge the Biden Administration to take the boldest action possible.As a collective dedicated to environmental justice and the interconnectedness of life, we recognize that the Earth and her oceans face unprecedented threats. Climate change, pollution, and unsustainable practices imperil the very web of life upon which we all depend. Papahānaumokuākea offers a beacon of hope, a sacred place where regenerative solutions can be modeled for the world to follow.We implore you to consider the following critical points in your decision-making:Maximum Ecological Protection: We advocate for the largest possible sanctuary boundary (582K square miles) to provide comprehensive protection for Papahānaumokuākea's irreplaceable ecosystems and biodiversity.Zero-Tolerance for Harm: A true sanctuary demands absolute protection. This means the prohibition of all fishing activities (longline, commercial, sustenance), the elimination of marine debris and entanglement threats, and a ban on harmful activities like marine mining, submarine operations, and disruptive scientific research.Honoring Ancestral Wisdom: We support the integration of Native Hawaiian knowledge and the principle of Mai Ka Pō Mai into all management practices. Sacred cultural practices must be allowed in ways that prioritize ecosystem health.Keystone Species as a Priority: Let's establish additional protections, robust monitoring, and strict enforcement to safeguard keystone species like manō (sharks), honu (turtles), kohala (whales), seabirds, shorebirds, corals, and cetaceans, recognizing their crucial role in ocean health.A Blueprint for Global Conservation: Papahānaumokuākea has the potential to serve as an international model for true marine conservation. Let this sanctuary demonstrate the power of prioritizing regeneration and ecological integrity.The Rainbow Warriors Collective believes that a thriving Papahānaumokuākea is essential to a healthy planet for all living beings. We urge you to seize this extraordinary opportunity to create a legacy of hope and healing, not just for Hawai'i, but for generations to come. Your commitment to the boldest, most protective measures will safeguard the future of Papahānaumokuākea and inspire the world.Mahalo nui loa for your leadership and dedication.In solidarity for Earth and Ocean,The Rainbow Warriors Collective

Submitter	Comment
DJedi Alliance	The DJedi Alliance stands in unwavering solidarity with Native Hawaiians and all who seek to protect the ecological and cultural sanctity of Papahānaumokuākea. We applaud President Obama's visionary designation of this precious archipelago as a Marine National Monument. Now, as NOAA, the State of Hawai'i, and partner agencies collaborate towards its elevation to a National Marine Sanctuary, we strongly urge the Biden Administration to take the boldest action possible.As a collective dedicated to environmental justice and the interconnectedness of life, we recognize that the Earth and her oceans face unprecedented threats. Climate change, pollution, and unsustainable practices imperil the very web of life upon which we all depend. Papahānaumokuākea offers a beacon of hope, a sacred place where regenerative solutions can be modeled for the world to follow.We implore you to consider the following critical points in your decision-making:Maximum Ecological Protection: We advocate for the largest possible sanctuary boundary (582K square miles) to provide comprehensive protection for Papahānaumokuākea's irreplaceable ecosystems and biodiversity.Zero-Tolerance for Harm: A true sanctuary demands absolute protection. This means the prohibition of all fishing activities (longline, commercial, sustenance), the elimination of marine debris and entanglement threats, and a ban on harmful activities like marine mining, submarine operations, and disruptive scientific research.Honoring Ancestral Wisdom: We support the integration of Native Hawaiian knowledge and the principle of Mai Ka Pō Mai into all management practices. Sacred cultural practices must be allowed in ways that prioritize ecosystem health.Keystone Species as a Priority: Let's establish additional protections, robust monitoring, and strict enforcement to safeguard keystone species like manō (sharks), corals, and cetaceans, recognizing their crucial role in ocean health.A Blueprint for Global Conservation: Papahānaumokuākea has the potential to serve as an international model for true marine conservation. Let this sanctuary demonstrate the power of prioritizing regeneration and ecological integrity.The DJedi Alliance believes that a thriving Papahānaumokuākea is essential to a healthy planet for all living beings. We urge you to seize this extraordinary opportunity to create a legacy of hope and healing, not just for Hawai'i, but for generations to come. Your commitment to the boldest, most protective measures will safeguard the future of Papahānaumokuākea and inspire the world.Mahalo nui loa for your leadership and dedication.In solidarity for Earth and Ocean,DJedi Master Lion Chief Executive Officer of DJedi Alliance

Submitter	Comment
Cha Smith	I have serious concerns about NOAA‘s proposal to overlay a weak and flawed Department ofCommerce “Sanctuary” over the already protected waters of the Northwestern HawaiianIslands, including the NWHI Coral Reef Ecosystem Reserve, the NWHI State Refuge, USFWSRefuges, and the Papahānaumokuākea Monument.The proposal as written could easily allow commercialexploitation and open new fisheries throughout this fragile pu’uhonua.It is not clear to me how this could be construed as a legal effort.It is abundantly clear that the mandatory requirement that any proposed sanctuary MUST complement and supplement the existing comprehensive protections of the NWHI Reserve as defined by Executive Orders 13178 and 13196.It is clear there is a “do no harm” standard in place for any proposed protections. This means norecreational or commercial fishing, commercial use; public hearings mandatory on all permitapplications, no multiple-year permits allowed, bans for permit violators.The NWHI Reserve and State NWHI Refuge - with the overlay of Monument Co-Trustee Management - represent the strongest protections which must be replicated in any proposed NWHI designation.Any proposal for a Sanctuary MUST overlay USFWS Refuges or the State Refuge. PLEASE KNOW: The State rejected proposed violations and loopholes in NOAA’s previous failed attempt to establish a Sanctuary and demanded that Commerce match the stringent state Refuge protective requirements.The current proposed SanctuaryCould pose a serious threat to the sacred and fragile NWHI pu’uhonua.The Department of Commerce proposed a legally flawed and devious plan that would weaken existing protections and potentially open the area up to commercial plunder.Profits and revenue are the core mission of Commerce Department--not a good match for overseeing a fragile ecosystem that needs forever protection.It is not complicated. If there is to be a sanctuary designated in the Northwestern Hawaiian Islands, there can be only one approach. A proposed sanctuary MUST BY LAW, expand and strengthen the existing protections.Cha Smith
Anonymous	A significant breeding site for endangered monk seals and sea turtles, thousands of nesting seabirds such as the magnificent Laysan Albatross, and home to the Manō (sharks), these are the healthiest and largest intact reef system in the N. Pacific. Need we say more?
Anonymous	I don't support this proposal.
Robyn Puletasi	SAY NO TO SANCTUARIES
Joe Hamby	The stated purpose of the proposed sanctuary is to protect nationally significant biological, cultural, and historical resources and to manage this special place as part of the National Marine Sanctuary System. As the Magnuson Stevens Act already provides for the management of fisheries in all U.S. waters including those in the proposed Sanctury area, any new protection should be limited to those relating to the seafloor and islands within the expansion area.Regardless, with respect to fishing, rule makers need to recognize the historical importance of fishing in the proposed sanctuary area to the indigenous population. Any proposed expansion of the current sanctuary should allow fishing for cultural practices. Considering the high cost of fuel, fisher folk given permission to fish in the proposed area should be allowed to sell catch to recover the cost of fuel.

Submitter	Comment
Mike Fleming	Sanctuary is an evil thing for old school fishers ..it automatically put restrictions & so much bureaucratic jargon to ordinary people that made us feels unwanted...even if there's co-management in the process it's all filled with red tapes...that makes us very reluctant to be in involves in their processes...I say NO to Sanctuary in the Hawaiian Isles & in the CNMI.. thk-u
Anonymous	Papahanaumokuakea should be much more protected as a marine sanctuary because it is so important to the world. For example, Papahanaumokuakea is home to so much wildlife, and you can't find that wildlife there anywhere else. This is so important because wildlife is so special to the earth and as far as we know Earth is the only planet that has it. Also, Papahanaumokuakea is an area that has been through so much and is still being threatened by rising sea levels. Finally, if Papahanaumokuakea was a sanctuary it would be way easier to do research without threatening wildlife. That is important because Papahanaumokuakea would be way more well studied, making it so we can learn more ways to protect the area. This is also good because then Papahanaumokuakea would be more well known and we would have more people dedicating their lives to protecting it. This is why Papahanaumokuakea is so important to our earth.
Anonymous	Did you know that places in the ocean are in danger because of trash? So this is why we should protect Papahanaumokuakea. I think that it should be protected because it teems with rare species and thriving biodiversity. We can help the animals by finding the problem and then finding a solution for that problem. Another reason why I think it should be protected is because it protects the wisdom for generations to come. I also think this because it can teach generations about a sacred place. My last reason why Papahanaumokuakea should be protected is because it gives us hope for our role to safeguard our ocean and future generations. This means that we can make differences for the oceans and also human life. This is why I think this place should be protected.
Anonymous	I support the designation of Paphānaumokuākea as a National Marine Sanctuary. One reason why I support this is so native plants and animals can stay alive and not go extinct as they are important in native history. Another reason is so Paphānaumokuākea can continue to have a biocultural seascape where native species and culture are one. My last but not least reason is because Paphānaumokuākea is a very sacred place, and it's important to Hawaiians.These are the reasons why I support the designation of Papahānaumokākea as a National Marine Sanctuary.

Submitter	Comment
Susan Kiskis	Papahānaumokuākea archipelago is of great ecological, cultural & sacred importance to Native Hawaiians. Subsequently, it is under threat from marine debris, fishing gear, climate change & needs increased protections for its marine waters, ecosystems, wildlife & cultural heritage.I am writing to support Papahānaumokuākea marine waters being designated as a National Marine Sanctuary and World Heritage Site to a National Marine Sanctuary.This location is key for protecting endangered keystone marine life like manō (sharks) & unique ecosystems. Additionally, there should be strict monitoring and enforcement on marine debris, fishing line, fishing gear to eliminate entanglement of endangered marine life in marine protected area; no longline fishing; no non-commercial fishing, and no sustenance fishing. There should be no exemptions for marine mining activities or other human impact damaging activities, and no submarine activity.This designation and protection is essential for sacred cultural practices, and should integrate Mai Ka Pō Mai. I am requesting the creation of protection regulations, monitoring & enforcement for keystone marine life like manō (sharks), with no unnecessary/harmful to life scientific research. For marine life regeneration, for future generations, for ocean health, and cultural preservation, there should be zero human impact.
Scott Greenberg	I support the protection of our coral reefs
Anonymous	As a concerned citizen and advocate for marine conservation, I am writing to express my support for the proposed marine sanctuary for Papahānaumokuākea. Preserving this unique and biodiverse marine ecosystem is crucial for the health of our oceans and the countless species that call it home.However, while I commend the efforts to establish this sanctuary, I believe there are important amendments that need to be made to ensure its effectiveness. Specifically, I am concerned about potential loopholes that could allow commercial fishing activities to continue unabated. It is imperative that the wording of the sanctuary's regulations is clarified and strengthened to unequivocally prohibit all forms of commercial fishing within its boundaries.Furthermore, it is essential to ensure that native Hawaiians have a meaningful voice in the management and governance of Papahānaumokuākea. Their traditional knowledge and cultural perspectives are invaluable in shaping policies that will truly protect and honor this sacred place.I urge the relevant authorities to consider these amendments seriously and to work collaboratively with stakeholders, including native Hawaiian communities, to ensure that the proposed marine sanctuary for Papahānaumokuākea achieves its intended goals of conservation and preservation for generations to come.Thank you for considering my input on this important matter.
Aidan Greenwald	It is vitally important that we protect Papahānaumokuākea and Hawaiian Monk Seals.
Anonymous	I fully support the designation of Papahānaumokuākea as a National Marine Sanctuary. The species that these ecosystems home deserve a protected space that does not see direct impact from humans. The Native Hawaiians that call these spaces sacred deserve a place to worship and hold close for themselves. There are few too many places left like Papahānaumokuākea and we should do all that we can to protect it.

Submitter	Comment
Mariana Loaiza	I respectfully request -preferred sanctuary boundary area (maximum sanctuary area alternative 582K square miles) -Strict Monitoring & Enforcement on marine debris, fishing line, fishing gear to eliminate entanglement of endangered marine life in marine protected area; NO longline fishing -Strict regulations / NO non-commercial fishing, NO sustenance fishing in marine protected area -NO exemptions for marine mining activities -NO submarine activity Thank you.
Leah Evans	As tourists visiting Hawaii, we were unaware of this proposal for sanctuary designation until today. We support full inclusion of the proposed area to full sanctuary status. Increased clarity of rules, more protections for wildlife and limits to fishing and human use of the area seem to outweigh any development value in the face of the increasing threats of climate change.
Anonymous	As a Pacific Islander, I say NO to sanctuaries
Chris Jones	I support making Papahanaumokuakea a National Sanctuary. My daughter is a marine biologist and has increased my awareness of the need for healthy, unspoiled ocean ecosystems. Thank you for your work to protect this area.
Brandon Mindoro	Protect endangered keystone marine life like mano (sharks) & unique ecosystems. Advocate a global model marine pristine NO fish zone sanctuary. Choose the big boundary alternative (582K square miles). 山山 Strict regulations monitoring & enforcement NO fishing, NO mining, NO submarines or other damaging activity.
Shelly Ericksen	I wholeheartedly support! We must do everything we can to protect the coral reefs.

Submitter	Comment
Mark Giese	I strongly support designating parts of the Papahānaumokuākea Marine National Monument as a national marine sanctuary to enhance protections and safeguard resources in the marine portions of the Monument. I believe sanctuary designation will complement the efforts of the Office of Hawaiian Affairs, the state of Hawaii, and other federal agencies to conserve this nationally significant area and its cultural resources and bolster strong and lasting protection for the marine environment. Papahānaumokuākea is a sacred place with deep cosmological significance to Native Hawaiians who have a genealogical relationship to all living things in the Hawaiian archipelago. The Monument is a mixed (natural and cultural) World Heritage Site. It preserves sacred places, stories, artifacts, and strong Polynesian cultural ties to the land and seas, dating back more than a thousand years. Coral islands, undersea volcanoes, flat-topped undersea mountains, banks, and shoals stretch 1,350 miles. The Monument supports a diversity of life, including over 7,000 species, many found nowhere else on earth. Threatened green sea turtles and endangered Hawaiian monk seals are among the rare species that inhabit the island chain. The National Marine Sanctuaries Act established the National Marine Sanctuary System to protect areas of the marine environment that have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities. The monument is an area of national significance that merits this protection in addition to the protections provided by the Antiquities Act. It is critical that sanctuary designation strengthen and enhance the protection of Papahānaumokuākea, as designated under the Antiquities Act and the Presidential Proclamations. Those efforts should include integrating traditional Hawaiian knowledge systems, values, and practices into management. We oppose any regulatory or management measures that would decrease the current level of protection within the Monument and Monument Expansion Area. Thank you.
Anonymous	I am sharing today that I fully support the designation of Papahanaumokuakea as a National Marine Sanctuary. As a student of marine biology, I believe that it is important to have strong regulations and protections set to keep nature safe and thriving. As an official site, it will help to inspire interest in the cause and hopefully more fuel to the fire.

Submitter	Comment
National Parks Conservation Association	Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our more than 1.6 million members and supporters nationwide, we write to express our strong support for designating Papahānaumokuākea Marine National Monument (Papahānaumokuākea or PMNM) as a national marine sanctuary and applaud the National Oceanic and Atmospheric Administration (NOAA) for leading the designation process for this globally important ocean area. Please see the attached comments.
Steven Adcock	Protect Papahānaumokuākea marine sanctuary. Please protect this beautiful place. Do not destroy like we do all else

Submitter	Comment
Ann Bell	I, Ann Bell, am a retired former Visitor Services Manager for the National Park Service and the U.S. Fish and Wildlife Service who served at ten different units within the Department of Interior and was formerly stationed within Papahanaumokuakea Marine National Monument on Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial. I fully support the proposed Papahanaumokuakea Marine National Sanctuary and its inclusion of Midway Atoll National Wildlife Refuge (Midway Atoll NWR) in the proposed National Marine Sanctuary boundary only if the following additions or clarifications are incorporated in the EIS. It is essential that human beings who don't work directly for government agencies or affiliated contractors, be able to visit Midway Atoll NWR so they can be inspired, impassioned and therefore ultimately gift their time and energy including monetary support to Papahanaumokuakea National Marine Sanctuary. Midway Atoll will always be the window for this proposed Sanctuary because Midway is undoubtedly the most accessible and it is the only place a significant number of humans can experience the Monument firsthand. Without sufficient human access and support by key constituents and potential constituents then the ecosystem's health and well being will undoubtedly suffer because of the inability of just the government agency personnel and their contractors to stop the spread of invasive species and ultimately as well become political and staunch, passionate supporters.Under Recreation" - Page 80 emphasizes "bringing the place to the people." Page 83 states "Accessfor general visitation purposes was previously allowed at Midway Atoll National Wildlife Refuge.However, due to recent reductions in refuge staff and operational capacity, historical and eco-tour access is currently not offered." The Draft EIS mentions the 2021 Midway AtollComprehensive Master Plan, but does not mention the fact that this plan proposes futurevisitation to Midway Atoll NWR.Recommendation: Ann Bell recommends describing the previous visitation to Midway Atoll as arobust program that included cultural education, college field courses, leadership workshops, WWII veteran groups, andwildlife-dependent recreation. Proposed future public visitation, as described in the 2021Midway Atoll Comprehensive Master Plan, was not evaluated in the cumulative effects sectionof the Draft EIS and should be included in the cumulative effects assessment in the Final EIS.I, Ann Bell supports future visitation at Midway Atoll NWR which would include access forcommunity leaders, cultural practitioners, environmental education, research, historicalinterests and wildlife-dependent recreation. If designation of a sanctuary would preclude orrestrict future visitation to Midway Atoll NWR, I would not support designation of asanctuary that overlays Midway Atoll NWR.In addition, the Draft EIS states that fee-for-service recreation would not be allowed in thesanctuary. Midway Atoll NWR has authority to charge fees for services including publicvisitation [50 CFR Part 25 Subpart E; Refuge Rules and Policies athttps://www.fws.gov/refuge/midway-atoll/visit-us/rules-policies]. Charging fees for services isnecessary for the FWS to be able to afford to host visitors, including for any future publicvisitation that would access the proposed sanctuary. The Final EIS should recognize thisauthority of the FWS and clarify how future visitation to the marine waters of Midway AtollNWR would be permitted under a sanctuary designation. I would support future visitors beingable to experience the refuge, Monument and sanctuary through water-dependent activitiesincluding but not limited to snorkeling and boat travel among islands.Mahalo for all the excruciating hard work and years of effort to provide adequate protection to this extraordinary life and cultural sustaining place. I am honored to be able to comment and be apart of this globally significant and powerful place on many tangible and intangible levels than words can describe.

Submitter	Comment
Tammy Harp	Aloha Everyone,My name is Tammy Harp. My concern is having the DOC designated as the governing entity. The primary objective of the NMSA is to protect the resources of the NMSSystem.Special national significance: conservation scientific aesthetic qualities recreational cultural ecological archaeological historical educationalI am ma'a to all the above but will share on aesthetic qualities and how this provides me the opportunity to protect this special near pristine place from a distance. To me, it's like a reward to go up to the NWHI. I have no need to go up there. I'd rather be in Lahaina. winkSpecial national significance. Department of Commerce wants full custody.I support the current management scheme of joint administering between the DOC, DOI, SofHI, and OHA. If we are to bring continuum in "supplement to compliment" of a "place like no other" in the management of the NWHI; then, sharing the load is needed. The current management entities involved are not broken to me, maybe need oiling every now and then, but why do we want to dismantle the trust gained?Rogue politics and consumerism had and continues to have impacts on native communities throughout the NMSSystem. Former Maui County Mayor/SofHi Governor Linda Lingle always reminded us that it is a risk to do business in Hawaii. Besides, we do have an awkward relationship with the United States. Strong protections should not be relaxed to accommodate federal government fiddling.Our ancestors, our grandparents and parents as well as ourselves have experienced belittling by peoples who have history of civilization and commerce for centuries continue to miscommunicate with us. Our ancestors, just as other native peoples under the jurisdiction of the United States, had no use for the written word and no use for money. Generational miscommunication.I cannot support any type of fishing. Maybe in the unforeseen future; for now, fishing should continue to be kapu/forbidden. Longline fishery in Hawaii is not our tradition and technique. It is a fishing style from the Orient.Lastly, you see, I do not want to experience a potential repeat of how commerce and lies overthrew its blanket upon our Queendom (17jan1893).Mahalo for your time and consideration. Tammy Harp
Ocean Cooperative	Please listen to the ocean and its protectors. Papahānaumokuākea is under threat from marine debris, fishing gear, climate change & needs increased protections for its marine waters, ecosystems, wildlife & cultural heritage.
Anna Kozlowski	The ocean desperately needs protection and marine sanctuaries are the utmost of importance.
National Wildlife Federation Action Fund	Attached are a total of 13,385 individual comments from National Wildlife Federation Action Fund members in support for the designation of marine portions of Papahānaumokuākea Marine National Monument and the Monument Expansion Area (collectively called the Monument) as a national marine sanctuary. The proposed sanctuary area extends 1,200 miles across the northwestern region of the Hawaiian archipelago, starting approximately 140 miles from the main Hawaiian Islands, and roughly 3,000 miles from the nearest continental land mass. The addition of the national marine sanctuary would provide important regulatory and management tools to strengthen existing protections for Papahānaumokuākea ecosystems, wildlife, and cultural and maritime heritage resources.On behalf of our members, thank you for doing all that you can to ensure maximum protections for this national Hawaiian treasure for fish, wildlife, Pacific Island communities, and those who love this area, now and into the future.

Written Comments – Original Copies

To: John Armor, Director of the Office of National Marine Sanctuaries
From: Andrea Eshelman
RE: Public Comment on National Marine Sanctuary Designation for Papahānaumokuākea Marine National Monument

As a longtime resident of the State of Hawai'i, educator, student, community advocate, and parent, I fully support the proposal to designate portions of the Papahānaumokuākea Marine National Monument as a National Marine Sanctuary. I fully support Alternative 1, encompassing the largest geographic area for the sanctuary's creation.

While I have not had the opportunity to visit the Papahānaumokuākea Marine National Monument area, I have experienced the joy and wonder of visiting many of the other national parks and marine sanctuaries around our country. Each represents a critical natural resource that must be protected for future generations.

In particular, the Papahānaumokuākea Marine National Monument has a critical role in serving as host to multiple endangered species, such as the Laysan duck, green sea turtles, and Hawaiian monk seals, as well as coral reef habitat that serves a multitude of sea life and species found nowhere else. These species can teach us how to evolve and adapt in a world impacted by climate change. For example, recent voyages to the island of Nihoa in Papahānaumokuākea discovered a 'opihi that may be more resilient to climate change.

In addition, the historical implications of protecting this area are also critical; modern history has seen countless shipwrecks and aircraft lost in the area, especially near Midway Atoll, where the Battle of Midway and the first transpacific cable station was established. More importantly, this area of the world plays a vital role in the ancient history of Polynesian migration. While I am not a member of the native Hawaiian community, I strongly support their rights to spiritual and cultural practices within the wahi pana of the Papahānaumokuākea Marine

1

National Monument. I have many friends who have been blessed with the opportunity to travel to the area for cultural reasons, and they have all shared the great importance of preserving this precious area of the earth.

I fully support the proposed list of activities subject to regulation in the proposed sanctuary area. In recent years, remote and unusual tourism has become increasingly popular; this area could become a magnet for tourism that could cause long-lasting harm or even destroy cultural areas. I especially support any efforts to prohibit drilling, dredging, or altering the submerged lands, something that often happens with development around tourism and the need to have facilities and resources to support such activity.

Thus, establishing the Sanctuary is even more important to ensure the management of things like boating, snorkeling, SCUBA, and fishing is regulated to protect the area from overuse and misuse. However, I do believe limited opportunities for the public to visit the area, within reason and for scientific research, are imperative to ensure the world is aware of the area's importance.

Thank you for the opportunity to submit testimony and the important work NOAA does to continue to protect areas of ecological, recreational, historical, and scientific importance. I hope to see "Alternative 1" adopted when the Papahānaumokuākea Marine National Monument is designated as a National Marine Sanctuary.

Brock Henderson

MY OPINION WRITING

In my opinion I think Papahanaumokuakea should be a sanctuary. The islands are older than the islands we live on. They need to be protected from other things. These are the reasons why, I will tell you in this paper.

My first reason is that they are our Kupuna islands. What if they are forgotten and our future generations don't know what Papahanaumokuakea is. If they were forgotten that would be bad because they are history. Also if it is a sanctuary we could study all the animals and debris.

Another reason is they are impacted heavily by lots of different things. They are impacted by tons and tons of trash. We need to help out our Kupuna islands because they are trashed. The beaches are filled with trash and animals are harmed by it. Animals are always dying from trash because they eat it and it kills them.

My last reason is they are impacted by invasive species. The invasive species impact on the native animals. The invasive sometimes kills the native animals. That is bad because they are going extinct. There is algae that gets on ships and getsget on the coral and it kills the coral. The invasive species also eat the native species' food. So that makes it harder for the native species to get food and survive.

In conclusion I think that it should be a sanctuary. All of those reasons aren't even close to how many more reasons there are. It will be sad to watch these historic islands suffer. Also the native animals will be harmed by everything happening. This is why I think it should be a sanctuary, so we can save it.

Evan McDonnell

I SUPPORT

I support Papahanaumokuakea turning into a national marine sanctuary. I believe it will help their ecosystem thrive. Papahanaumokuakea turning into a national marine sanctuary will help all the animals thrive and live a peaceful life without getting stuck in fishing nets or suffocating on trash. Here are some reasons why.

Biodiversity Preservation

By establishing it as a sanctuary, we can protect the rich biodiversity of this unique region. Papahānaumokuākea is home to a wide variety of marine species, including endangered and endemic ones. Preserving their habitat ensures their survival and contributes to global biodiversity.

Ecosystem Health

A sanctuary status would allow for stricter regulations on fishing, pollution, and other human activities. This would help maintain the health of the ecosystem, including coral reefs, seamounts, and deep-sea habitats. Healthy ecosystems benefit not only marine life but also our planet as a whole.

Reducing Bycatch

Fishing nets and other gear often unintentionally trap non-target species (bycatch). Designating Papahānaumokuākea as a sanctuary would limit fishing activities, reducing the risk of bycatch and allowing marine animals to thrive without unnecessary harm.

Trash Mitigation

Marine debris, especially plastics, poses a significant threat to ocean life. By safeguarding this area, we can prevent trash accumulation and protect animals from ingesting or becoming entangled in harmful materials.

Cultural Significance

Papahānaumokuākea holds immense cultural importance for Native Hawaiian communities. Recognizing it as a sanctuary would honor their ancestral connections and promote sustainable practices that align with their values.

In summary, turning Papahānaumokuākea into a national marine sanctuary is a crucial step toward preserving its unique ecosystem, safeguarding marine life, and respecting its cultural significance. Let's work together to ensure a peaceful and thriving future for this remarkable place!

Sources

Papahanaumokuakea overview
News articles
youtube

I support Papahānuamokuākea
By Lindsay Fannon

As you may know, Papahanuamokuakea is becoming a national marine sanctuary. But if you don't, basically what is happening is that Congress is directing a federal agency,the National Oceanic Atmospheric Administration, to begin to designate Papahanaumokuakea as a national marine sanctuary. It being a national marine sanctuary would protect the marine environment of Papahanaumokuakea. I feel like that it's a good idea to make it a national marine sanctuary, these are my reasons.

Firstly, When Papahanaumokuakea becomes a national sanctuary, it will designate rules to stop marine debris from getting there. You might be asking, what's so bad about marine debris? Well, first off, marine debris traps the native marine animals, a lot of the animals there might not be so smart, they might just run straight into the marine debris. Some types of marine debris includes: fishing nets, plastic bottles, metals, tissue paper, fishing gear, rubber and lost objects. A lot of these items might get the native animals tangled up and unable to escape, resulting in death as they cant get the food and water they need and sometimes not being able to breathe. Another thing bad about marine debris is that animals might digest it, as i said, a lot of them aren't so smart, they could end up digesting something not so edible as they could have mistaken it as something that they usually eat! Stuff like fishing hooks might end up damaging the animals digestive system as it is sharp and indigestible.

Next thing I will talk about is how there is a major threat in Papahanaumokuakea, invasive species. Invasive species are organisms that are brought from a foreign place, they threaten the native species, most of the time, they destroy or kill the native species. Algae brought in by foreign fishing boats can smother and kill coral reefs in Papahanaumokuakea. If this keeps happening, the native species will be slowly wiped out. Making Papahanaumokuakea a national marine sanctuary will significantly reduce this amount as people (not including people doing research there) will not be allowed to be near there.

Last reason on my list is if Papahanaumokuakea does become a national marine sanctuary, native Hawaiian people would have a right to vote to make laws. I feel like this would be a great rule because,as of now, not many or maybe no Native Hawaiian people would have a right to vote and make laws for Papahanaumokuakea. Another reason why this would probably be a good rule is that non-native hawaiians can vote while native hawaiians can't. I feel like that this is very unfair, people that live and originate there don't get a right to vote in their own land, that feels very wrong.

In conclusion, this is what I think about Papahanaumokuakea becoming a National Marine Monument. I think that these are valid reasons to think that Papahanaumokuakea

deserves to become a National Marine Monument. Thank you for reading my paper. I hope you have changed your mind about Papahanaumokuakea becoming a National Marine Monument.

Protecting the Papahānaumokuākea National Monument

By: Scarlet L. Jones

5th Grader, 'Aikahi Elementary School

Northwest of the Hawaiian Islands there is a place called Papahānaumokuākea. Papahānaumokuākea is treasure that cannot be forgotten or replaced by anything. It is a national monument and politicians are trying to make it a national marine sanctuary because it needs more protection. In my opinion, I support the designation of Papahānaumokuākea as a national marine sanctuary. Here are my reasons why I believe that this place like no other, Papahānaumokuākea is worth protecting.

One reason Papahānaumokuākea is worth fighting for are the things already happening we have to change now. Papahānaumokuākea is home to many native species. It is home to many plants and animals that live nowhere else on Earth. Sadly, it is also home to many invasive species, algae that can smother and kill coral, harming the reef and its inhabitants, and ants that can kill native birds in their nests. Invasive species are one of the three major threats to Papahānaumokuākea, along with marine debris and climate change, global warming. Invasive species are one of the things we can only stop if everyone pitches in and things happen, big or small.

This needs to stop and even though we don't know what will change if the designation does or does not go through, we still should do what we can do for the cause. Papahānaumokuākea is already protected, yes, but if we truly want it to become less polluted, drenched with marine debris and trash, and/or going extinct because of invasive species, then we have to work harder and help this sacred place.

Another reason is how it is our responsibility to reserve these sacred atolls and island chains. As humans we did, and still do, make things better and/or worse for our environment around us. As makers of the plastic trash that is killing our planet we should take full responsibility for our actions

affecting these places. This plastic washes from all around the world to our sacred islands and breaks the balance of life. This fragile place is in need of help and protection, if we cannot provide any, then we aren't doing our parts. Everyone should step in to fix this earth before it becomes a long term disaster. Our earth is in need of life, without it, there's no life at all.

Some may take no responsibility for this problem we've created. It's true, not all of the trash in the ocean is from one place, so not everyone is blamed. In fact, no one is blamed for the mistakes of all humankind. But, we should still try our very best to fix this life and death problem we as humans created. And I take full responsibility for my actions, because if nobody does, how are we going to survive?

My final reason is that we owe it to the animals and plants struggling to survive in Papahānaumokuākea. They lived there first, Papahānaumokuākea is their only home, they only exist there. For me and many others fighting for their survival understand that we should keep them living because they are part of our islands just as much as us. Native Hawaiian families call Papahānaumokuākea a sacred place, the animals and plants are important to them.

People might not care, it is in their choice. We have no right to accuse others for their choices, we should fight for this cause though. Standing taller than the others, fighting for Papahānaumokuākea and the living things adapting to these dying islands. We should understand the real things harming our home, and change it.

" Dear Politicians,

Please try harder than others who failed or made the difference but didn't help as much as their hopes. I lived here all my life and want the Hawaiian islands to change for the better, not the worst. I understand you are trying as much as you can, please do it for us. If I was eighteen you would have my vote, anytime. Please fight for our home.

Your Friend,
Scarlet L. Jones"

March 3rd 2024

Dear Eric Roberts, Papahānaumokuākea Marine Monument superintendent

I would like to voice my support for the creation of The Papahānaumokuākea National Marine Sanctuary. It is vital to protect our marine resources particularly those like the Hawaiian seamounts which are extremely fragile and contain a high quantity of endemic organisms. In addition Creation of this sanctuary would help set a continuing example, for the international community, of the importance and feasibilty of marine protections.

However I would like to particularly emphasise the importance of the additional proposed use permits. Although the proposed protected area would provide significant indirect benefit to the American public, without available public acess there is a high chance of public disapproval. By creating the recreational permit, the Santuary would be able to show case the benefits of the program in a more transparent and direct way. This is espacially important for such a large Sanctuary, where any recreational regulations will have a profound affect.

Thank you and best wishes,

Jonluke O'Cain

Jonluke O'Ca

RE: Proposed Papahānaumokuākea National Marine Sanctuary within Papahānaumokuākea Marine National Monument
Document ID: NOAA-NOS-2021-0114-0076

To Whom it May Concern:

I am writing in SUPPORT of the National Oceanic and Atmospheric Administration's (NOAA) proposal to designate marine portions of Papahānaumokuākea Marine National Monument as Papahānaumokuākea National Marine Sanctuary to protect nationally significant biological, cultural, and historical resources and to manage this special place as part of the National Marine Sanctuary System. I am a resident of Hawai'i that has a strong interest in protecting and preserving the 'āina. On multiple occasions, I have volunteered my effort and personal resources to aid in the restoration of the Oneula Beach Park in Ewa Beach, locally referred to as Hau Bush. It is because of my time spent at the Oneula Beach Park that I know firsthand the destruction that can be caused by unmonitored and unrestricted human activities. Pollution and illegal fishing have devasted the Oneula Beach Park's natural ecosystem, and I want to prevent the same from happening to the Papahānaumokuākea Marine National Monument.

This rule, if implemented, would improve the Papahānaumokuākea Marine National Monument's ability to bring in resources and subject-matter experts to better protect and conserve the designated area, as well as the ecosystems within it. The Papahānaumokuākea Marine National Monument spans a stretch of 587,578 square miles of North Pacific Ocean territory and is comprised of basaltic islets, seamounts, banks, shoals, coral atolls, coral reefs, and underwater volcanoes (Douglas, 2023). Within the bounds of the Papahānaumokuākea Marine National Monument, there resides over 7,000 species - many of which are endemic and endangered (Douglas, 2023). If we are to preserve the incredible display of ecology and the biodiversity within this area, then the Papahānaumokuākea Marine National Monument must be granted sanctuary status.

Furthermore, I strongly urge that the monument boundary be expanded southward to enclose Middle Bank entirely to ensure that a significant buffer be created between the monument and the closest island, Niihau, to prevent illegal commercial fishing. This better aligns with NOAA's mission to "conserve and manage coastal and marine ecosystems and resources," as the Middle Bank is a critical site for coral and deep-water species that are currently at risk of being overfished or damaged by future mining activities.

Sanctuary status would also persevere the cultural and genealogical ties that Native Hawaiians have with the Papahānaumokuākea Marine National Monument. Papahānaumokuākea refers to the traditional Hawaiian creation story as told in the Kumulipo, the longest-recorded ancestral oli (Douglas, 2023). In this traditional chant, Papahānaumoku represents the Earth and is a mother figure, which is why the Papahānaumokuākea Marine National Monument is a deeply revered place for its connection to Native Hawaiian spirituality (Douglas, 2023). Additionally, archeological evidence of human occupation around 300 AD was discovered on two of the islands within Papahānaumokuākea Marine National Monument's boundary, which for many Native Hawaiians marks the beginning of their genealogy (Douglas, 2023).

As a Public Health graduate student at the University of Hawai'i at Mānoa, my research and the research of my colleagues and peers has concluded that a reciprocal relationship exists between the Native Hawaiian people and the ʻāina (Keli'iholokai et al., 2020). It has been found that, "Healthy ʻāina and a healthy connection to the ʻāina [is] a clear indication of the health of Kānaka (Keli'iholokai et al., 2020)." Not only does the Papahānaumokuākea Marine National Monument give Native Hawaiians a history of their people, but it also provides them with a feeling of belonging to the ʻāina and to their community, which fosters stability and wellbeing (Aluli & McGregor, 2006).

Mahalo nui loa for your time as you consider the comments that I have made, as well as your continued efforts in protecting and restoring the ʻāina.

Sydney Warren
Graduate Student of Public Health
University of Hawai'i at Mānoa
swarren4@hawaii.edu

References

Aluli, N., & McGregor, D. (2006). Land: The Health of Native Hawaiians. *'Aina: Ke Ola O Na Kanaka 'Oiwi*.

Douglas, A. (2023, April 7). *Papahanaumokuakea Marine National monument*. WorldAtlas. https://www.worldatlas.com/heritage-sites/papahanaumokuakea-marine-national-monument.html

Keli'iholokai, L., Keaulana, S., Antonio, M. C., Rogerson, I., Deitschman, K., Kamai, J. A., Albinio, L., Wilson, K., Kepa, D., Makua, K. L., Vegas, J. K., Chung-Do, J. J., Ho, K., & Ho-Lastimosa, H. I. (2020). Reclaiming ʻāina health in waimānalo. *International Journal of Environmental Research and Public Health, 17*(14), 5066. https://doi.org/10.3390/ijerph17145066

April 22, 2024

To: Department of Commerce, Office of National Marine Sanctuaries
From: Roxane Keli'ikipikāneokolohaka, Ed.D.

RE: Written comment regarding the Proposed Papahānaumokuākea National Marine Sanctuary Designation

I provide this written comment as an individual ***in SUPPORT of the National Marine Sanctuary designation*** for Papahānaumokuākea. My comments are based on knowledge and practice through my lived experience as a kia'i loko of over 20 years, a kia'i Kanaloa of over 15 years, and as a marine biologist of over 20 years. I also bring my experience and insight as a HIHWNMS SAC member into this comment but I am in no way speaking on behalf of the SAC.

The EIS describes the "globally significant" cultural, biological, and ecological function of Papahānaumokuākea. It also identifies ongoing and on-the-horizon threats and impacts that have the real potential to irreversibly change the function of this sacred space. Hence, the need to intervene on its behalf and the behalf of the broader realm of Kanaloanuiākea through sanctuary designation.

It is crucial to frame all considerations and decision-making in a way that is reflective of the function and intention of Papahānaumokuākea. Special interests and individual greed are looking to go beyond the waters that have been depleted to the momona of another space. We should not view Papahānaumokuākea as a ko'a that we can freely take from with no prior, current, or future obligation to feed. Instead, we should be thinking of Papahānaumokuākea more like a loko i'a. If we think of Papahānaumokuākea as a much larger-scaled loko i'a, that if nurtured to reach its highest potential, will eventually contribute significantly to the re-stocking and re-balancing of the larger Kanaloanuiākea, then we work to actualize the intentions of the name Papahānaumokuākea. That rejuvenation and balancing is an akua function, not a kanaka one. The kanaka function ensures that man does not interfere with what the akua needs to do. The akua must be given the extensive time and space to do what they do without man's short-sighted and extractive intentions and behaviors. We must change our perspective of time from kanaka time to akua time and know that for some of us, the momona spillover from this loko i'a will not happen in our lifetime. Those who embrace individual, immediate want, and ownership will take issue with not reaping benefits for themselves and those they represent. In comparison, those who embrace collective kuleana and collective benefit that is not at the expense of the elder environment have no problem with this, as you are contributing to future states of balance and momona.

Through this framing, I support the prohibited and otherwise regulated activities, particularly fishing. I ***DO NOT support the proposed "customary exchange" fishing*** brought forth by WESPAC. In addition to the mischaracterization of lawai'a practices, the extraction of 350,000 lbs. of i'a from the sanctuary (with room for cost recovery through the sale of fish) amounts to authorizing the continuous assault and violation of someone else's ko'a.

Although I support sanctuary designation, I know that designation, in itself, does not equate to protection or an improved state. In serving as the native Hawaiian representative for the Hawaiian Islands National Marine Sanctuary (HIHWNMS) I see the many limitations and obstacles of sanctuary designation. Below, I briefly describe some of my major sanctuary-related concerns that should be addressed to pave a successful pathway for this and all sanctuaries.

I am incredibly concerned about ***exemptions and exceptions related to non-commercial fishing*** as I do not see effective monitoring and oversight practices. Unless there is an extraordinary amount of funding for 24-hour surveillance, monitoring, etc., of sanctuary waters, you cannot catch all the activities (permitted or otherwise) happening in the sanctuary. ONMS should look at better management models like those in the Bahamas, where sanctuary enforcement is funded and aided by technology. Unlike in the Bahamas, giving this kuleana to the military would not work here in Hawai'i. But ONMS could develop enforcement programs that train and deputize Hawaiian lawai'a to step into Konohiki kuleana such as this. Such genuine partnerships could exemplify the co-stewardship intentions set forth in JSO 3403.

Another major concern I have regarding sanctuary designation lies within ***NOAA's and ONMS' capacity to adequately serve as kia'i of this space*** in their current state. Although the five-pillar structure of the plan is a welcomed and much-needed shift in organizational practice, we cannot only see the Hawai'i in the plan; we need to see the Hawai'i in the actions of NOAA, ONMS, and the State of Hawai'i. To say that there is a lack of equity within NOAA, ONMS, and the State of Hawai'i when it comes to the knowledge & rights of Indigenous people is severely downplaying the current state. Federal and state governments and agencies must place the rights of Indigenous People at the forefront, which in this case is to fulfill their ancestral duty to care for entities such as Papahānaumokuākea. Some ways in which ***equity should be built into the proposed sanctuary designation*** include:

- Hawaiian worldview leads – A reputable and experienced native Hawaiian who exemplifies Hawaiian thinking, and ancestral duty should be leading this effort as the sanctuary superintendent
- Permanent full-time positions – attract and hire native Hawaiians who have credible knowledge, skills, and experience to ensure the actualization of the Hawaiian cultural objectives and strategies
- Authority over permits – the insight of the Cultural Working Group must be the authoritative voice in reviewing and approving permits to access the sanctuary
- Developing your kahua – require all ONMS, State leads and staff to engage in ongoing professional development conducted by qualified and credible native Hawaiians to begin building a foundational understanding of kuana'ike Hawai'i, a critical lens needed to properly care for our kūpuna islands
- Prioritization - Hawaiian-focused research done by and with Hawaiians should be prioritized by adding it specifically and unequivocally in the Exemptions & Exceptions section
    - The current verbiage can be interpreted to exclude or minimize Hawaiian scientific exploration and research.
    - Equity in funding should also be afforded to Hawaiian scientific exploration and research.

As is the case with the HIHWNMS, Strategy 4.1 identifies the Sanctuary Advisory Counsel (SAC) as the oversight entity for the proposed Papahānaumokuākea National Marine Sanctuary. It is my experience that in reality, ***the SAC has minimal influence as it has no legal authority to act***. Here again, lies the misleading narrative that sanctuary designation equates to more protections. Additional protections for Papahānaumokuākea may be "written on paper," but the effectiveness of those protections is dependent upon compliance with those protections. ONMS should conduct a study to understand and remedy the current flaws in the HIHWNMS SAC structure and function to establish and support a more effective SAC for Papahānaumokuākea. Some critical flaws include:

- Lack of authority to address non-compliance, proactive strategies, etc.
- Inequity of positions on the SAC, which are heavily skewed to exclude the Hawaiian perspective and voice
- Inadequate funding is a constant obstacle (not enough funding for the SAC to meet in person, run specific programs, get out into the sanctuary, train existing staff, hire much-needed staff, etc.).

Funding is perhaps one of the most critical variables in the success of sanctuary designation. You can have all the best intentions, ideas, objectives, and strategies, but if the funding to actualize all of that is not there, then you don't actually have a viable management plan. If the annual cost projections for the Sanctuary Management Plan are based on existing budgets (HIHWNMS or PMNM) and those budgets fall short of the actual need, then the budget needs to be recalculated to account for actual funds required (as mentioned above) to reach the desired, more effective state. Advocating for and acquiring additional, sustained funding and enforcement authority is vital to the effectiveness of a SAC and the success of this and every sanctuary.

In closing, ***Kanaloa consciousness*** is what needs to be activated in these decision-making and implementation processes. What is required is thinking that it is long and deep, not short and shallow, which is easy. What is needed is contemplation, which requires examining the interconnectedness of multiple factors across multiple generations. What is needed is a lens that is reflective of the original and most effective stewards of this space - a Hawaiian lens. What is needed are intentions that place the Kanaloa, the element, in the center of all thought and action, not man.

Ola i ke au a Kanaloa! E ola loa!

Roxane K. Keliʻikipikāneokolohaka

Roxane Keliʻikipikāneokolohaka, Ed.D.
Waiākea Waena, Hilo, Hawaiʻi

April 17, 2024

PMNM Sanctuary Designation

NOAA / ONMS

1845 Wasp Blvd., Bldg. 176

Honolulu, Hi. 96818

Re: Proposed Designation of Papahanaumokuakea National Marine Sanctuary

I am a private citizen and resident of Kailua-Kona, Hawaii with a long history of environmental activism and the protection of our natural resources and wildlife on planet Earth.

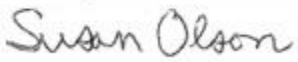
I would like to add my vote for **"Action Alternative 1"** to convert Papahanaumokuakea Monument into a permanent National Marine Sanctuary. The entire original area plus extended boundaries should be included with no exceptions even for subsistence fisherman. This should be an all or nothing action to avoid future conflicts and resolutions with all parties who might want to make "exceptions to the rules". **There should be no exceptions.**

Language for the proposed Sanctuary should include the tightest regulations This includes **no exceptions for Military sonar testing** which has been proven to have harmful effects on whales, dolphins, seals and other marine animals.

Language for the proposed Sanctuary should include the tightest regulations. Furthermore, there needs to be provisions and funding for **ENFORCEMENT** to prevent commercial interests and the Military from causing harm. There needs to be **strong language for sanctions and harsh penalties for rule-breakers.**

Thank you to all who have contributed in the past and present, to making this proposed National Marine Sanctuary a reality. Know that each of you has made a difference in the world and the legacy of your lives.

Sincerely,



Susan Olson

Kailua-Kona, HI 96740

Email: susankukana124@gmail.com

WRITTEN TESTIMONY OF
RYAN KING

HEARING ON
THE PROPOSED PAPAHĀNAUMOKUĀKEA NATIONAL MARINE SANCTUARY

BEFORE THE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APRIL 26, 2024

My name is Ryan King, and I am a Hawaii State resident. I appreciate the opportunity to offer written testimony on The Proposed Papahānaumokuākea National Marine Sanctuary.

As the National Oceanic and Atmospheric Administration ("Agency") proposes to designate marine portions of Papahānaumokuākea Marine National Monument as Papahānaumokuākea National Marine Sanctuary ("Proposed Sanctuary"), I write to highlight considerations that the Agency should take into account before promulgating the final rule:

1) Due to the cultural and substantive relationship between Native Hawaiians and the waters of the Proposed Sanctuary, the Agency should afford deference to the opinions of Native Hawaiian groups and agencies of the State of Hawaii when reviewing the objectives, actions, safeguards, exceptions, permits, and penalties of the Proposed Sanctuary.

2) With respect to co-management between the State of Hawaii and the Federal Government, on all matters pertaining to the management of the Proposed Sanctuary, the Office of Hawaiian Affairs should be consulted when collecting the unique insight and cultural values of Native Hawaiians.

3) The Agency should develop a detailed report outlining the access rights of the Department of Defense ("DOD"), and the practical ramifications of any national defense exceptions awarded to DOD with respect to military training within and around the Proposed Sanctuary.

4) The Agency should seek the professional guidance and recommendations of the U.S. Fish and Wildlife Service when conducting the notice and comment review to determine and quantify the positive effect on native and endemic species in the Northern Hawaiian Islands.

Thank you for your consideration.

April 27, 2024
Julia Bloechl
SUBMITTED VIA: FederalRegister.gov
Involved Agencies: Department of Commerce, National Oceanic and Atmospheric Administration
Re: Docket No. 240213-0047
Comment Period Due Date: 05-07-2024

To Whom it May Concern:

Following various federal, state, and public recommendations to redesignate Papahanaumokuakea National Monument as a marine sanctuary, the National Oceanic and Atmospheric Administration has posted a proposal to do so for public comment. This re-designation is important and ought to encompass the broadest feasible scope – both in area and management authority – as presented in Alternative I of the draft Environmental Impact Statement. I urge NOAA to prioritize the adoption of Alternative I over the other two options or the "do-nothing" alternative.

Papahanaumokuakea is the first and only mixed natural and cultural world heritage site in the United States.[1] Papahanaumokuakea National Monument currently faces various threats to its marine and terrestrial ecosystems. The presence of marine debris such as fishing gear, nets, plastics, and other debris poses risk for marine habitats.[2] Global ocean acidification and rising surface temperatures greatly impact the health of local reef systems.[3] Marked rising sea levels are estimated to endanger up to 69% of terrestrial habitats in the next 80 years.[4] This invaluable ecological and cultural space is in need of a revitalized approach to conservation. I support NOAA's proposal to redesignate Papahanaumokuakea National Monument, in the Northwestern Hawaiian Islands, as a Marine National Sanctuary. This designation would implicate stronger means of management and regulation, while involving community participation through Sanctuary Advisory Councils.[5]

In particular, I would like to highlight why it is important that NOAA follows through on selecting Alternative I of the designation options that it considered in its Draft Environmental Impact Statement. NOAA considered three options but Alternative I is clearly the best and selecting either of the others (or the no-action alternative) would forgo important benefits of this designation.

---

[1] Frances Kai-Hwa Wang, *Activists Push for Hawaii National Monument Expansion After Public Meetings*, NBC NEWS (Aug. 4, 2016), https://www.nbcnews.com/news/asian-america/activists-push-hawaii-national-monument-expansion-after-public-meetings-n622166.
[2] *General Challenges to Conservation in Papahānaumokuākea Marine National Monument Development Pressures*, PAPAHANAUMOKUAKEA MARINE NATIONAL MONUMENT (Dec. 5, 2022) https://www.papahanaumokuakea.gov/wheritage/challenges.html.
[3] *Climate Change and Ocean Acidification*, NOAA, https://sanctuaries.noaa.gov/science/sentinel-site-program/papahanaumokuakea/climate-change-ocean-acidification.html (last visited Apr. 22, 2024).
[4] *Supra* note 2.
[5] *What's the Difference? National Marine Sanctuaries vs. Marine National Monuments*, NATIONAL MARINE SANCTUARY FOUNDATION, (Nov. 2, 2020) https://marinesanctuary.org/blog/whats-the-difference-national-marine-sanctuaries-vs-marine-national-monuments/#:~:text=Themaindifferencesbetweensanctuaries,andapplicationsindoingso.

First, I wish to emphasize the fact that sanctuary designation is an important tool to strengthen protections that are not available under National Monument Designation. To designate a Marine National Monument, the president issues a Presidential Proclamation under the Antiquities Act. These monuments are then managed by federal and state agencies, but management does not require public participation.[6]

On the other hand, NOAA or Congress can designate Marine Sanctuary under the National Marine Sanctuaries Act. NOAA then administers management of a National Marine Sanctuary. The enabling act allows NOAA to develop management plans, issue regulations, and enforce regulations. Importantly, Marine Sanctuaries require a Community Advisory Council with local stakeholders. These individuals offer recommendations for management.[7] Thus, sanctuaries uniquely call for local public participation.

Sanctuary designation also allows for different, more stringent means of regulation. It allows NOAA to impose liability for loss or damage of sanctuary resources. It also requires interagency consultation regarding actions likely to destroy or injure sanctuary resources.[8]

Many of the arguments against monument and sanctuary designations come from fishermen. They complain that restrictions on the region force them out of the areas where they conduct their expeditions. They are forced to move into the high seas where they compete with foreign vessels.[9] There are, however, mixed reports on the impact the designation and expansion of protected areas have had on fishermen. One study found that the designation has had minimal impact.[10] It is important for us to consider the fact that protecting marine areas means protecting the species in them. This allows them to replenish. Without such protections, fishermen may suffer in the long term from the lack of supply in a deteriorating ecosystem.

Evaluating Alternatives

Alternative I is the best and most effective of those the agency has considered. NOAA opted for this alternative after considering public input. Native Hawaiian communities, scientists, and agency officials collaborated to come up with this proposal. It encompasses 582,570 square miles which is the largest area proposed by any of the alternatives. Regulations would be very similar to those under the National Monument designation. This alternative would provide consistency across the region. Vessels passing through this large space would need to comply with discharge regulations. This area hosts important seamounts and protects the habitats of the threatened green turtle and endangered monk seal. The boundary extends to 200 nautical miles seaward which accounts for highly mobile activity of species.[11]

---

[6] *Id.*
[7] *Supra* note 5.
[8] *Id.*
[9] Aaron Orlowski, *Hawaii Marine Monument Expansion's Impact on Fishing Debated 5 Years Later*, SEAFOODSOURCE, (Apr. 15, 2020) https://www.seafoodsource.com/news/environment-sustainability/hawaii-marine-monument-expansion-s-impact-on-fishing-debated-5-years-later.
[10] Lynham, J., Nikolaev, A., Raynor, J. *et al.* Impact of two of the world's largest protected areas on longline fishery catch rates. *Nat Commun* **11**, 979 (2020) https://doi.org/10.1038/s41467-020-14588-3.
[11] *Proposed Papahānaumokuākea National Marine Sanctuary Draft Environmental Impact Statement*, NOAA (March 2024).

Alternative II omits the Monument Expansion Area. The Monument Expansion Area (MEA) was added to the Monument in 2016 via a presidential accord delivered by President Obama. The MEA includes seamounts, submerged reefs, and sunken islands. Protecting this valuable area means protecting rare marine mammals, fish, and coral reefs.[12]

By leaving the MEA out of this new designation, regulation will become confused. The lack of consistency will hinder effective protective measures. Additionally, leaving the MEA out would, once again, signal that some of the region deserves greater protection than other areas. The addition of the MEA in 2016 was an explicit effort to rebuke that suggestion.

Alternative III contains a total area of 581,263 square miles. It leaves out the waters in the Midway Atoll and Hawaiian Islands National Wildlife refuges. Although the total area encompassed by the Alternative III boundaries is not much less than Alternative I, the areas left out are significant.[13] Midway Atoll faces the highest amount of human activity in the Monument which has caused a significant amount of ecosystem destruction. The area experiences a lot of vessel traffic and hosts an airport runway that brings in anywhere from 22 to 41 flights each year.[14] Midway Atoll has cultural and historical significance as it was the site of a historical WWII battle – Battle of Midway.[15] The Atoll is home to a number of threatened and endangered species. It hosts 21 breeding sea bird species.[16] One of the just two remaining colonies of the Laysan Duck is located on Midway Atoll.[17] NOAA scientists believe that there are more fish species endemic to this refuge than anywhere else on the planet.[18] It is critical that we protect this unique region and, therefore, reject Alternative III.

Only Alternative I encompasses all of the regions deserving and in need of these enhanced protections.

Conclusion

NOAA and allied agencies and actors worked long and hard to ensure that the Papahanaumokuakea area was given proper protections. Converting the monument into a sanctuary would be the right decision for several reasons including the fact that it will allow for even greater protection and will ensure that native Hawaiian communities are given a role in management. To ensure that this designation has the desired effect, NOAA should follow through on its proposal to adopt Alternative I. All of the area encompassed in the boundaries of

---

[12] *Celebrating the Expansion Anniversary of Papahānaumokuākea Marine National Monument*, NATIONAL MARINE SANCTUARY FOUNDATION, (Aug. 26, 2019) https://marinesanctuary.org/blog/celebrating-the-expansion-anniversary-of-papahanaumokuakea-marine-national-monument/.
[13] *Supra* note 11.
[14] *Id.*
[15] Bill O'Brian, *The Midway Atoll You Might Not Know*, U.S. FISH & WILDLIFE SERVICE, https://www.fws.gov/story/midway-atoll-you-might-not-know.
[16] Id.
[17] *Midway Atoll*, PACIFIC ISLANDS BENTHIC HABITAT MAPPING CENTER, https://www.soest.hawaii.edu/pibhmc/cms/data-by-location/northwest-hawaiian-islands/midway-atoll/ (last visited Apr. 22, 2024).
[18] *Hawaiian Islands National Wildlife Refuge*, THE ARMCHAIR EXPLORER – HAWAII, https://www.thearmchairexplorer.com/hawaii/hawaiian-islands-national-wildlife-refuge.php (last visited Apr. 22, 2024).

that alternative has a significant cultural and natural value. Each square foot is worthy of protection. On top of that, this alternative allows for a unified means of control and management. Alternatives II and III will cause confusion as some regions would only retain monument status while others become sanctuaries. We strongly believe that adopting Alternative I is in the best interest of the agency and the impacted Hawaiian communities.

Please accept my comments on the proposal to establish the US Marine Sanctuary at the Papahanaumokuakea Marine National Monument (PMNM). I wish to question some of the restrictions proposed on fishing and implications of this proposed sanctuary for decisions on other fisheries management approaches on other Pacific Islands' marine resources . I send my comments from my residence on Guam. However, I have spent the last fifty-four years residing in Hawaii and other Pacific Islands. During those years I have researched, taught, planned, developed and managed fisheries and marine resources, including teaching current managers and elected decision makers in Pacific Island countries that share pelagic fisheries resources with the United States.

Over the years I have seen the value and practicality of marine sanctuaries, particularly in providing support for research, education, management and enforcement to sustain ecological resources for continued and future values. While marine monuments have been protecting resources from damage of marine mining, pollution, destructive fishing such as bottom trawling and from over-fishing, etc., the sanctuary status can better serve to maintain and support scientific resources for monitoring, management and protection of natural resources. Current National Monument status can accomplish some of this but it can be eliminated by any US President by Executive Order as his/her personal decision. Sanctuaries do not have this same vulnerability. However, broad exclusion of sustainable fishing and resources uses should not be the objective of marine sanctuaries, even though it simplifies their administration. US Marine Sanctuaries must be created to include co-management authority of local stakeholders. Those existing sanctuaries can and do allow sustainable commercial fishing. This is evident in other US Marine Sanctuaries that have monitored and managed their resources for decades.

Appropriate management of long-line fishing and trolling for pelagic species should be considered for management and allowed in the proposed PMNM. The Department of Commerce employs and benefits from advice from experienced excellent fisheries scientists as do the Western Pacific Regional Fisheries Management Council, the Secretariate of the Pacific Islands, the Pacific Forum Fisheries Agency, the Western and Central Pacific Fisheries Management Commission, the Parties to the Nauru Agreement and others, all providing best advice on management of especially the Pacific highly migratory pelagic fish stocks targeted for world supply of sustainable, healthy fish protein. Such management applies to the pelagic fish that pass through the PMNM area.

While ever-improving technologies are allowing better management of impacts of activities in marine monuments and protected areas, these technologies and evolving recognition of traditional knowledge of marine resources should contribute to the best uses of the natural resources. Uses can include scientifically managed harvest of pelagic species done on a regional basis by countries and territories sharing the migratory fish resources and having the history of sustainably using the resources for many thousands of years.

Protection from impacts of proposed deep sea-bottom mining for minerals, which can potentially devastate the populations of living organisms and the area's ecology, is an important feature of sanctuary and monument status. This is likely not a threatened use at PMNM but is a serious threat to the Marianas Trench MNM which appears to contain some of the most valuable cobalt crusts for ocean mining as well as many possibly valuable marine minerals that are related to volcanic vents. The Pacific Remote Island Area proposed sanctuary may also risk marine mining threats. But both of those monuments deserve consideration of allowing managed commercial fishing of pelagic species and have the same scientific management resources as the pelagic species moving through the PMNM.

Decisions on management of a National Marine Sanctuary in Hawaii will influence the decisions for other proposed sanctuary areas. Decisions should be derived separately for each area with co-management by local stakeholders and sustainably managed traditional, subsistence, commercial and recreational fisheries. The influence of Hawaii-based stakeholders in Hawaii sanctuary management is expected. But the dominance of those from Hawaii and from the US Mainland affecting decisions on marine resources management in other Pacific US Territories seems to be counter to equitable justice. Monuments or sanctuaries in the Mariana Islands and the PRIA lack stakeholder powers to control decisions through lacking elected US Senators and lacking equitably powered US Congress members (not to mention lack of ability to vote for US Presidents). But traditional marine environmental knowledge in the US Territories, the US Freely Associated States in Micronesia and neighboring countries with histories of sustainably using and managing of the Pacific marine resources for literally thousands of years should not be over-shadowed by decisions on the sanctuary status of Hawaiian Islands.

Thank you for attention to my concerns and I expect to see many issues besides mine addressed in the EIS for the Sanctuary.

Michael Gawel

NATIONAL WILDLIFE FEDERATION

NWF.ORG

May 6, 2024

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

Re: Docket No. 240213–0047

Submitted via the Federal eRulemaking Portal (www.regulations.gov)

Dear Superintendent Roberts,

The National Wildlife Federation strongly supports designation of marine portions of Papahānaumokuākea Marine National Monument and the Monument Expansion Area (collectively called the Monument) as a national marine sanctuary. Dedication of this national marine sanctuary would honor the legacy of these islands and atolls, their significance to Indigenous Hawaiians, and protect abundant populations of wildlife such as coral, fish, sharks, turtles, rays, whales, dolphins, birds, and other important marine ocean species in the face of threats like deep-sea mining, climate change, and overfishing.

With over 7 million members and supporters, the National Wildlife Federation is the nation's largest conservation organization. Our unique Federation model means we have affiliate partners in 52 states and territories, including Hawai'i. We cannot complete our mission of uniting all Americans to ensure wildlife thrive in a rapidly changing world without addressing threats facing ocean health and marine biodiversity. We are eagerly employing our science-based advocacy, community partnerships, and engagement of diverse stakeholders, to build community and political support for the protection of additional offshore areas around the nation. This includes supporting the added protections and management needs for Papahānaumokuākea that will be afforded through sanctuary designation that are crucial to strengthening the existing resource protections.

The proposed Papahānaumokuākea sanctuary area extends 1,200 miles across the northwestern region of the Hawaiian archipelago, starting approximately 140 miles from the main Hawaiian Islands, and roughly 3,000 miles from the nearest continental land mass. This vast ecosystem is one of the largest wild, pristine marine sites in the world, encompassing 582,578 square miles of the Pacific Ocean. The monument protects traditional Hawaiian habitation sites, heiau (temples), ko'a (fishing grounds and shrines), culturally significant species such as sharks, sea turtles, and other 'aumākua (ancestral family gods), and the flight paths and foraging habitat of seabirds essential to traditional navigators during ocean voyaging by canoe. The addition of the national marine sanctuary would provide important regulatory and management tools to complement and

enhance existing protections for Papahānaumokuākea ecosystems, wildlife, and cultural and maritime heritage resources.

We urge that NOAA act swiftly to designate the new sanctuary by finalizing and approving the associated draft environmental impact statement (EIS) (Alternative 1) and draft sanctuary management plan that are currently out for public comment. Specifically, this proposed action and national marine sanctuary designation would:

- Maximize benefits for the largest proposed sanctuary of the three alternatives that NOAA is evaluating, and provide critically needed guidance for management, a top priority of which should be species protections.
- Protect this coral reef ecosystem that is a global marine biodiversity hotspot, providing essential habitats for rare species such as the threatened green turtle and the critically endangered Hawaiian monk seal, the Hawaiian humpback whale, sharks, millions of seabirds, and others. There is a high degree of endemism in this area, and it is crucial to safeguard these species and actively manage these habitats so they not only survive, but thrive.
- Provide comprehensive and coordinated management of the marine areas of Papahānaumokuākea to protect nationally significant biological, cultural, and historical resources. By adopting a co-management model NOAA and partners will help ensure that traditional ecological knowledge (TEK) and Western science can be at the forefront of ongoing and future protections for the Pacific. This includes enhancing management of the proposed sanctuary by having a Native Hawaiian program specialist on staff and the sanctuary advisory council including Native Hawaiian seats, and outreach to the Native Hawaiian Community.

While there is still more work to be done to expand the National Marine Sanctuaries Program so that there are geographically representative, ecologically connected, and climate-resilient marine areas off all U.S. coasts, the Papahānaumokuākea designation is critically needed and demonstrates meaningful progress toward these broader goals. Thank you for doing all that you can to ensure maximum protections for this national Hawaiian treasure for fish, wildlife, Pacific Island communities, and those who love this area, now and for generations to come.

Sincerely,

Jessie Ritter
Associate Vice President, Water and Coasts
National Wildlife Federation National Wildlife Federation

Lindsay Gardner
Director of Marine Conservation
National Wildlife Federation National Wildlife Federation

National Oceanic and Atmospheric Administration Proposed Papahānaumokuākea National Marine Sanctuary

To: John Armor, Director of the Office of National Marine Sanctuaries
c/o PMNM-Sanctuary Designation, NOAA/ONMS
1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818

From: Ashley Wong
Wonga3@hawaii.edu
05 May 2024

RE: Public Comment on National Marine Sanctuary Designation for the Northwestern Hawaiian Islands

Aloha e Mr. John Armor,

I am writing to express my **SUPPORT** for the proposed designation of the Papahānaumokuākea National Marine Sanctuary Alternative 1 boundary. I appreciate the opportunity to contribute to the regulatory process and commend NOAA's efforts to protect this area's nationally significant biological, cultural, and historical resources. I am aware of the importance of protecting our oceans and the species that inhabit them. The Papahānaumokuākea region is an area of immense historical significance and its protection is crucial for the long-term health and sustainability of our oceans. I firmly believe that the proposed designation of Papahānaumokuākea National Marine Sanctuary will not only protect this unique and valuable ecosystem but also pave the way for a brighter future for our oceans and the generations to come. I commend NOAA for its efforts to protect this area's nationally significant resources and for its commitment to engaging with stakeholders to ensure that the needs of all parties are considered.

First, I am in full support of the establishment of Papahānaumokuākea National Marine Sanctuary as part of the National Marine Sanctuary System. Papahānaumokuākea is a place of deep reverence for Native Hawaiians, a living cultural landscape that sustains their cultural identity, practices, and way of life. According to Papahānaumokuākea Government (2024), It is believed to be the origin of all life and the destination for spirits after death, as recorded in the Kumulipo, the longest-known genealogy chant. The islands and surrounding waters of Papahānaumokuākea are rich in cultural resources, including traditional fishing grounds, gathering sites for culturally important plants, and archaeological sites that tell the stories of

Indigenous ancestors. In this endeavor, NOAA's role is crucial. By establishing clear terms of designation and implementing regulations to support conservation efforts, NOAA demonstrates its commitment to responsible stewardship of our marine resources, for which we are deeply grateful.

As a concerned citizen and advocate for marine conservation, I urge NOAA to prioritize the following considerations in the final designation and management of Papahānaumokuākea National Marine Sanctuary. It is imperative that the sanctuary includes Native Hawaiian representation, as this will significantly enhance and ensure the long-term preservation of this culturally significant Wahi Kapu (sacred place). The proposed sanctuary aims to establish supplementary regulations that would reinforce the current boundaries of the Marine Monument and enhance the protection of its resources. I am also in support that these regulations would include adding additional permit categories regarding Native Hawaiian Practices within the proposed sanctuary and limiting recreational activities to the Midway Atoll Special Management Area.

To ensure the adequate protection of environmental and cultural resources in Papahānaumokuākea, it is essential to incorporate ancestral knowledge and ways of knowing into stewardship practices. Winter, K.B. et al. (2021) emphasize the importance of a community-driven collaborative management approach that empowers Indigenous peoples and local communities (IPLCs) to govern themselves. This approach aligns with Indigenous values and conservation strategies and involves working together with government agencies, non-government organizations (NGOs), and IPLCs. International policy recognizes the value of Indigenous Community Conserved Areas (ICCAs) and Community-based Conserved Areas, which empower IPLCs and support sustainability goals. For a more comprehensive representation of Native Hawaiian interests in the management and decision-making processes, it is strongly recommended that the Office of Hawaiian Affairs be appointed as a co-trustee of the monument. This collaborative partnership will not only foster mutual respect, trust, and cooperation between NOAA and Native Hawaiian communities but also ensure that cultural values and traditions are not just respected but fully integrated into conservation efforts. The active involvement of Native Hawaiians in sanctuary management and decision-making that affects it is not just beneficial but crucial for the success of these efforts. I respectfully urge you to give these factors the utmost consideration when making your final decision.

In conclusion, I fully Support the proposed designation of Papahānaumokuākea National Marine Sanctuary and applaud NOAA for its dedication to protecting our oceans. It is imperative that we uphold the time-honored knowledge and practices of the Native Hawaiian community. To honor their heritage and ensure the longevity of marine ecosystems, I urge the National Oceanic and Atmospheric Administration (NOAA) to collaborate with the Native Hawaiians and support their local-level management initiatives. By empowering them to make informed decisions tailored to their unique needs and perspectives, we can promote their well-being and sustainable development. By developing effective and culturally appropriate management strategies, we can not only benefit the environment but also support the self-determination of the Native Hawaiian community. Organizations and individuals can play their part by offering financial support, comments, and recommendations to ensure that the Native Hawaiian community has the resources and knowledge they need to make the best decisions for themselves and their

community. We must take proactive measures to preserve and manage the unique ecological and cultural significance of the Northwest Hawaiian Islands and the surrounding Pacific Ocean waters for the present and future generations.

Thank you for considering my comments on this matter.

Ke aloha nui,

Ashley K. Wong

Rick Gaffney, President
73-1062 Ahikawa Street
Kailua Kona, HI 96740
808 960-6767

May 5, 2024

Aloha,

The members of the non-profit Hawaii Fishing & Boating Association would like to add our enthusiastic support the designation of Papahānaumokuākea as a National Marine Sanctuary.

We support Alternative 1, which would designate boundaries that mirror the marine portions of the existing Papahānaumokuākea National Marine Monument. We believe that the preferred alternative acknowledges the opinions and desires of the many individuals and organizations who showed their strong support for further protections, during the Monument expansion effort.

We concur with the preponderance of international scientific opinion that we must protect at least 30% of our oceans to assure their health and resilience, and we believe that the additional protections provided to Papahānaumokuākea, by becoming a National Marine Sanctuary, will contribute substantially to that 30% goal.

It appears to us that Sanctuary designation is likely to result in additional public and non-profit funding for Papahānaumokuākea, which would likely support a more consistent budget for operations, research, citizen science, education, and emergency response.

The proposed rule and its associated Draft EIS establish an important additional layer of regulations, over the existing boundaries of the current Marine National Monument, that would also maintain and enhance existing protections.

The National Marine Sanctuary Act provides more concise regulations and guidance regarding civil penalties for permit and regulatory violations than what is available under the Monument Proclamations alone, and imposes liability provisions for damage to sanctuary resources.

We do not support the Wespac proposal to allow fishing in Papahānaumokuākea as that would likely prove detrimental to its fragile resources, its ecosystem, and to the fishing communities of Hawaii. That fishing proposal only seeks to benefit a very select few. We therefore oppose sale, barter, or trade, and the cost recovery provisions proposed by Wespac.

Because fishing rules are being developed under a separate process not aligned with Sanctuary designation, NOAA should ensure it has protective regulations consistent with the Monument Proclamations. This process should include development of an EIS.

In 2010 UNESCO uniquely recognized and inscribed Papahānaumokuākea as a World Heritage Site, for its unique biological, cultural and historic attributes and significance. The Northwest Hawaiian Islands have been similarly respected and protected by six Presidents from both political parties.

The local, national and international communities have supported maximal protection of Papahānaumokuākea since President Theodore Roosevelt created the Hawaiian Islands Bird Reservation in 1909. The creation of a National Marine Sanctuary overlay of Papahānaumokuākea is the appropriate next step to assure continued protection of this very special place.

Mahalo.

Rick Gaffney,
President

Aloha,

I am sharing today that Hui o Kuapā 501c3 fully supports the designation of Papahanaumokuakea as a National Marine Sanctuary.

Education is the kua or backbone of the Hui o Kuapā mission. Hui o Kuapā educates the local and global community about Native Hawaiian resource management and innovations through hands-on experience in the fishponds or loko i'a as well as through advocacy of native rights and issues. The organization has been instrumental in raising awareness about the need to care for our planet and food security in rural communities. It proudly continues to carry out that mission today.

- Specifically, we are in support of Alternative 1 - the preferred alternative - which would designate boundaries that are co-extensive with the marine portions of the Papahānaumokuākea National Marine Monument.

- The preferred alternative acknowledges the deep discussions, thoughts, and opinions expressed by hundreds and thousands of people who came forward during the Monument expansion effort. It rightfully does not expand the area's specific boundaries any further than what is currently in place.

- The proposed rule and Draft EIS also establish an additional layer of regulations over the existing boundaries of the current Marine Monument that would maintain and enhance existing protections.

- The proposed management plan appropriately incorporates Mai Ka Pō Mai, which was informed and created by the Native Hawaiian community, and the vision of how Papahānaumokuākea should be cared for now and in perpetuity.

- Papahānaumokuākea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian

cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.

- A sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President.

- A sanctuary can also attract additional public and non-profit funding, which could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for operations, research, citizen science, education, and emergency response.

- The National Marine Sanctuary Act provides clearer regulations and guidance for enacting civil penalties for permit and regulatory violations than what is currently available with the Monument Proclamation alone and imposes liability for damage to sanctuary resources.

- Regarding industrial fishing, Wespac's proposal to have large-scale fish extraction in Papahanaumokuakea is not beneficial to the resource or to the communities of Hawaii and the greater Pacific and only seeks to benefit a select few. We oppose any sale, barter, or trade of this large-scale extraction and the cost recovery proposed by Wespac for these trips.

- Because the fishing rules are being developed under a separate process not aligned with Sanctuary designation, NOAA should ensure it has protective regulations consistent with the Monument Proclamations. This process should include an EIS, with a public comment period.

- With only 3% of the global ocean fully protected, we must support additional protections for Papahānaumokuākea that will help to mitigate against possible negative impacts from changes in political administrations.

Mahalo,
Hui o Kuapā Chair - Guy Hanohano Naehu

OFFICERS

Wayne Sentman
Dedham, MA
President

Helen Dunlap
Chicago, IL
Vice President

Jon D'Alessio
San Anselmo, CA
Treasurer

Ann Bell
Maryville, TN
Communications

Jennifer Barrett
Honolulu, HI
Secretary

DIRECTORS

Heidi Auman
Australia

Barry Christenson
Fort Ripley, MN
Emeritus Member

Scott Edwards
Cambridge, MA

Bill Levin
Minneapolis, MN

Chris Marvin
Honolulu, HI

Alyssa Miller
Honolulu, HI

Shantha Thangiah
Poughkeepsie, NY

Pamela Repp
Laingsburg, MI

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

Re: NOAA–NOS–2021–0114

5 May 2024:

The Friends of Midway Atoll National Wildlife Refuge (FOMA) has reviewed the Proposed Papahānaumokuākea National Marine Sanctuary Draft Environmental Impact Statement (EIS) dated March 2024. Overall, FOMA is supportive of the designation of a Papahānaumokuākea National Marine Sanctuary (sanctuary) with the caveats listed below. FOMA provides the following comments and recommendations to be considered in preparing a Final EIS, selecting the final alternative, and developing interagency processes to implement permitting procedures for a new sanctuary, if the new sanctuary overlays Midway Atoll National Wildlife Refuge and Battle of Midway National Memorial (NWR/refuge).

FOMA is a not-for-profit organization established in 1999 to support Midway Atoll NWR in its efforts to preserve, protect and restore the biological diversity and historic and cultural resources of Midway Atoll, while providing opportunity for wildlife-dependent recreation, education, cultural experiences, and scientific research. FOMA plays a pivotal role in the conservation and restoration of Midway's natural and historic and cultural resources through financial and volunteer support; dynamic outreach and education; effective advocacy to support refuge programs; assistance developing an inspirational visitor program; and productive collaboration with diverse partners. All board members have a personal or professional relationship with Midway Atoll NWR and, therefore, bring a wealth of knowledge and well-rounded experiences to their advocacy for the refuge, memorial and monument.

General Comments

1. When referring to the Battle of Midway in the Final EIS, it should be clear that the battles occurred both at Midway Atoll as well as at sea.

2. The Draft EIS makes reference to the unique role Midway Atoll NWR plays as the "window to the Monument". In addition to Midway Atoll NWR providing an emergency airfield for transpacific flights, it also plays a critical role in supporting search and rescue operations and emergency maritime medical evacuations conducted by the USCG, and provides a base of operations, access

to, and a safe harbor for researchers and other agency/partner personnel conducting activities in the Papahānaumokuākea Marine National Monument (Monument). Midway Atoll NWR is also the only place in the Monument and proposed sanctuary that can support *in situ* environmental education, and historical and wildlife-dependent recreational uses of the refuge.

Recommendations: The Final EIS should strengthen the description of what is meant by the "window to the Monument" and how Midway Atoll NWR provides critical support to other agencies and partners in the Monument, including but not limited to USGS; DoD; US Navy; USCG; seabird, marine mammal and invasive species researchers; State of Hawaii; NOAA (Tides and Charts and others); marine debris cruises; etc. The Final EIS should clearly state how those operations might be affected if a sanctuary is designated under each alternative. Midway Atoll NWR provides a harbor, airfield, and other infrastructure that make it a lifeline as much as a "window" to the Monument. The Final EIS should articulate the ways in which Midway Atoll NWR would enhance and support management of the proposed sanctuary.

The 2021 Midway Atoll Comprehensive Master Plan (Master Plan), as described briefly in the Cumulative Effects section of the Draft EIS, describes the actions needed to maintain current and proposed future uses of Midway Atoll NWR. These infrastructure improvements are necessary to support FWS operations, and to maintain an emergency airfield and harbor that are used by the FWS and other agencies and partners, as well as the public. FOMA supports implementation of the 2021 Midway Atoll Comprehensive Master Plan and believes maintenance and reconstruction of critical infrastructure such as the seawall, harbor, housing, administrative buildings, and other infrastructure is essential to the continued accessibility of Midway Atoll as an emergency airfield and "window" to the Monument and proposed sanctuary.

The cumulative effects analysis should therefore describe how implementation of the Master Plan would support sanctuary access, scientific research, environmental education, public appreciation of sanctuary resources, human safety, and partner agency operations.

Specific Comments

1. The 2020 Consolidated Appropriations Act directed NOAA to initiate the sanctuary designation process to "supplement and complement, rather than supplant, existing authorities." This is stated throughout the Draft EIS but there is no clear description of how this will be implemented. Therefore, the description for each alternative in the Final EIS should include a thorough articulation of what is meant by the collaborative management process, including each agencies' authorities and a dispute resolution process.

   Recommendation: The Final EIS should clearly articulate how interagency management of a sanctuary would be achieved including agency authorities, which authorities take precedence in

Friends of Midway Atoll National Wildlife Refuge
Battle of Midway National Memorial
17 Katrina Lane, San Anselmo, CA 94960
www.friendsofmidway.org

distinct areas of the proposed sanctuary (e.g., areas managed by FWS), governance processes, and a dispute resolution process. The Draft EIS states:

a. Page 24: Through sanctuary designation, NOAA is proposing to supplement and complement existing management of the Monument, and would manage the sanctuary in close collaboration with Monument co-trustees.

   The Final EIS should describe how this will be accomplished and the process should receive concurrence from partner agencies.

b. Page 24: NOAA and the State of Hawai'i *would co-manage the sanctuary* [emphasis added]. NOAA may develop a Memorandum of Agreement with the State to provide greater details of co-management.

   This statement in the Draft EIS seems contrary to the statement that the sanctuary would complement existing management of the Monument given that existing management includes more parties than just NOAA and the State of Hawaii. It also implies that NOAA and the State of Hawaii would have precedence over FWS management of refuge waters overlaid by the proposed sanctuary. Since the preferred alternative is a sanctuary that is coexistent with the Monument, this statement implies NOAA and the State will have ultimate management authority over the sanctuary, which would be contrary to the spirit and letter of Presidential Proclamations described in the Draft EIS.

   FOMA does not support NOAA and the State of Hawaii superseding FWS authorities in refuge waters. The Final EIS should clarify agency roles, responsibilities and authorities, as well as include a governance document that codifies these relationships and provides clear alignment with all existing proclamations and authorities.

c. Page 27: The proposed sanctuary includes a permitting system *modeled after* the existing Monument permitting system. The proposed permitting system would not supplant the joint permitting system for the Monument, and *was developed to ensure a continued joint permitting system* administered by Monument co-managers.

The Final EIS should clearly describe the proposed sanctuary permitting system and how it relates to the current Monument permitting system. FOMA further recommends these permitting systems be streamlined to reduce redundant reviews under various regulations and authorities. Streamlined could mean amending the current Monument process to cover actions in the sanctuary that are not already covered by the Monument process or developing a stand-alone sanctuary process for actions not covered by the Monument process. This would reduce another layer of review/permitting for actions in the refuge/Monument/sanctuary and coordinate all agencies reviews at one time rather than

Friends of Midway Atoll National Wildlife Refuge
Battle of Midway National Memorial
17 Katrina Lane, San Anselmo, CA 94960
www.friendsofmidway.org

under a two-permit system. Providing a programmatic review/permit for certain actions, such as routine actions (e.g., accessing Eastern Island via a vessel for conservation work), annual work plans, and conducting activities following Best Management Practices would benefit the proposing agency and reduce agency review timelines. Including a joint programmatic review for such authorities as essential fish habitat, endangered species, marine mammals, and coral conservation would further streamline the review and permitting of actions in the Monument and proposed sanctuary.

In clarifying these implementation and regulatory processes in the Final EIS, FOMA recommends a formal action such as a Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU) be developed and signed by the Secretaries of Interior and Commerce or their designees. Further, FOMA recommends a 3rd party neutral facilitator be selected to oversee implementation of the MOU/MOA. The MOA/MOU should be reviewed and updated, as needed, every 5 years.

FOMA recommends that only one permitting system should apply to the Monument and sanctuary, if a sanctuary is designated. FOMA further recommends that the existing Monument permitting process be amended to incorporate sanctuary specific needs, as required.

Further, proposed annual projects/activities at Midway Atoll NWR should receive an expedited and streamlined or programmatic review to ensure timely and coordinated responses by multiple agencies/authorities.

2. Alternative 1 - In 2016, Presidential Proclamation 9478 called for the Secretary of Commerce to consider initiating the process to designate the Monument Expansion Area and the Monument *seaward* of the Hawaiian Islands and Midway Atoll National Wildlife Refuges (which include marine waters) as a national marine sanctuary. In addition, Presidential Proclamation 8031 states "[t]he Secretary of the Interior, through the Fish and Wildlife Service (FWS), will have *sole* responsibility for management of 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."

Recommendation: Given the above Presidential Proclamations, the Final EIS should describe how the overlay of the proposed sanctuary on Midway Atoll NWR in Alternative 1 would be consistent with these proclamations.

3. Alternative 3 - Executive Summary page xiii states "Alternative 3 excludes vulnerable, shallow reef waters, where impacts from land-based legacy pollutants, relatively higher

Friends of Midway Atoll National Wildlife Refuge
Battle of Midway National Memorial
17 Katrina Lane, San Anselmo, CA 94960
www.friendsofmidway.org

human presence, and potential vessel groundings, marine debris, and invasive species introduction pose a threat." On page 117 of the Draft EIS, it is stated "Under Alternative 3, the waters with the greatest need for comprehensive protection would not be included within the boundary area, and therefore would obtain fewer beneficial impacts than waters of the surrounding ecosystem within the boundary area."

Recommendation: The Final EIS should document the means and mechanisms by which the "land-based legacy pollutants" are currently threatening marine resources given the remediation that has occurred under the Comprehensive Response, Compensation, and Liability Act (CERCLA) over the past several decades. The Final EIS should state that the U.S. Navy is responsible for monitoring and maintaining Land Use Control Areas (the Draft EIS describes these as landfills) on Midway Atoll that are in place in certain areas where legacy contaminants remain below soil caps after remediation to CERCLA standards to be protective of human health and the environment.

It is FOMA's understanding that existing refuge regulations and policies, Monument permitting processes and other regulatory authorities (e.g., Clean Water Act, CERCLA, Oil Pollution Act, Marine Mammal Protection Act, and Endangered Species Act) address many of the threats described above at Midway Atoll NWR. Thus, the Final EIS should clearly describe how Alternative 1, as compared to Alternative 3, would provide enhanced protection of the marine waters of the Midway Atoll NWR from each of the threats described in the Draft EIS, including how such protection would be provided above and beyond that provided by existing laws, policies and regulations.

FOMA recognizes the most important benefit to sanctuary designation under Alternative 1 to Midway Atoll NWR would be the authority to seek damages and penalties for physical injuries to sanctuary resources in the marine waters of Midway Atoll NWR.

4. Sanctuary General Permits page xvi states: Three categories of national marine sanctuary general permits, Research, Education, and Management, would apply to the proposed sanctuary. NOAA is proposing to add two additional permit categories to 15 CFR 922.30, Native Hawaiian Practices and Recreation, to be consistent with the types of activities permitted for the Monument under regulations at 50 CFR part 404. The general regulations in 15 CFR 922, subpart D relating to the permit application process, review procedures, amendments, and other permitting stipulations would apply. These national permitting regulations include a list of factors NOAA considers in deciding whether or not to issue the permit, such as whether the activity must be conducted within the sanctuary, and whether the activity will be compatible with the primary objective of protection of sanctuary resources and qualities. NOAA would be able to impose specific terms and conditions through a permit as appropriate.

Friends of Midway Atoll National Wildlife Refuge
Battle of Midway National Memorial
17 Katrina Lane, San Anselmo, CA 94960
www.friendsofmidway.org

Recommendation: The Final EIS should clarify how these permits would be reviewed, approved and conditioned as the above language implies NOAA would have sole authority to review, condition, and approve these permits throughout the sanctuary. NOAA having such sole authority would be contrary to the collaborative management process described elsewhere in the Draft EIS and, in some cases, may be contrary to the provision in Presidential Proclamation 8031 that gives the Secretary of the Interior, acting through the FWS, sole authority over management of the areas of the existing Monument that overlay the Midway Atoll NWR, in consultation with the Secretary of Commerce. Furthermore, the FWS has an existing process to review and issue special use permits and to evaluate and regulate uses of the refuge for research, education, management, and recreation. Alternative 1 should explicitly acknowledge that the FWS maintains sole authority for certain decisions in the refuges. A MOU or similar document could be established among the FWS, NOAA, and State of Hawaii to clarify permit requirements in the areas managed by FWS in order to avoid imposing duplicative regulatory processes and to ensure consistency with the 2020 Consolidated Appropriations Act and Presidential Proclamation 8031. Such a document should also include provisions for dispute resolution and emergency situations when actions are necessary to protect human health and safety on Midway Atoll.

5. Contaminants - Page 37: The Draft EIS states there is ongoing environmental remediation (NOAA ONMS, 2020) at Midway Atoll.

Recommendation: The Final EIS should include a statement that the U.S. Navy has ongoing responsibilities to monitor and respond to any degradation of Land Use Control areas that have been previously remediated to CERCLA standards. The Final EIS should clarify what is meant by "ongoing environmental remediation."

6. "Recreation" - Page 80 emphasizes "bringing the place to the people." Page 83 states "Access for general visitation purposes was previously successfully allowed at Midway Atoll National Wildlife Refuge. However, due to recent reductions in refuge staff and operational capacity, historical and eco-tour access is currently not offered." The Draft EIS mentions the 2021 Midway Atoll Comprehensive Master Plan but does not mention the fact that this plan proposes future visitation to Midway Atoll NWR.

Recommendation: FOMA recommends describing the previous visitation to Midway Atoll as a robust program that included cultural education, college field courses, WWII veteran groups and wildlife-dependent recreation. Proposed future public visitation, as described in the 2021 Midway Atoll Comprehensive Master Plan, was not evaluated in the cumulative effects section of the Draft EIS and should be included in the cumulative effects assessment in the Final EIS. FOMA supports future visitation at Midway Atoll NWR which would include access for community leaders, cultural practitioners, environmental education, research, historical

Friends of Midway Atoll National Wildlife Refuge
Battle of Midway National Memorial
17 Katrina Lane, San Anselmo, CA 94960
www.friendsofmidway.org

interests and wildlife-dependent recreation. If designation of a sanctuary would preclude or restrict future visitation to Midway Atoll NWR, FOMA would not support designation of a sanctuary that overlays Midway Atoll NWR.

In addition, the Draft EIS states that fee-for-service recreation would not be allowed in the sanctuary. Midway Atoll NWR has authority to charge fees for services including public visitation [50 CFR Part 25 Subpart E; Refuge Rules and Policies at https://www.fws.gov/refuge/midway-atoll/visit-us/rules-policies]. Charging fees for services is necessary for the FWS to be able to afford to host visitors, including for any future public visitation that would access the proposed sanctuary. The Final EIS should recognize this authority of the FWS and clarify how future visitation to the marine waters of Midway Atoll NWR would be permitted under a sanctuary designation. FOMA supports future visitors being able to experience the refuge, Monument and sanctuary through water-dependent activities including but not limited to snorkeling and boat travel among islands.

7. Page 98: Under all of the alternatives, NMSA section 304(d) would require consultation for any federal agency action that is likely to destroy, cause the loss of, or injure any sanctuary resource.

Recommendation: The Final EIS should describe how this consultation process would occur for the FWS when managing the refuges and memorial in the Monument/sanctuary and whether such a process would be in addition to the existing Monument process. In addition, the Final EIS should describe what the elevation or dispute resolution process would be if a permit is denied by NOAA or the action agency believes that certain permit conditions imposed by NOAA are unacceptable or impossible to achieve.

In conclusion, FOMA is supportive of the designation of a Papahānaumokuākea National Marine Sanctuary. If Alternative 1 is selected, a clear process for collaborative management of the sanctuary that is supported by all partners is imperative and the ability for Midway Atoll NWR to host visitors should not be diminished. If this cannot be achieved, FOMA supports Alternative 3. FOMA does not support the No Action Alternative or Alternative 2 as the benefits of sanctuary designation would not be realized.

Respectfully submitted,

Wayne Sentman
President
Friends of Midway Atoll National Wildlife Refuge

Friends of Midway Atoll National Wildlife Refuge
Battle of Midway National Memorial
17 Katrina Lane, San Anselmo, CA 94960
www.friendsofmidway.org

May 5, 2024

Cindy Freitas
P.O. 4650
Kailua Kona HI 96745
makainanqi@gmail.com

U.S. Department of Commerce
Gina Raimondo

Secretary National Oceanic and Atmospheric Adm.
Richard W. Spinrad, Ph.D.

Under Secretary of Commerce for Oceans and Atmosphere and NOAA
Adm. National Ocean Service
Nicole LeBoeuf

Assistant Administrator Office of National Marine Sanctuaries
John Armor, Director

VIA eamil
https://atlrptaeis.commentinput.com/?id=AZ5WkUQaC

RE: Commit Period due May 7, 2024 for **"PROPOSED PAPAHANAUMOKUAKEA NATIONAL MARINE SANCTUARY DRAFT ENVIRONMENTAL IMPACT STATEMENT"**

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.
I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I'm in OPPOSITION in Part for Proposed Papahanaumokuakea National Marine Sanctuary Draft Environmental Impact Statement for the following reasons:

From Beginning
The history of PAPAHANAUMOKUAKEA is stated in the Kumulipo. How Po and Ao was created with a male and a female. Also came marine life, marine flora, ect…

Hawaiian Traditional Cultural was the inhabitants/Indigenous of Hawaii.

Native Hawaiians regard the Monument's atolls, islands, and waters as sacred places from which all life springs and ancestral spirits return after death. The Native Hawaiian belief systems regarding this genealogical relationship inform a set of responsibilities, rights, and privileges that Hawaiian people inherited to honor and protect their ancestors. The Kumulipo describes the Hawaiian universe as comprising two realms, Pō and Ao. Ke ala polohiwa a Kāne (the dark shining path of Kāne), also known as the Tropic of Cancer, is considered the border between Pō and Ao. The island of Mokamanamana is located on this boundary and is the center of convergence between the two realms; the island sits near the entrance of Papahānaumokuākea Marine National Monument, as only the second island in the northwestern part of the chain. The Monument's name commemorates the union of Papahānaumoku and Wākea, the divine parents of the island chain, the taro plant, and the Hawaiian people. Some islands have several names: one or more Hawaiian names that highlight a natural feature such as an abundance of sharks or a sacred quality ascribed to the place in traditional teachings, and an English name that often commemorates a historic shipwreck nearby.

Indigenous peoples have the right to their own cultural identity and integrity and to their cultural heritage, whether tangible or intangible, including historic and ancestral heritage; and to the protection, preservation, maintenance, and development of that cultural heritage for their collective continuity.

Papahānaumokuākea is a sacred place with deep cosmological significance to Native Hawaiians who have a genealogical relationship to all living things in the Hawaiian archipelago.

Religion

A Sanctuary status would not only protect the incredible biodiversity listed in the EIS, but would also preserve the incredible cultural and genealogical ties that Native Hawaiians have with this sacred space.

I believe that living in the right relationship with Akua creation means advocating for the best protections possible for each of Akua creatures. I also acknowledge that my ancestor's have been caring for this land for centuries longer than us. As such, I turn to my ancestor's for guidance and knowledge in caring for Papahānaumokuākea Marine National Monument.

It is critical that sanctuary designation strengthen and enhance the protection of Papahānaumokuākea, as designated under the Antiquities Act and the Presidential Proclamations. Those efforts need to include integrating traditional Hawaiian knowledge systems, values, and practices into management.

Creators of the sea

Within Papahānaumokuākea Marine National Monument." As home to more than 7,000 species, a quarter of which are endemic, Papahānaumokuākea safeguards key ecosystems and provides protection for organisms ranging from microscopic organisms to large marine mammals. Among these are rare species such as threatened green turtles, endangered Hawaiian monk seals, and false killer whales, as well as 14 million seabirds representing 22 species. We support a sanctuary designation provided it allows for highly or fully protected areas. Furthermore, we support designating marine portions of Papahānaumokuākea Marine National Monument as a national marine sanctuary

I Oppose in Part all list below

Impacts

Potential impacts from use of multibeam, split beam, bottom profile, and other sonar techniques in Chapter 4: Affected Environment

Exploration of deep habitats is conducted using various sonar techniques, remotely-operated and autonomous vehicles, and the placement of instruments on the seafloor. (*See* Chapter 4: Affected Environment)

Researchers customarily divide marine mammals into five hearing groups based on their range of best underwater hearing. (Ketten, 1998): Low-frequency baleen whales like blue whales (7Hz to 35kHz); Mid-frequency toothed whales like most dolphins and sperm whales (150Hz to 160kHz); High-frequency toothed whales like some dolphins and porpoises (275Hz to 160kHz); seals (50Hz to 86kHz); fur seals and sea lions (60Hz to 39kHz).[32]

Mid-frequency sonar can emit continuous sound well above 235 decibels, an intensity roughly comparable to a Saturn V rocket at blastoff. Marine mammals have extraordinarily sensitive hearing, and there is no scientific dispute that intense sonar blasts can disturb, injure, and even kill them.

Low-frequency active sonar system (LFA)

At lower intensities, sonar can interfere with the ability of marine mammals to navigate, avoid predators, find food, care for their young, and, ultimately, to survive.

Trustees

I oppose the Trustee who is part of this

The National Oceanic and Atmospheric Administration (NOAA) is a science-based federal agency within the Department of Commerce with regulator, operational, and information service responsibilities with a presence in every state and our territories.

NOAA Corps is a uniformed service whose officers carry out a variety of navigational and scientific functions and whose members are covered by a MILITARY-like compensation system.
(*See* *NOAA CORPS DIRECTIVES APPENDIX 14.1 DEPARTMENT ...)*

This is military base due to various sonar techniques that they will be using.
(*See* 4.2.6 Permitted Activities Summary and Appendix C in the DEIS)

Our ancestors care for this 'aumakua's with the cultural practices and now to bare witness that the creatures of the see will be slaughtered.
(Meaning of "AUMAKUA" "ancestor gods" and is derived from the Hawaiian words au which means period of time, and makua meaning parent or ancestor)

CO-Trustee's

Office of Hawaiian Affairs;

In 1978, a State of Hawai'i Constitutional Convention created OHA to address historical injustices and challenges arising out of those circumstances. The convention delegates envisioned an agency and provides a form of self-determination for Native Hawaiians and advocate for their overall well-being.

The Apology Resolution and related state legislation, give rise to the State's fiduciary duty to preserve the corpus of the public lands trust, specifically, the ceded lands, until such time as the unrelinquished claims of the native Hawaiians have been resolved. This did not happen and OHA should be working with the rightful hold as well as the stake holder of the land which is the DESCENDED of the NATIVE INHABITANTS of Hawai'i prior to 1778.

See (a)...*MacKenzie, Melody Kapilialoha (2015). "Public Land Trust".Native Hawaiian Law: A Treatise. Honolulu, Hawaii: Kamehameha Publishing. pp.79–146.ISBN 9780873363426.*

(b)...Ching v. Case, 449 P.3d 1146 (2019),
https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf
OHA does not have the right to speak on my behalf or any of my OHANA with out our CONSENT.

Therefore the TRUE STAKE HOLDER and RIGHTFUL HOLDERS should be on the TABLE discussing the issues of MILITARY. In all due respect to NOAA and Department of Commerce.

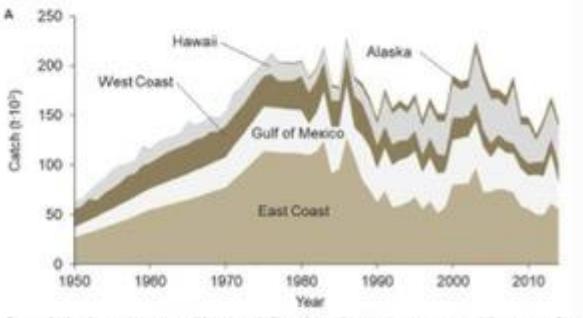
Mahalo,

/s/
Cindy Freitas

To the Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC),

I am a long-time resident of O'ahu and an environmentalist who would like to offer my **SUPPORT to designate the marine areas of Papahānaumokuākea as a National Marine Sanctuary**. My background in Biology and Public Health have led me to trust that NOAA's Alternative 1 will be in the best interest of the health and balance of the people and animals who rely on this culturally- and historically- significant ecosystem. I would like to also express **support for the addition of regulated, non-commercial fishing exemptions** with the hope that this could allow a form of income that is fed back into funding the conservation of the sanctuary. I am aware that the American Sportfishing Association has advocated for the consideration of the wider Papahānaumokuākea National Monument to be made available for their recreational use, but I feel that the NOAA's decision to limit exemption to only the Outer-Sanctuary Zone (OSZ) will be wise at this time due to the possible negative ecosystem impacts that sportfishing and other non-commercial fishing could have.

Sportfishing and other recreational charter fishing businesses are already largely successful in Hawai'i, even with the current regulations in place. An economic study found that this fishery generated close to $50 million in gross sales and supported nearly 900 jobs statewide in 2011 (Rollins & Lovell, 2019). A 2020 study from Frontiers in Marine Science showed that recreational catches (not including released catches) around Hawai'i have increased considerably since the early 1990s, and now exceed all other areas other than the East Coast (Figure 1) (Freire et al., 2020). Additionally, since the expansion of Papahānaumokuākea in 2016, a study has shown that the catch rate in nearby waters of yellowfin tuna has increased by 54%, bigeye tuna (also known as 'ahi) increased by 12%, and catch rates for all fish species combined increased by 8% (Medoff et al., 2022). Based on this data, I do not feel that this industry requires access to the entirety of the monument to continue to be economically successful.



A 2019 study from Frontiers in Marine Science demonstrated that climate change and fishing are two of the greatest anthropogenic stressors on marine ecosystems (Woodworth-Jefcoats et al., 2019). They found that when fishing and climate change are

examined individually, fishing is actually the greater stressor. Although this study focuses on the effects of commercial long-line fishing, the potential impacts of recreational fishing must not be overlooked - especially given that there are more recreational fishers than commercial fishers in Hawai'i. A 2011 survey from The U.S. Fish & Wildlife Service estimated about 157,000 people over the age of 16 fished recreationally in Hawai'i in that year. This far outnumbered the roughly 3,800 licensed commercial fishers in Hawai'i that same year. While the primary motivation for recreational fishing differs from commercial fishing (leisure vs profit), the areas that recreational fishers are permitted may increase the possibility that rare species' populations are disrupted (Shiffman et al., 2014). Often, recreational fishers will focus on targeting the largest individuals of a population, which can in turn have a negative effect on the size structure of some stocks, especially if the species is a threatened species (Shiffman et al., 2014). Larger individuals of a species are likely to have some of the most potential to reproduce so their removal has disproportionate impacts on a given population. There are currently 23 identified endangered species found within the Papahānaumokuākea National Monument as well as hundreds of endemic species that may be particularly vulnerable to the pressures of recreational fishing. I would request the agencies to develop methods or policies that could prevent recreational fishers from aiming only for "trophy" catches. Simple changes such as advising fishers not to measure or take pictures of their catches within the OSZ could prevent people from competing for larger and larger catches. Besides preventing competition, policies like this could reduce post-release mortality.

An increased number of fisheries employ catch & release systems for recreational anglers with the assumption that a large proportion of released fish survive and experience limited fitness consequences (Wydoski, 1977). However, studies have shown that catch & release practices can unintentionally result in significant post-release mortality or reduced fitness of the fish due to fishing-related stressors such as hooking, handling, exhaustive physical exercise, and air exposure (Davis, 2002, Arlinghaus et al., 2007, Cooke and Schramm, 2007). According to a study on the best practices for catch-and-release recreational fisheries, "The fate of an angled fish upon release is

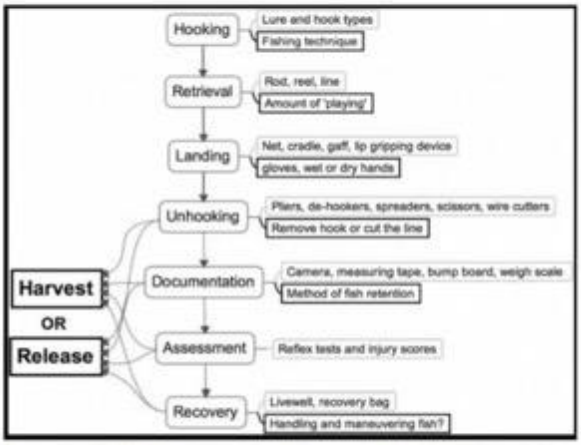


Figure 2: Conceptual diagram of potential stages of a recreational angling event (from Hooking to Recovery) including considerations (angler choices) on angling tools (grey boxes), and tactics (black boxes), ultimately resulting in either the harvest or release of the captured fish. Solid connectors represent obligatory steps; dotted lines indicate potential steps dependent on angler choices. (Brownscombe et al., 2017)

primarily determined by angler behavior (e.g., gear selection, handling time, admiration period) and therefore adopting certain angling practices can improve fish survival and reduce fitness consequences"(Brownscombe et al., 2017). They suggest that in order to reduce the chances of post-release mortality, we must provide these recreational fishers with a guide that outlines the best tools and methods for catch & release. Additionally, differing fish species will be able to handle differing amounts of stressors during catch & release, so creating guidelines on how to effectively handle differing fish species would be necessary. Figure 2 illustrates potential events during fishing that could pose adverse health risks for the captured fish and can serve as a prompt for where to develop specific practice guidelines. I request the agency to consider requiring anglers to attend a catch & release course in order to receive permits for non-commercial fishing exemptions in the OSZ.

Additionally, prior to allowing non-commercial fishing exemptions in the OSZ, I would urge the NOAA and Division of Aquatic Resources (DAR) to update the methods of data collection for recreational fishing. According to the DAR, "non-commercial fishing data has not been collected aside from occasional, short-term surveys." The Fishing Effort Survey (FES) is mailed to a random sample of households in two-month waves and primarily estimates the number of trips made by shoreline or private boat fishers. The Access Point Angler Intercept Survey (APAIS) is an interview-based survey conducted in-person at randomly-selected boat ramps, beaches, piers, and other accessible fishing sites and is used to estimate catch-rates (DAR, 2024). Occasional survey data objectively does not provide the kind of strong evidence we need to have regarding the frequency of recreational catches and other relevant information that could be used to improve fishing practices so that they pose the least threat to our environment. A possible route for bolstering the current survey methods could be the addition of a self-reporting mobile- and/or web-based application. Studies are beginning to show that self-reporting apps are able to provide data that is at least comparable to the traditional survey methods of recreational-fisheries (Johnston et al., 2022).

The economic and conservational benefits that result from a thriving non-commercial fishing industry are not lost on me. I appreciate the DAR's various sport fish restoration projects and would like for them to be as successful as possible in protecting the species and ecosystems they aim to protect. The conservation through participation model allows us to somewhat offset the possible negative impacts that non-commercial fishing can have while still allowing people to enjoy this important cultural and recreational activity. I believe it could be beneficial to collect small additional fees for those who wish to fish recreationally in the OSZ so that we can continue to fund the restoration programs and increase awareness of best practices for recreational fishing. I personally have enjoyed recreational fishing since I was a child and I would like for others to continue to be able to enjoy fishing as a pastime. My concerns are based primarily on the potential detriments that a loosely regulated and monitored recreational fishing industry can unfortunately have on an ecosystem.

In conclusion, I offer my full support of designating the marine areas of Papahānaumokuākea as a National Marine Sanctuary and find NOAA's Alternative 1 to be appropriate. I would like for non-commercial fishing exemptions to be allowed only in the OSZ, but ask that the agencies consider additional requirements such as participation in a catch & release course prior to receiving permits. Data collection methods for tracking recreational fishing activities should also ideally be updated prior to allowing recreational fishing within the OSZ - possibly through the development of a self-reporting application. In my opinion, dynamic regulations that promote research and education are our best options for preventing any long-term negative impacts that us humans could cause on this delicate ecosystem.

Thank you for your consideration of these requests,
Madison Young

References:

Arlinghaus, R., Cooke, S. J., Lyman, J., Policansky, D., Schwab, A., Suski, C., Sutton, S. G., & Thorstad, E. B. (2007). Understanding the complexity of catch-and-release in recreational fishing: An integrative synthesis of global knowledge from historical, ethical, social, and Biological Perspectives. *Reviews in Fisheries Science*, *15*(1–2), 75–167. https://doi.org/10.1080/10641260601149432

Brownscombe, J. W., Danylchuk, A. J., Chapman, J. M., Gutowsky, L. F. G., & Cooke, S. J. (2017). Best practices for catch-and-release recreational fisheries – angling tools and Tactics. *Fisheries Research*, *186*, 693–705. https://doi.org/10.1016/j.fishres.2016.04.018

Cooke, S. J., & Schramm, H. L. (2007). Catch-and-release science and its application to conservation and management of Recreational Fisheries. *Fisheries Management and Ecology*, *14*(2), 73–79. https://doi.org/10.1111/j.1365-2400.2007.00527.x

Davis, M. W. (2002). Key principles for understanding fish bycatch discard mortality. *Canadian Journal of Fisheries and Aquatic Sciences*, *59*(11), 1834–1843. https://doi.org/10.1139/f02-139

Freire, K. M., Belhabib, D., Espedido, J. C., Hood, L., Kleisner, K. M., Lam, V. W., Machado, M. L., Mendonça, J. T., Meeuwig, J. J., Moro, P. S., Motta, F. S., Palomares, M.-L. D., Smith, N., Teh, L., Zeller, D., Zylich, K., & Pauly, D. (2020). Estimating global catches of marine recreational fisheries. *Frontiers in Marine Science*, *7*. https://doi.org/10.3389/fmars.2020.00012

Hawai'i Marine Recreational Fishing Survey (HMRFS). Division of Aquatic Resources. (2021, March 19). https://dlnr.hawaii.gov/dar/fishing/hmrfs/

Johnston, F. D., Simmons, S., Poorten, B. van, & Venturelli, P. (2022). Comparative analyses with conventional surveys reveal the potential for an angler app to contribute to recreational fisheries monitoring. *Canadian Journal of Fisheries and Aquatic Sciences*, *79*(1), 31–46. https://doi.org/10.1139/cjfas-2021-0026

Medoff, S., Lynham, J., & Raynor, J. (2022). Spillover benefits from the world's largest fully protected MPA. *Science*, *378*(6617), 313–316. https://doi.org/10.1126/science.abn0098

Papahanaumokuakea Marine National monument. (2022, December 5). https://www.papahanaumokuakea.gov/wheritage/refuge.html

Rollins, E., & Lovell, S. (2019). Charter fishing in Hawaii: A multi-region analysis of the economic linkages and contributions within and outside Hawaii. *Marine Policy*, *100*, 277–287. https://doi.org/10.1016/j.marpol.2018.11.032

Sport fish restoration projects. Division of Aquatic Resources. (2018, February 26). https://dlnr.hawaii.gov/dar/sport-fish-restoration-projects/

Woodworth-Jefcoats, P. A., Blanchard, J. L., & Drazen, J. C. (2019). Relative impacts of simultaneous stressors on a pelagic marine ecosystem. *Frontiers in Marine Science*, *6*. https://doi.org/10.3389/fmars.2019.00383

Wydoski, R. S., Wedemeyer, G. A., & Nelson, N. C. (1976). Physiological response to hooking stress in hatchery and wild rainbow trout (Salmo gairdneri). *Transactions of the American Fisheries Society*, *105*(5), 601–606. https://doi.org/10.1577/1548-8659(1976)105<601:prthsi>2.0.co;2

Pew

May 06, 2024

Mr. Eric Roberts, Superintendent
Papahānaumokuākea Marine National Monument
NOAA/ONMS
1845 Wasp Blvd., Bldg. 176
Honolulu, HI 96818
Re: PMNM-Sanctuary Designation, Docket NOAA-NOS-2021-0114

Dear Superintendent Roberts,

On behalf of the Pew Charitable Trusts, I write to express our strong support for the designation of the proposed Papahānaumokuākea National Marine Sanctuary and in response to National Oceanic and Atmospheric Administration's (NOAA) request for public comment.

We commend the Administration for advancing the Sanctuary designation process, continuing the decades long pursuit of the strongest protections possible for these unique, biodiverse, and culturally significant waters. Through the executive orders of Presidents William J. Clinton, George W. Bush, and Barack H. Obama, we have seen the protections for this special place advance, making Papahānaumokuākea a pioneer and global leader in large scale ocean conservation. Now, with the proposed Papahānaumokuākea National Marine Sanctuary, we have an opportunity to build on this conservation legacy with enhancements to strengthen regulations, fill governance gaps, and increase resources available for this iconic ocean ecosystem.

As the largest fully protected marine protected area (MPA) in the United States, and one of the largest in the world, Papahānaumokuākea Marine National Monument (PMNM) is a living classroom. It demonstrates to the world the benefits that MPAs bring to both nature and people. Its waters are home to a unique diversity of life including over 7,000 marine species- many of which are threatened, endangered, and endemic such as Hawaiian monk seals, green sea turtles, and Hawaiian gold corals. There is also a deep cosmological connection that Native Hawaiians share with Papahānaumokuākea. The name Papahānaumokuākea marries Papahānaumoku and Wākea, two Hawaiian ancestors who gave rise to the Hawaiian Archipelago, the taro plant, and the Hawaiian people. As the place where all life begins and where spirits return after death, Papahānaumokuākea is a sacred part of Native Hawaiian culture. In addition to safeguarding biodiversity and cultural heritage, there have also been proven economic benefits to the protection of these waters. One recent study found that the Monument increased the catch rate of yellowfin tuna by 54%, bigeye tuna (also known as ʻahi) by 12% and all other fish species combined by 8% in the waters adjacent to the Monument[1].

A Sanctuary designation would strengthen the durability of the existing Monument through additional protections, tools, and resources afforded under the National Marine Sanctuaries Act. **We strongly support Alternative 1 – the preferred alternative- for a National Marine Sanctuary with boundaries**

[1] Medoff, S., Lynham, J., & Raynor, J. (2022). Spillover benefits from the world's largest fully protected MPA. *Science*, *378*(6617), 313-316.

Pew

identical to the marine portions of PMNM. This boundary ensures the full extent of existing protections are enhanced, maximizing protections for cultural and natural resources, while also respecting the thoughtful stakeholder engagement process that defined the boundaries for the Monument.

We support the proposed rule which enhances enforcement and addresses governance discrepancies and gaps, particularly the enhanced regulations and guidance to assess civil penalties for permit and regulatory violations as well as the increased ability to impose liability for damage to Sanctuary resources. In addition, we support the management and programmatic benefits of Sanctuary designation, including the potential for public-private partnerships and more consistent budget for operations, research, citizen science, education, and emergency response.

We support the proposed management plan's integration of Native Hawaiian culture into the management of the Sanctuary. Specifically, we support the integration of Mai Ka Pō Mai, which was informed and created by the Native Hawaiian community, as the guide to how Papahānaumokuākea should be cared for now and in perpetuity. Further, **we recommend that NOAA elevate Native Hawaiian voices beyond advisory bodies and into its formal co-management structure by making the Office of Hawaiian Affairs a co-manager of the Sanctuary,** mirroring the level of decision-making authority granted through the co-trusteeship that the Office of Hawaiian Affairs shares with the Department of Commerce, the Department of the Interior, and the State of Hawai'i for administering PMNM.

Because the applicable fishing rules are being developed outside of the Sanctuary designation process, **we call on NOAA to ensure that any fishing regulations developed conform to the protective regulations of the Monument Proclamations.** The process should be sure to include an Environmental Impact Statement (EIS) with opportunities for public comment, especially since the potential environmental impacts from even low levels of fishing have the potential to significantly impact Papahānaumokuākea, and these impacts have not been adequately evaluated in the EIS prepared for the Sanctuary designation process.

We look forward to the successful designation of Papahānaumokuākea National Marine Sanctuary to further protect one of our nation's most vibrant cultural and marine ecosystems. We thank NOAA and the Office of National Marine Sanctuaries for their continued conservation leadership to ensure marine resources and scientific and cultural practices continue to thrive in Papahānaumokuākea for generations to come.

Sincerely,

Matt Rand

Matthew F. Rand
Senior Director, Marine Habitat Protection
The Pew Charitable Trusts

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

Dear Office of National Marine Sanctuaries,

On behalf of Pacific Whale Foundation (PWF) and its 10,000 supporters and members we are submitting this letter in full support of the sanctuary designation for Papahānaumokuākea National Marine Sanctuary. PWF supports the first alternative proposed by NOAA, with the sanctuary encompassing approximately 582,250 square miles.

PWF was founded in 1980 with a dedication to saving the world's whales from extinction. Today the foundation focuses on the protection of whales, dolphins and all marine life by working to mitigate the five major threats that research has identified. These threats include marine plastic pollution, unsustainable tourism, bycatch, vessel collisions and climate change.

The designation of Papahānaumokuākea as a National Marine Sanctuary would provide whales and dolphins and other marine life with an important area of refugia from the threats of unsustainable tourism and vessel collisions as well as relief from being caught as bycatch due to the absence of permitted industrial fishing in the proposed sanctuary area.

The proposed sanctuary should continue to be managed jointly in collaboration with the State of Hawai'i, the Office of Hawaiian Affairs, the Department of the Interior and the Department of Commerce. The culture and practices of Native Hawaiians should continue to be respected and allowed throughout the proposed sanctuary area. PWF urges that no commercial fishing or any fishing at all, beyond sustenance fishing (defined as catching and consuming the entire catch while within the sanctuary boundaries) be allowed throughout the sanctuary area. Research has shown that fully protected marine areas, where no fishing is allowed, allow fish populations to grow and then spillover outside of the protected area boundary, to the benefit of commercial fishing operators.

PWF encourages that the federal government commit to contributing the needed resources to allow for the full protection, management and restoration of the area encompassed within Papahānaumokuākea. The area is known to receive many tons of derelict fishing gear and other marine debris each year. Organizations such as Papahānaumokuākea Marine Debris Project should be fully supported in their efforts to cleanup this debris and regulations and enforcement should be enacted to prevent the continued accumulation of this debris.

The designation of Papahānaumokuākea as a National Marine Sanctuary to the full extent of Alternative one as described by NOAA is critical to help the United States meet the national goal of conserving 30% of the US lands and oceans by 2030.

Sincerely,
Susan Frett
Programs Director
Pacific Whale Foundation

PACIFIC WHALE FOUNDATION

Protecting the ocean through science and advocacy, and inspiring environmental stewardship

Maui Harbor Shops at Ma'alaea • 300 Ma'alaea Road • Suite 211 • Wailuku, HI 96793 • t (808) 249-8811 • f (808) 243-9021

Aloha mai kākou,

I want to be clear that *I support Sanctuary Designation, specifically Alternative 1, the preferred alternative*. As a member of the Papahānaumokuākea Native Hawaiian Cultural Working Group that has been advocating for the protection of the ʻāina kūpuna for the past 20 years, I too believe it will provide greater legal protection for the area, as well as other benefits.

I share with the CWG a most critical issue of concern, however: the potential abuse of a typically benign category of use, non-commercial fishing.

The Northwestern Hawaiian Islands, better known as Papahānaumokuākea Marine National Monument (PMNM), is one of the most important marine protected areas in the world and is considered a conservation and cultural success story in Hawaiʻi. A Sanctuary Designation for Papahānaumokuākea could add a needed additional management layer over the existing boundaries of the current Marine Monument.

Over the years, the industrial fishing industry has been one of the primary threats to the health and well-being of this magnificent place and all of its lifeforms. Currently, commercial fishing is prohibited in the management area of this region, however, non-commercial fishing is allowable.

Under the National Marine Sanctuary Act, WESPAC provided recommended fishing regulations to NOAA, which includes non-commercial fishing in the expansion area. In the newly released draft EIS for the proposed sanctuary, an exemption is included (pg. xvi, executive summary) that coincides with this request. Our Cultural Working Group has grave concerns regarding these proposed regulations–and that they are being promoted by WESPAC as Native Hawaiian Subsistence Fishing Practices. These proposed regulations, as we view it, are a potential loophole that will allow for large scale extraction under the guise of native rights.

Under WESPAC's new recommendations, Native Hawaiian interests are misrepresented for a number of reasons:

(1) Native Hawaiian Subsistence Fishing as a term is entirely misleading because it is not exclusive to Native Hawaiian Use and would in fact be open for use by the general public.
(2) There was no *broad based Native Hawaiian Community input* into these proposed fishing ideas, and it was largely shaped by industrial fishing interests.
(3) Large-scale extraction is being proposed by WESPAC. Specifically, a cap of 350,000 lbs of bottom fish and 180,000 lbs of pelagic fish may be taken annually

from the expanded monument region (p. 210). *There is no Hawaiian cultural or subsistence practice that requires this much fish.*

(4) WESPAC recommends that permittees be able to bring home the catch for "consumption, including community sharing, bartering, and trade," and implement a cost recovery through the "sale of catch" to cover the cost of the trip (to be determined by National Marine Fisheries Service) (p. 211). This opens the door to *flagrant commercial intent*!

Combined, all of these points call into question the real intention of the recommended fishing regulations that WESPAC claims will help Native Hawaiians. It is clear that there is still a strong commercial intent in these proposed ideas. In order to address this, we believe in principle that the following needs to occur in regarding the proposed Sanctuary:

(1) The existing Monument Management Area and the Monument Expansion Area need to be managed as a single unit. The proposed Sanctuary needs to overlap in a unified governance structure and not be treated as separate units.

(2) The permitting for the Sanctuary also needs to be a single coordinated process and not have one component such as non-commercial fishing run separately. Currently it is recommended that non-commercial fishing permits should be evaluated by the National Marine Fisheries Service, while the actual co-trustees (National Oceanic Atmospheric Administration Office of National Marine Sanctuaries, U.S. Fish & Wildlife Service, Office of Hawaiian Affairs, and the State of Hawaii) who manage the region would only be consulted. It is imperative that the co-trustees are accorded the appropriate authority to manage all fishing activities under their area of jurisdiction.

(3) Any rules created in the name of the Native Hawaiian people (such as Native Hawaiian subsistence fishing) needs to be shaped by Native Hawaiians and be guided by sound cultural values and practices. It is disingenuous and unethical to do otherwise.

(4) The non-commercial fishing rules should take into strong consideration the option of Native Hawaiian Sustenance Fishing (50 C.F.R Sect. 404.3), a category that was previously developed with the input of kūpuna fishermen in the early 2000's. These were Hawaiian fishermen that had direct experience fishing in the Northwestern Hawaiian Islands. This category of non-commercial fishing is the closest aligned to Hawaiian cultural values and place-based traditions.

(5) Since NOAA Fisheries has run the development of the fishing regulations separate from the Sanctuary Designation process (the current WESPAC recommendations functioning as a placeholder), then it must run a separate National Environmental Policy Act (NEPA) process for these rules once they are drafted. They must give adequate notice for public input and run public hearings on this matter. Currently, concepts such as "subsistence fishing," "cost recovery"

and "customary exchange" are used too loosely and lack sufficient details and safeguards to ensure large scale extraction and commercial intent is prohibited.

Over the years the Hawaiian community, conservation groups, and the general public have been very vocal and unified in support for the protection of this expansive part of our archipelago. I want to reiterate once more my support of sanctuary designation, but this backdoor conniving on behalf of WESPAC is an insult to Hawaiian customary practices and needs to be thoroughly rebuked before it can be properly consulted with Kānaka Maoli.

Mahalo piha,

Kaipulaumakaniolono Baker

May 6, 2024

Aloha,

I am writing today in full support for the designation of Papahānaumokuākea as a National Marine Sanctuary. I am a resident of Honolulu, Hawai'i and have lived here from 2002-2012 and recently moved back in June 2023. I consider myself at home in Hawai'i and want to make sure I am helping to fight to maintain the beauty and majesty that is the Northwestern Hawaiian Islands. I hold a Bachelor's Degree in Marine and Freshwater Biology from the University of New Hampshire and a Master's Degree in Animal Science from the University of Hawai'i. My career brought me to Honolulu and has kept me tethered to these islands ever since. I worked as the marine mammal specialist at the Waikiki Aquarium from 2004-2012, managing the Hawaiian monk seal program, where I was able to obtain my Master's Degree utilizing our research on these amazing animals. Afterwards, I worked at SeaWorld San Antonio from 2012-2017, where along with the diverse collection of animals housed there, I was able to continue my work with Hawaiian monk seals as they housed 5 female seals on property. These charismatic megafauna are just a portion of the animals, plants, and ecosystems that we need to protect in Papahānaumokuākea.

I am in support of Alternative 1, to support the boundaries of the current Papahānaumokuākea National Marine Monument. Without looking to expand the borders of protections, sanctuary status would merely secure the area with additional protections. As I am not a native Hawaiian, I myself have no ties to this area. However, I am empathetic to the needs and desires of the native community to maintain the sanctity of this location. As a human, I see the value in maintaining this location as a pristine habitat. There are too few areas of the world that are left natural and unharmed by us. We need to do better. This is our chance.

Seeing as our nation's politics have become so tumultuous as of late, securing sanctuary status for Papahānaumokuākea is of the utmost critical importance. This will add future safeguards to protect the area regardless of the next President. As a sanctuary, this area could also draw additional funding or support nationwide. In turn, this will help to strengthen the regulatory guidance of the area, giving support to the entities to properly protect and enforce regulations and penalties.

Regarding industrial fishing in the area, there is no benefit to Papahānaumokuākea or Hawai'i to allow this fishing. I oppose any sale, barter, or trade of this large-scale extraction and the cost recovery proposed by Wespac for these trips.

Mahalo for your consideration and allowing our comments.

Sincerely,

Leah Kocher
waves3810@hotmail.com

Indigenous Peoples have the right to their own cultural identity and integrity and to their cultural heritage, whether tangible or intangible , including historic and ancestral heritage for their collective continuity and that of their members and so as to transmit that heritage to future generations. (American Declaration on the Rights of Indigenous Peoples. Section Three, Cultural identity).

Rise Up and Protect na Kanaloa.

Papahānaumokuākea Marine National Monument is the largest contiguous fully protected conservation, one of the largest marine conservation areas in the world. It should be under the Hawaiian flag and protected by Indigenous Practitioners of Hawaii. We are still sovereign.

The State, DOD and NOAA drafted the EIS which states on pg. 1 "most significant threats to Monument habitats and wildlife arise from human activities beyond its boundaries." The U.S. Navy is still conducting their testing and training exercises within the southeastern portion of Papahanaumokuakea and ke kai surrounding this area. Their EIS has potential impacts and mitigation measures provided and all six of the actions listed in Table 5.1 are detrimental to our Kanaloa due to Department of Defense war games. Sonar kills na kohola.

The Navy used numerous references to estimate species-specific g(0)s. Those sources were based on scientific surveys of marine mammals that used both vessels and A summary of the status of the Navy's Lookout effectiveness study and why the data cannot be used in the analysis has been added in Section 5.3.1.2.4 (Effectiveness Assessment for Lookouts). The Navy believes aircraft. It also indicated that various factors are involved in estimating g(0), including sight ability and detectability of the animal (e.g., species-specific behavior and appearance, school size, blow characteristics, dive characteristics, and dive interval), viewing conditions (e.g., sea state, wind speed, wind direction, sea swell, and glare), the observer's ability to detect animals (e.g., experience, fatigue, and concentration), and platform characteristics (e.g., pitch, roll, yaw, speed, and height above water). In the DEIS, the Navy noted that due to the various detection probabilities, levels of experience, and dependence on sighting conditions, lookouts will not always be effective at avoiding impacts to all species. Yet it based its g(0) estimates on seasoned researchers conducting the associated surveys, not Navy lookouts whose observer effectiveness has yet to be determined. The Commission recommended earlier in this letter that the Navy supplement its mitigation and monitoring measures because the observer effectiveness study has yet to be completed or reviewed. It therefore would be

inappropriate for the Navy to reduce the numbers of takes based on the proposed post-analysis approach because, as the Navy has described it, it does not address the issue of observer effectiveness in developing mitigation effectiveness scores and g(0). consideration of marine mammal sight ability and activity-specific mitigation effectiveness in its quantitative analysis is appropriate in order to provide decision makers a reasonable assessment of potential impacts under each alternative. A comprehensive discussion of the Navy's quantitative analysis of acoustic impacts, including the post-model analysis to account for mitigation and avoidance, is presented in the Navy's Request for Letter of Authorization under the MMPA submitted to NMFS (77 FR 60678). Additional discussion regarding the use of detection probability, g(0), in the consideration of mitigation in the quantitative analysis is provided in HSTT Final EIS/OEIS Section 3.4.3.1.8 (Implementing Mitigation to Reduce Sound Exposures). Marine Mammal Commission 05 Based on all of these concerns, the Marine Mammal Commission recommends that the National Marine Fisheries Service authorize in the regulations the total numbers of model-estimated Level A harassment and mortality takes rather than reducing the estimated numbers of Level A harassment and mortality takes based on the Navy's proposed post-model analysis. The Navy's general approach has merit and warrants further investigation, but it cannot be deemed reliable at this point. The post model assessment process was developed using the best available science and in coordination with NMFS and is necessary to account for mitigation and avoidance behavior. Relying solely on the output of the Navy Acoustic Effects Model presents an overestimate of acoustic impacts for higher order effects such as injury or mortality, for the following reasons:

(1) Sensitive species (i.e., beaked whales and harbor porpoises) are modeled as if they would remain stationary and tolerate any very close anthropogenic encounters, although these species are known to avoid anthropogenic activity(see HSTT Final EIS/OEIS Section 3.4.3.1.2.6, Behavioral Reactions).

(2) Implementation of mitigation is not currently modeled; however, the Navy has developed mitigation measures in cooperation with NMFS that are considered effective at reducing environmental impacts while being operationally feasible (see HSTT Final EIS/OEIS Chapter 5, Standard Operating Procedures, Mitigation, and Monitoring).

(3) Animals are assumed to remain horizontally stationary in the model and tolerate any disturbing or potentially injurious sound exposure, although animals have been observed to avoid sound sources with high source levels E.2.3.1 Sonar and Underwater Detonations Many comments mentioned concerns about the effect of Navy sonar on marine life, such as marine mammals, fish, sea turtles, and sea invertebrates. Participants frequently requested that the EIS/OEIS consider alternative technologies to mid-frequency active sonar. Read or scan all the way to E-619

HAWAII-SOUTHERN CALIFORNIA TRAINING AND TESTING FINAL EIS/OEIS AUGUST 2013 APPENDIX E PUBLIC PARTICIPATION E-620 E.4 FINAL ENVIRONMENTAL I MPACT STATEMENT /O VERSEAS E NVIRONMENTAL I MPACT STATEMENT

The public has the opportunity to review the Navy's responses to their comments in this Final EIS/OEIS. All public comments are considered by the decision-maker prior to making a decision. E.5 NATIONAL M ARINE FISHERIES SERVICE PROPOSED RULE As part of the HSTT EIS/OEIS process, in accordance with the Marine Mammal Protection Act (MMPA), the Navy requested a Letter of Authorization from the National Marine Fisheries Service (NMFS) for the incidental taking of marine mammals during the conduct of training and testing activities in the HSTT Study Area. On 31 January 2013, the MMPA Proposed Rule was published in the Federal Register by NMFS for public comment. After the release of the Draft HSTT EIS/OEIS on May 11, 2012, adjustments were made to the quantified results of the marine mammal acoustic effects analysis and changes were made to the requested take numbers. Adjustments to the requested take numbers in the Draft HSTT EIS/OEIS were presented in the Navy's Letter of Authorization application and reflected in the Proposed Rule. These adjustments were a result of administrative corrections to the modeling inputs for training and testing and the use of more accurate seasonal density for the species (short-beaked common dolphins) having the highest abundance of any marine mammal in the study area. These changes are now reflected in the Final HSTT EIS/OEIS. In consultation with NMFS, the Navy made these post-model adjustments to further refine the numerical analysis of acoustic effects by considering animal avoidance of sound sources, avoidance of areas of activity before use of a sound source or explosive, and implementation of mitigation. Section 3.4.3.1.7 (Marine Mammal Avoidance of Sound Exposures) and Section 3.4.3.1.8 (Implementing Mitigation to Reduce Sound Exposures) of the HSTT Final EIS/OEIS describe in detail the post-model adjustments made to further refine the numerical analysis of acoustic effects. E.5.1 N OTIFICATION OF THE N ATIONAL M ARINE F ISHERIES SERVICE PROPOSED RULE Because of changes made after the Draft HSTT EIS/OEIS, the Navy provided the public with the opportunity to review and comment on the changes before the issuance of the Final HSTT EIS/OEIS. The Navy sent out letters to stakeholders (Figure E.5-1) and e-mails to interested parties (Figure E.5-2); in addition, the Navy posted a link to the Proposed Rule on the public web site (www.HSTTEIS.com). The Navy advised NMFS and the public that all comments received on the Proposed Rule that addressed the (1) changes to the tempo or location of certain proposed activities, (2) refinement to the modeling inputs for training and testing, and (3) additional post-model analysis of acoustic effects and implementation of mitigation would be considered and addressed by the Navy in the Final HSTT EIS/OEIS. E.5.2 C OMMENTS AND R ESPONSES TO THE PROPOSED RULE Table E.5-1 provides a listing of comments received on the NMFS Proposed Rule and the Navy's responses relative to the adjustments that were made after the Draft HSTT

EIS/OEIS was released to the public. Responses to these comments were prepared and reviewed by appropriate subject matter experts for scientific and technical accuracy and completeness. Comments appear as they were submitted and have not been altered. Table E.5-1 contains comments from the Marine Mammal Commission (a federal organization) and Natural Resources Defense Council (a non-governmental organization) that were received during the public comment period on the Proposed Rule.

RIMPAC EFFECTS

- Military readiness activities may adversely impact cultural resources within the boundary alternatives. With regards to maritime heritage resources, the Navy's EIS notes that "stressors, including explosive and physical disturbance and strike stressors, associated with the" Navy Hawaii-Southern California Training and Testing action "would not affect submerged prehistoric sites and submerged historic resources in accordance with section 106 of the National Historic Preservation Act because mitigation measures have been implemented to protect and avoid these resources" (U.S. Department of the Navy, 2018).
- Military readiness activities may adversely impact cultural resources within the boundary alternatives. With regards to maritime heritage resources, the Navy's EIS notes that "stressors, including explosive and physical disturbance and strike stressors, associated with the" Navy Hawaii-Southern California Training and Testing action "would not affect submerged prehistoric sites and submerged historic resources in accordance with section 106 of the National Historic Preservation Act because mitigation measures have been implemented to protect and avoid these resources" (U.S. Department of the Navy, 2018).
- Military readiness activities may adversely impact cultural resources within the boundary alternatives. With regards to maritime heritage resources, the Navy's EIS notes that "stressors, including explosive and physical disturbance and strike stressors, associated with the" Navy Hawaii-Southern California Training and Testing action "would not affect submerged prehistoric sites and submerged historic resources in accordance with section 106 of the National Historic Preservation Act because mitigation measures have been implemented to protect and avoid these resources" (U.S. Department of the Navy, 2018).

Yet, hundreds of aircraft, and several other aircraft carriers and destroyers from the battle, remain to be discovered in Papahānaumokuākea. Pg.178
The EPA placed Tern Island on the Federal Agency Hazardous Waste Compliance Docket in 2004 due to legacy military waste and associated hazardous substances buried on the island. EPA and FWS completed a

CERCLA Preliminary Assessment (PA) of Tern Island in 2014, confirming that PCBs, lead, hydrocarbons, dioxins/furans, and heavy metals from onsite buried military wastes have beensectin released in sensitive marine and terrestrial environments based on elevated levels of polychlorinated biphenyls (PCBs) in monk seals inhabiting the area. In 2019, EPA completed a removal assessment for hazardous substances on the island. Data from the report demonstrated elevated concentrations of metals, PCBs and PAHs in soil, groundwater, and surface water in the vicinity of the legacy "Bulky Dump" and the SE corner of the island. Pg 253
Help rebuild Hawaii and the world. Stop the wars. Understand Aloha. Keep the military out of Hawaii. The US military Industrial Complex needs to understand peace and stop the raping of lands , children worldwide.

Marine biologists and environmental Lawyers proved over and over again that the Navy's sonar activities harm more that 60 separate populations of na ohana o Kanaloa; whales, dolphins, seals and sea lions amongst all life in ke kai. If a whale or dolphin can't hear, it can't survive." said David Henkin, Earth Justice attorney. Although na kohala (who been here 50 million years) spend hours gathering enough ha to dive down to their sacred birthing ground. When the sonar hits them, they need to get away. Most die in the process bleeding out or find the beach and die there. They are not able to birth their babies.

NOAA and DOD are NOT the guardians we need. Indigenous Peoples are. We are still here. Our laws, HRS 711-1107, HRS 6E Preservation of Traditional Customary and Cultural , Religious Freedom Restoration Act of 1993 are some of the laws that protect na Kanaloa and Indigenous Peoples. Onipaa kaimi naeauau as our Queen said.

Na Iwi Kupuna
Clare Loprinzi

May 6, 2024

Nicole LeBoeuf, Assistant Administrator
for Ocean Services and Coastal Zone Management
National Ocean Service
National Oceanic and Atmospheric Administration

RE: Proposed Papahānaumokuākea National Marine Sanctuary
NOAA-NOS-2021-0114

Dear Ms. LeBoeuf:

We are responding to the National Oceanic and Atmospheric Administration's (NOAA) solicitation of comments on its proposed regulations, draft environmental impact statement and draft management plan for the proposed Papahānaumokuākea National Marine Sanctuary. As detailed below, the draft environmental impact statement (DEIS) is fundamentally flawed because of significant problems in the discussions of both the alternatives analysis and the effects analysis. These omissions result in analysis that is both legally inadequate and factually ineffective as a basis for NOAA's decisionmaking regarding both the proposed regulations and the draft management plan. Importantly, these problems may well lead to a decision that will make protective management of this vitally important area more difficult, not less difficult – harder to coordinate, not easier – and most importantly, less protective of the ecological and cultural resources. We urge that NOAA to refrain from publishing a final EIS until the agency develops more accurate and legally sound information and analysis presented to the public for review and comment in the form of a supplemental draft EIS.

DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

I. PURPOSE AND NEED

We appreciate the acknowledgement in NOAA's response to comments that the purpose and need as stated in the scoping notice needed clarification and that an assumption has not been made that a sanctuary will be designated.[1] This is critically important to avoid both bias in the analysis and a public perception that a decision has already been made. It is also the basis for identifying and analyzing reasonable alternatives to meet the agency's purpose and need and for sound decisionmaking. We note that NOAA's statement in the Comments Section of the DEIS that 76% of respondents favored the sanctuary[2] is based on a misleading document that identified that sanctuary as the only means to provide affective protections for the important resources here. The choice is really between keeping existing protections in the

[1] DEIS at 346.
[2] *Id.* at 286.

Papahānaumokuākea Marine National Monument, Hawaiian Islands National Wildlife Refuge, Midway Atoll National Wildlife Refuge, Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve and Kure Atoll State Wildlife Sanctuary while fully implementing the legal authorities associated with those management designations or layering a marine sanctuary on top of these protections. That choice is not made at all clear in the Scoping document and therefore a "survey" based on the scoping document is misleading and not useful.

We understand, of course, that NOAA has been directed by both the executive and legislative branches to initiate the sanctuary designation process. We also understand the need to protect the incredibly rich cultural, historic and ecological resources present within Papahānaumokuākea Marine National Monument. Succinctly put, NOAA's current articulation of the purpose and need is to provide comprehensive and coordinated management of the marine areas of Papahānaumokuākea Marine National Monument to protect those very resources.[3] However, much of the DEIS – specifically, the presentation of alternatives and their effects - badly misses the mark in addressing NOAA's purpose and need and can lead to faulty decisionmaking.

II. ALTERNATIVES ANALYSIS

A. The No-Action Alternative

The four-sentence description of the no-action alternative is seriously incomplete and therefore inadequate.[4] Further, in the DEIS discussion of "Approach to Impact Analysis" in Section 5.1, the text states that, "NOAA expects that implementation of the No-Action Alternative would not result in any change to existing management or uses of the area, and therefore no beneficial or adverse impacts would occur from the No-Action Alternative. Impacts presently occurring would continue to occur."[5] However, the primary discussion of the impacts of the No-Action Alternative makes it crystal clear that NOAA believes that in fact there would be adverse effects of the No-Action Alternative; for example, the DEIS states that, "The lack of implementing regulations to permit activities in the MEA could lead to future impacts from unregulated activities."[6] This statement is also problematic, as explained in the discussion below.

The discussion of effects of the No-Action Alternative focuses almost entirely on the lack of regulations for permit requirements, access restrictions, damage assessment authority, emergency response funds and penalties that the DEIS states exist for the original Papahānaumokuākea Marine National Monument but not in the Monument

---

[3] *Id.* at x.
[4] *Id.* at 22-23.
[5] *Id.* at 88.
[6] *Id.* at 94. The DEIS text goes on to muddy the waters more in the very next paragraph that includes this text: "Threats to Monument resources would continue to be the focus of research and conservation actions. Actions taken to address these threats would still be permitted and undergo comprehensive environmental reviews." Perhaps this statement is meant to exclude enforcement actions, but that is not clear.

Expansion Area (MEA).[7] The only other statement about effects in the No-Action discussion is a reference to the fact that such physical effects as climate change would continue, with a reference to the discussion of those issues in the "Affected Environment."[8]

There are two highly significant and related problems with this treatment of the No-Action Alternative. The first is the failure to explain the core of NOAA's presumption that it cannot issue regulations or take other actions of a legal nature for the Monument Expansion Area. This belief is an overriding theme throughout the DEIS and in other material describing the benefits of the proposed sanctuary. We have not seen any explanation, anywhere in NOAA's material about the proposed sanctuary, of why NOAA asserts that it had the authority to issue two sets of regulations for the original Papahānaumokuākea Marine National Monument[9] and yet does not have that authority for the MEA. That assertion seems improbable at best.

That assertion also appears to be at odds with annual permitting reports posted on the Papahānaumokuākea Marine National Monument website.[10] Those reports document permits issued for activities planned in both in the original Monument and the MEA (two in 2019, two in 2021 and two in 2022) as well as permits granted for activities solely in the MEA (one in 2018, one in 2021) and two permit denials, one in 2019 and one in 2022 which apparently were for proposed activities in the MEA.

Further, completely absent from the DEIS is any explanation of how the numerous legal authorities held by the Co-Managers of the MEA could be used to supplement and complement NOAA's authorities if NOAA does lack the authority to undertake a particular type of action. A supplemental DEIS must be prepared and include a discussion of each of the current management authorities and provisions and how they relate to the DEIS' stated purpose and need of providing comprehensive and coordinated management of the marine area. For example, the latest available information reveals that the U.S. Fish and Wildlife Service (USFWS) "manages 284,312,568 acres of marine, submerged, and emergent features as part of the Refuge System" within the Papahānaumokuākea Marine National Monument.[11] One searches in

---

[7] *Id.* at 94-96.

[8] *Id.* at 95.

[9] 50 C.F.R. Part 404 (Joint Regulations to establish a ship reporting system for the Papahānaumokuākea Marine National Monument, NOAA and U.S. Fish and Wildlife Service, 73 Fed. Reg. 73592-73605, Dec. 3. 2008); 50 C.F.R. Part 404, (Joint regulations to codify the prohibitions and management measures, including fishing regulations, set forth in Presidential Proclamation 8031 (2006) establishing Papahānaumokuākea Marine National Monument, NOAA and U.S. Fish and Wildlife Service, 72 Fed. Reg. 51134-51142, Aug. 29, 2006).

[10] Permitting: Permitted Activities Annual Reports, Papahānaumokuākea Marine National Monument Board, all years available here (last checked 5/5/2024): https://www.papahanaumokuakea.gov/permit/annualrep.html

[11] *Statistical Data Tables for Fish and Wildlife Service Lands* (as of 9/30/2022), https://www.fws.gov/sites/default/files/documents/2022_annual_report_of_lands_with_data_tables.pdf, p 32 ("The Papahānaumokuākea Marine National Monument encompasses 372,848,597 acres that

vain for any analysis in the DEIS of what legal authorities this provides for the management of the Monument. Indeed, given the statement in the DEIS that the USFWS is a cooperating agency on the DEIS,[12] we would have expected the USFWS to have provided that analysis.

Given the heavy reliance in the DEIS on NOAA's assertions about legal authority, the DEIS should provide an analysis of the bundle of management protections and legal authorities available to the Monument Co-Trustees through the multiple legal authorities associated with each of the Monument Co-Trustees, along with specifically identifying the lack of such authority on the part of any of the Co-Trustees. There is no such analysis in the DEIS.

The bundle of legal and management authorities includes the authorizations and establishment mechanisms for the designated management areas within the proposed sanctuary area:

> The National Wildlife Refuge System Administration Act and its implementing regulations;[13]
>
> The National Marine Sanctuaries Amendments Act of 2000 and Executive Order 13178 for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve;[14]
>
> The Antiquities Act[15] Presidential Proclamations 8031 (2006), 8112 (2007) and 9478 (2016) establishing Papahānaumokuākea Marine National Monument along with the joint NOAA and US Fish and Wildlife Service (USFWS) regulations, including fishing regulations, promulgated to implement the provisions of the Presidential Proclamations 8031 and 8112[16] and the joint USFWS and NOAA regulations to establish a ship reporting system to implement provisions adopted by the International Maritime Organization; and

---

the Service co-manages with NOAA, the State of Hawaii, and the Office of Hawaiian Affairs. The Service manages 284,213,568 acres of marine, submerged, and emergent features as part of the Refuge System, including the monument expansion, Midway Atoll NWR, and Hawaiian Islands NWR. NOAA has primary management responsibility of the marine areas for the remaining 88,635,029 acres, and the Service manages the submerged lands as part of the Refuge System."); *see* also, p. 1; Table 10, p 56 and explanatory note at p. 58. *Also see*, *Statistical Data Tables for Fish and Wildlife Service Lands* (as of 9/30/2015) which explains that 88,635,029 acres were added to the Refuge System through the original monument establishment. https://www.fws.gov/sites/default/files/documents/2015-annual-report-of-lands-data-tables.pdf, Table 10, p. 54 and explanatory note at p. 56.

[12] DEIS at i.

[13] 16 USC § 668dd *et seq.* and regulations at 50 C.F.R. §§ 1-199 and Part 404.

[14] 16 USC §1431 *et seq.* and E.O. 13178, (Dec. 4, 2000).

[15] 54 USC Sec. 320301 et seq.

[16] 40 CFR Part 404.

The Hawaii State Northwestern Hawaiian Islands Marine Refuge, the Kure Atoll State Wildlife Sanctuary and associated state authorities.[17]

The description of the No-Action alternative analysis should also discuss the the Memorandum of Agreement among the Monument Co-Trustees: the State of Hawai'i Department of Land and Natural Resources and the Office of Hawaiian Affairs; the U.S. Department of the Interior/U.S. Fish and Wildlife Service and the U.S. Department of Commerce/National Oceanic and Atmospheric Administration that is specifically for the purpose of "Promoting Coordinated Management of the Papahānaumokuākea Marine National Monument and Expansion (Co-Trustees MOA)."[18] That Memorandum, in turn, establishes a Monument Management Board with representatives of all of the Monument Co-Trustees, as well as an Interagency Coordinating Committee and a Senior Executive Board. The Senior Executive Board has, among other duties, responsibility for developing the management plan for the entire Monument area. It is also intended to serve as an interagency body to resolve disputes.

Finally, besides the authorities specifically associated with the currently-designated management units within the proposed sanctuary area, there are a multitude of legal authorities that are already relevant and potentially operative in the entire area, which is under U.S. management and control.[19] The DEIS includes a list with brief descriptions of various laws, regulations, and management provisions in Appendix E. However, there is no analysis of how those laws, regulations and management provisions and structures, including those that are not under NOAA's purview but are within the authority of co-managers are actually applied or could apply in the entire Monument area.[20] Such analysis would certainly provide for a much more complete description of the No-Action Alternative.

Second, contrary to established NEPA case law and some of its own statements in the DEIS, NOAA concludes that the No-Action Alternative will have "neither beneficial nor adverse effects." This statement reflects a misunderstanding of both legal requirements and the purpose of the No-Action alternative, which inevitably has effects of some nature. As a reminder, the No-Action Alternative serves two major purposes. In some situations, after comprehensive analysis of all reasonable alternatives and the impacts of those alternatives, agencies have determined that refraining from taking action

---

[17] HRS 188-37, HAR 13-60.5, §13-60.5-1 to §13-60.5-7;

[18] Memorandum of Agreement Among the State of Hawai'i, Department of Land and Natural Resources and the Office of Hawaiian Affairs and the U.S. Department of the Interior, U.S. Fish and Wildlife Service and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration for Promoting Coordinated Management of the Papahānaumokuākea Marine National Monument, (hereinafter, Co-Trustees MOA), effective Jan. 10, 2017, available here: https://www.oha.org/wp-content/uploads/FINAL-signed-PMNM-MOA-1-10-17.pdf

[19] Just a few examples are the Oil Pollution Act, 33 U.S.C. § 2701*et seq.*, the Migratory Bird Treaty Act, 16 U.S.C. § 703 *et seq.*, and the Native American Graves protection and Repatriation Act of 1990, as amended, 25 U.S.C. § 3001 *et seq.* which includes Native Hawaiian protections.

[20] To the extent that there is any analysis in Appendix E, it relates only to the proposed sanctuary, but not to the No-Action alternative.

actually is the best decision. Further, the effects resulting from the No-Action Alternative function as a baseline for comparison with the effects of the other alternatives.

As one federal court stated, "A material misapprehension of the baseline conditions existing in advance of an agency action can lay the groundwork for an arbitrary and capricious decision."[21] A valid comparison of the potential effects of the No-Action Alternative and the action alternatives requires an accurate description of the former. As discussed above, the current iteration of the DEIS does not present that; rather, it makes assumptions about NOAA's lack of regulatory authority that are not substantiated in the document and it fails to identify pertinent authorities of the Co-Trustees that may fill in any gaps in NOAA's legal authorities. These omissions critically undermine the analysis for all of the alternatives.

In another case with similarities to this situation, a federal court emphasized that, "It is black letter law that NEPA requires a comparative analysis of the environmental consequences of the alternatives before the agency."[22] In that case, involving a proposed land exchange to facilitate proposed mining, the court held that the alternatives analysis violated NEPA because the lead agency assumed that the effects of the proposed mining would be the same whether it took place on federal land or privately held land. The fatal flaw in the lead agency's analysis was that it did not reflect the potential difference in effects that could reasonably occur if the agency in that case, the Bureau of Land Management, exercised its authority to regulate mining on federal public lands versus the effects of mining on non-federal land. So too, in this situation the DEIS fails to substantiate NOAA's alleged lack of authority in the MEA and omits relevant authority other Co-Trustees could exercise and therefore makes an unjustified conclusion about the effects of each of the alternatives, including the No-Action Alternative.

B. The Action Alternatives

NOAA makes it clear in the *Federal Register* notice for the proposed sanctuary regulations[23] and the DEIS[24] that none of the action alternatives presents alternative management strategies and that the only difference between the alternatives that are analyzed are the geographic boundaries. No justification is presented as to why the proposed regulations and draft management plan are the only possible management for the proposed sanctuary that could possibly meet the agency's purpose and need. Indeed, given the well-articulated purpose of providing "comprehensive and coordinated management" of the marine areas of Papahānaumokuākea Marine National Monument, it is extremely striking that neither the Department of the Interior/U.S. Fish and Wildlife Service nor the Office of Hawaiian Affairs, both Co-Managers for the Papahānaumokuākea Marine National Monument, are included as Co-Managers of the proposed sanctuary.

---

[21] *Friends of Back Bay v. U.S. Army Corps*, 681 F.3d 581, 588 (4th Cir. 2012).
[22] *Ctr. for Bio. Diversity v. Dept. of Interior*, 623 F.3d 633, 645 (9th Cir. 2010).
[23] 89 Fed. Reg. 1575, March 1, 2024.
[24] DEIS at xi, p. 19.

Besides the Monument, the present management structure for the area encompassed by NOAA's Preferred Alternative, Alternative 1, already includes the Hawaiian Islands National Wildlife Refuge, the Midway Atoll National Wildlife Refuge, the Kure Atoll State Wildlife Sanctuary and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. It is inconceivable that adding a sixth management designation over these other five management regimes without including all managers of those five designated protected areas will somehow meet the goal of providing comprehensive and coordinated management of the entire area.

In fact, as noted further above in the discussion of the No-Action Alternative, the Monument Co-Managers that are omitted from the proposed management arrangement for a sanctuary have both jurisdiction and important legal authorities that should be analyzed and considered as an alternative way of providing for protections that NOAA asserts that it does not have authority to impose at the present time. At least one action alternative should include all Co-Trustees of the Monument and analyze effects on management coordination and the manner in which the additional legal authorities could be utilized.[25]

Problems Common to All of the Alternatives

Additionally, the DEIS analysis of the legal benefits of a sanctuary overlay designation is also incomplete and therefore misleading as specified below. The discussion regarding the effects of the management provisions for all three action alternatives states that a Sanctuary designation would allow the Office of National Marine Sanctuaries (ONMS) to supplement existing authorities through emergency regulations, penalties, and authorities to respond to and hold financially liable those responsible for destruction of or injury to sanctuary resources.[26]

The DEIS assumes that the effects of a sanctuary designation will be essentially the same for all action alternatives, given that none of the action alternatives vary in terms of management, but rather are differentiated only by their boundaries. Similarly, there are problems that run throughout the DEIS discussion that clearly influence NOAA's choice to constrain the actions alternatives to geographic boundaries. Those problems include the following:

First, the DEIS acknowledges that regulations have been issued on a number of topics for the original Monument, though not for the Expansion area proclaimed in 2016 (approximately 8 years ago).[27] There is no information or analysis in this DEIS section about why no regulations for the MEA have been issued. If there is authority to issue regulations –by NOAA, FWS, or the State agencies by agreement—in the original

---

[25] We also note that the Co-Trustees MOA requires a review of the Agreement at least every five years (MOA at V.A). The DEIS dos not discuss the results of the latest five year review.
[26] DEIS at 98.
[27] *Id.* at 94-96.

Monument area, there is authority to do so in the expansion area, and the failure to issue them is a failure of management, not authority.

A good example is regulation of fishing. NOAA and USFWS regulations to implement Presidential Proclamations 8031 and 8112, including the fishing restrictions, were issued reasonably promptly in 2008,[28] but in eight years, the agencies have not issued fishing regulations in the Expansion Area. This is not a problem of lack of authority, and adding a sanctuary designation is not going to change the fact that NOAA regulates fishing under Magnuson.[29] Both the Secretaries of the Interior, acting through the USFWS, and the Secretary of Commerce, acting through NOAA, are explicitly authorized to issue regulations in the original and expansion monuments by the proclamations.[30]

Second, as discussed in more detail above, NOAA has not analyzed the legal authorities that it and the other Monument Co-Trustees may have to protect Monument resources by the bundle of other authorities that protect this area.[31] Any analysis of authority that is not specific about possible federal regulation for protection under those authorities is at a minimum incomplete and misleading. Adding one more layer of complexity to management would be highly likely to be a negative, not a positive.

Third, the Proclamations for both the Original Monument and the Monument Expansion Area specify that management is joint between the Secretaries of Commerce and the Interior. Yet the DEIS does not analyze authority that the USFWS has to regulate the topics that the DEIS specifies sanctuary designation would give to NOAA. In fact, the Fish and Wildlife Service has general authority to issue regulations in areas that are part

---

[28] *Supra* at fn. 9.

[29] Both the Sanctuaries Act and the Magnuson Act provide authority to regulate fishing in Sanctuaries. NOAA has issued several papers addressing fisheries regulation in sanctuaries, and in general (though not always) regulation is under the Magnuson Act. These documents are: https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/archive/library/pdfs/noaa_regs_nmsfishing_2008.pdf (July, 2008); https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/docs/20230512-nmsa-304a5-fishing-regulation-faqs.pdf (5/12/23); https://www.fisheries.noaa.gov/s3/2023-10/Sanctuaries-presentation.pdf (11/12/23).
Here, regulations related to fishing in the original Papahānaumokuākea Marine National Monument have been issued under the Magnuson Act. Presidential Proclamation 9478, establishing the MEA, states that NOAA, "in consultation with the Secretary of the Interior, shall have responsibility for management of activities and species within the Monument Expansion under the Magnuson-Stevens Act." (Similarly, the Proclamation directs NOAA to manage activities and species, in consultation with the Secretary of the Interior, within the MEA under the Endangered Species Act, for species regulated by NOAA, the Marine Mammal Protection Act, "and any other applicable Department of Commerce legal authorities.")

[30] "To the extent permitted by law, the Secretaries, acting through the FWS and NOAA, shall promulgate any additional regulations needed for the proper care and management of the objects identified above." Pres. Proc. 8031; "The Secretaries shall revise and update . . . . any management rules and regulations . . . ", Pres. Proc. 9478.

[31] *Supra* at pp. 3-5 .

of the National Wildlife Refuge System.[32] That authority enables USFWS to issue regulations to protect monuments that are considered parts of the National Wildlife Refuge system. But there is no discussion of such authority or use of that authority to issue the regulations that the DEIS suggests are called for to protect the monument here.

The National Wildlife Refuge System Administration Act[33] confers broad and general authority on the Service for regulating all components of the System. If NOAA were carrying out its obligations to cooperate in Monument management specified in the Proclamations and the Monument management agreements it could assure that there is adequate regulation for the protection it is seeking without any reason for a Sanctuary overlay. Further, the authority of the Fish & Wildlife Service to issue regulations for matters related to the Monument is specific: the Monument and MEA are in some part National Wildlife Refuges, and where they are not refuges, are components of the National Wildlife Refuge System.[34]

Fourth, the DEIS seems to emphasize the need for "penalty schedules" and implies that NOAA would have authority to issue those schedules only under the Sanctuaries Act. There is no legal basis for that statement. To be sure, when NOAA has authority to penalize actions, it may issue penalty schedules within its authority to make clear penalty ranges (e.g. monetary, or other). So, if people who are not supposed to fish in an area do so, NOAA may seek to punish them under the Magnuson Act and develop penalty schedules for violating specific provisions or issued fishing regulations. Such penalty schedules would apply to fishing in the Monument if NOAA issues regulations related to fishing in the Monument. And, in fact, NOAA has issued at least one penalty schedule for Papahānaumokuākea Marine National Monument.[35]

Moreover, the National Wildlife Refuge System Act includes authority for FWS to enforce and issue penalties.[36] Importantly, with one exception for natural resource damages addressed at "Fifth," the DEIS does not specify what activities NOAA seeks to punish and what penalties it would propose to do so. There is mention of new tools for violation of sanctuary regulations—but no discussion of what regulations would protect and no analysis of whether those protections are available –through either NOAA or Department of the Interior authorities—under existing law. Throwing around the general words "penalty schedules" and "sanctuary violations" does not provide the analysis needed to evaluate what protections may be provided now and what protections the Monument status and the lists of other applicable statutes do not provide. Moreover, there is no analysis of what matters have occurred since the Monuments were established that have posed unaddressed problems because of lack of authority and that cannot be easily remedied, such as by issuance of fishing regulations for the Monument Expansion Area.

---

[32] See 16 USC Sec.668-dd, especially Sec. 668-dd (b)(5).
[33] *Id.*
[34] *Supra* at fn. 10.
[35] https://www.gc.noaa.gov/gcil_pi_sss.html
[36] 16 U.S.C. § 668-dd(f).

The DEIS uses extremely general language like "penalty schedules" without specifying the actual problems at issue.

Fifth, the DEIS states that sanctuary status, unlike Monument status, would provide a way to obtain response costs and hold liable those responsible for destruction of sanctuary resources. Apart from the tautology ("sanctuary resources" do not exist until there is a sanctuary),[37] we assume what NOAA means here is that sanctuary designation would give the Monument managing agencies additional authority to address Natural Resource Damages. The DEIS gives examples of potential natural resource damages it is concerned about. These are lost cargo containers, DEIS at 4.6.2; and vessel groundings at 4.3.1. By looking at these two example, we see that the DEIS conclusion that designating a sanctuary overlay for Papahānaumokuākea and the MEA would provide authority—that NOAA implies does not now exist—for addressed natural resource damages is both incorrect and misleading

As to the first, the DEIS notes shipping containers lost at sea in February 2020 and 2021.[38] These crocs, sippy cups, mason jars and other items were carried by container ships. Though not mentioned in the discussion, googling makes clear that the cited cargo losses were caused by storms at sea.[39] The Sanctuary Natural Resource Damages provision is set forth in the footnote.[40] It specifically provides that injury to a

---

[37] We can assume that NOAA has either unlawfully prejudged the outcome of this process or that it actually means resources protected by the Monument proclamations that would possibly become also sanctuary resources.

[38] DEIS at 86-87; § 4.6.2.

[39] The DEIS discussion names the ships but not the cause of the cargo losses. In fact, all were lost by storms: https://www.freightwaves.com/news/maersk-essen-loses-750-containers-still-sails-for-la (this is for the Maersk Essen; see also https://www.freightwaves.com/news/260-containers-lost-65-damaged-in-maersk-eindhoven-at-sea-mishap for the Maersk Eindhaven and https://www.freightwaves.com/news/ocean-container-losses-topple-annual-average-in-2-months and https://www.freightwaves.com/news/risky-business-safety-at-sea-amid-supply-chain-crisis-war-and-covid for the ONE Apus (1,816 containers lost).

[40] SEC. 312. [16 U.S.C. 1443] DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES
(a) LIABILITY.—
National Marine Sanctuaries Act
(1) LIABILITY TO UNITED STATES.—Any person who destroys, causes the loss of, or injures
any sanctuary resource is liable to the United States for an amount equal to the sum of —
(A) the amount of response costs and damages resulting from the destruction, loss, or injury; and
(B) interest on that amount calculated in the manner described under section 2705 of title 33.
(2) LIABILITY IN REM.—Any vessel used to destroy, cause the loss of, or injure any sanctuary resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury. The amount of that liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.

sanctuary resource caused solely by an act of God is a defense to liability. While not all storms are sufficiently severe to be considered an act of God, a storm that would upset a big container ship is highly likely to be so considered. Thus, this kind of injury to resources that the DEIS raises would not be addressed by sanctuary status.

The second example is vessel groundings.[41] In fact, the DEIS notes as to those groundings: " In recent years, three National Weather Service buoys have broken free of their moorings and threatened Monument resources. Two groundings occurred at Kapou in 2015 and 2019. The third entered the MEA in 2022." DEIS at p. 59, Sec. 4.3.1. Since the National Weather Service is part of NOAA, seeking a sanctuary overlay to address its own problems seems unnecessary. As to other potential "vessel groundings", though it is difficult to speculate about the details of how those would occur, the DEIS notes at these pages that, for example, vessels may spill oil or chemicals. It certainly seems likely that vessels large enough to cause damage would be fueled by oil or diesel. Thus it is important to note that at least two types of injuries to Monument resources may be addressed under existing natural resource damages law without addition of Sanctuary status. Both the Oil Pollution Act,[42] which provides for addressing natural resource damages caused by oil spills or a "substantial threat" of an oil spill, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),[43] which provides for addressing natural resource damages caused by discharge or substantial threat of a discharge of hazardous substances, are already available to NOAA and to the Fish & Wildlife Service through the Department of the Interior to address injury to Monument resources. While each is subject to the similar "act of God" defense, if a ship causes some of the injuries outlined at this section of the DEIS, the ship—fueled by diesel—is likely to present a substantial threat of oil discharge and those authorities are already available to trustees NOAA and DOI to hold the ship and its operators liable. Payments would be used for restoring, repairing, or replacing Monument resources. Thus sanctuary status is not likely to enhance significantly the ability of the government to address natural resource damages to Monument resources.

Sixth, the DEIS states that sanctuary status would allow NOAA to issue "emergency regulations". There appears to be no discussion of what potential problems those regulations would address, and no discussion of what existing authorities could be

---

(3) DEFENSES .—A person is not liable under this subsection if that person establishes that—
(A) the destruction or loss of, or injury to, the sanctuary resource was caused solely by an act of God, an act of war, or an act or omission of a third party, and the person acted with due care;
(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or
(C) the destruction, loss, or injury was negligible.
(4) LIMITS TO LIABILITY.—Nothing in sections 181 to 188 of title 46, Appendix, or section 192 of title 46, Appendix, shall limit the liability of any person under this chapter.

[41] DEIS, pp. 59, Section 4.3. 1.
[42] 33 USC § 2701 *et seq.*
[43] 42 USC § 9601 *et seq.*

used to provide the opportunity for NOAA or DOI to address those concerns. We also note that the regulations issued jointly by NOAA and USFWS in 2006 for the original Monument contain an exemption from prohibitions for emergency actions.[44] Moreover, Presidential Proclamation 9478 specifically exempts from prohibitions activities "necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for law enforcement purposes." The two agencies could easily – and without sanctuary authority – extend this regulation to the MEA. Given the shortcomings in the analysis set forth above, without such more detailed analysis there is little reason to expect that sanctuary status to enable issuance of emergency regulations is needed.

Seventh, the DEIS statements that NOAA needs additional authority to prohibit and address introduced (invasive) species is also faulty. We note that the joint NOAA/USFWS regulations issued in 2006 covering the original Monument expressly prohibit such introduced species.[45] Using the same authority as in 2006, the agencies could extent that prohibition to the MEA. Again, the failure is one of management, not authority.

As presented in the DEIS, the action alternatives are insufficiently differentiated and fail to recognize obvious alternatives to the proposed management strategy. They are, by the agency's own description, variations on a single management alternative. This approach is inconsistent with the agency's purpose and need, inadequate for purposes of compliance with NEPA,[46] and not helpful to effective and sound decisions. At a minimum, NOAA must issue a supplemental draft EIS that includes alternatives reflecting different management strategies and the environmental and related social, cultural and economic effects of those alternatives. Further, as explained above, the DEIS' analysis of the legal benefits of a sanctuary overlay designation is seriously incomplete and therefore misleading. Given the centrality of alternatives as the heart of the EIS, NOAA should republish a new DEIS and provides a comprehensive comparison between current management and authorities and differing management strategies.

III. OMISSION OF PROPOSED FISHING REGULATIONS AND EFFECTS ANALYSIS

The DEIS describes the consultation with the Western Pacific Fishery Management Council, explains that the Council developed draft fishing regulations and that NOAA found that one part of the recommendation was inconsistent with the goals and objectives of the proposed marine sanctuary. The DEIS then notes that the Council submitted a revised final recommendation to NOAA in April of 2023, over a year ago.

---

[44] 50 CFR § 404.8.

[45] 50 CFR § 404.6.

[46] *See, e.g., Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 813-814 (9th Cir. 1999) (EIS contained three alternatives; the two action alternatives were basically identical with variations on the preferred alternative and the agency "failed to consider an alternative that was more consistent with its basic policy objectives than the alternatives that were the subject of final consideration."

But no draft fishing regulations are included as part of the proposed action and thus there is no analysis of the effects of proposed fishing. The DEIS goes on to say that, "NOAA prepared regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the NMSA to reflect the outcome of the NMSA section 304(a)(5) process."[47] The *Federal* Register notice preamble to the draft sanctuary regulations states that, "NOAA has prepared a separate proposed rule under the MSA which shall serve as the primary mechanism for authorizing non-commercial fishing activities."[48] But no reference or link to the regulations is provided and a search of NMFS and ONMS websites reveals no such proposed regulations.

The absence of analysis of the effects of the proposed regulations for non-commercial fishing referenced in the DEIS is significantly disturbing and puzzling. The National Marine Sanctuaries Act itself requires that the Secretary prepare both a draft EIS and a resource assessment that documents, among other things, "present and potential uses of the area, including commercial and recreational fishing. . . "[49] While NMFS has made it clear that commercial fishing is already banned by regulation in the original Papahānaumokuākea Marine National Monument and that the "proposed NMFS rule would codify a commercial fishing prohibition for the MEA, resulting in its prohibition throughout the Monument,"[50] it is also clear that recreational fishing is a possibility for the MEA. In fact, although fishing regulations per se are not published in association with the release of the DEIS, the proposed regulations that are published in NOAA's March 1, 2024, Federal Register notice include the Western Pacific Fishery Management Council's definition of non-commercial fishing as part of the proposed designation package.[51] Given the breadth of possibilities implied by that definition: *"Fishing that does not meet the definition of commercial fishing in the Magnuson-Stevens Fishery Conservation and Management Act, and includes, but is not limited to, sustenance, subsistence, traditional, indigenous, and recreational fishing,"*[52] it is quite impossible to know what type of fishing might be allowed, let alone understand the ecological and cultural implications of it. The omission of specific, proposed fishing regulations in the DEIS makes it impossible for either the public or the decision-maker to compare the effects of fishing expected under a proposed sanctuary with fishing in the MEA or, alternatively, with the potential effects of fishing if fishing regulations were promulgated for the MEA.

This omission of proposed fishing regulations and their effects is also at variance with the document NOAA has publicly provided to explain the process of developing fishing regulations for national marine sanctuaries.[53] The flowchart of the regulatory

---

[47] DEIS at 175-1176.
[48] 89 Fed. Reg. at 15281.
[49] 16 U.S.C. § 1434(a)(2)(B)(i) (underlining added).
[50] *Id.*
[51] 89 Fed. Reg. 15272, 15288-89.
[52] 50 C.F.R. § 665.12.
[53] *NOAA's Regulation of Fishing in National Marine Sanctuaries*, July, 2008, available at https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/archive/library/pdfs/noaa_regs_nmsfishing_2008.pdf *See also*, fn. 29.

process in that document clearly shows the developing of the fishing regulations following NEPA scoping and prior to publication of the draft EIS, with the final rule being issued concurrently with the Record of Decision.[54] That is an appropriate sequence of proposals and analysis but it is not being followed here. No explanation is provided of why that process is not being followed nor is there any indication of the timing for proposed fishing regulations.

In the course of managing the many designations for this ecologically and culturally outstanding area, regulation of fishing has been the source of prominent controversy and concern. Unlike other factors that affect Monument resources such as climate change and plastic debris, whether fishing takes place in the area and if so, the regulatory requirements associated with any permitted fishing as well as issuance of regulations for enforcement of such regulations are uniquely within the purview of the Monument Co-Trustees. Further, a number of statements in the current DEIS may prove to be inaccurate once fishing regulations are proposed. For example, the DEIS states that under the preferred alternative, "there would be no anticipated change in the number of permits issued because permits are required under the current management regime and an increase in permitted activity is not anticipated under sanctuary designation.[55] This statement actually seems inaccurate in two respects: 1) the DEIS persistently argues that the biggest impact of the proposed sanctuary would be additional authority by NOAA to, among other things, issue permits, and 2) it does not account for what presumably would be some number of non-commercial permits applied for in the MEA.

In short, omission of the proposed fishing regulations and required analysis of environmental and related social and economic effects is stunning and leaves a highly significant gap in the coverage of the DEIS. It is also noteworthy that while the DEIS emphasizes (somewhat incorrectly—see above) the lack of NOAA's authority for certain protections, its clear authority to issue regulations and once they are issued to enforce them so that the Monument is protected against certain problematic fishing has not yet been exercised. A supplemental DEIS or a new EIS must include analysis of the effects of the proposed fishing regulations, along with publication of the actual proposed regulations.

IV. PROBLEMS WITH PREPARATION OF THE DEIS

Applicable regulations: The DEIS states that it relied on the Council on Environmental Quality's 2020 NEPA regulations.[56] However, those regulations were amended, effective May 20, 2022. While scoping concluded before then, most of the DEIS was likely written after promulgation of the final 2022 regulations.

Cooperating agencies: In the "About this Document" page, the DEIS states that the U.S. Fish and Wildlife Service (USFWS), the State of Hawai'i, and the Department of

---

[54] *Id.*; unnumbered p. 1 following the Executive Summary.
[55] DEIS at 105.
[56] DEIS at i.

Defense (DOD) were cooperating agencies.[57] However, the extent of their involvement, especially the USFWS and DOD, is quite unclear. As noted earlier, the DEIS contains no discussion of the USFWS' legal authorities in the Monument. No preparers are listed from either USFWS or DOD; rather, at the very end of the DEIS, they are listed as agencies consulted.[58] The role of the Office of Hawaiian Affairs, a Monument Co-Trustee, in the DEIS preparation is not even mentioned. Nor is there any mention of working with the co-management agencies as specified in the Co-Trustees MOA although it is highly likely that adding a sanctuary overlay will affect the management of the Monument(s) and the cooperative approach that is at its core.

VI. CONCLUSION

As explained above, we believe the DEIS accompanying the sanctuary proposal is fatally flawed in several respects. Again, we recognize NOAA's obligation to initiate the process of considering sanctuary designation, but there is no legal bar to NOAA concluding that a sanctuary overlaying the other protective management areas is not the best use of its resources and not the best way to achieve improved management and coordination and may not be the best way to meet the purpose and need.

The DEIS repeatedly identifies enhanced legal authorities as the major benefit of a sanctuary designation,[59] so it is especially critical that the analysis provides an accurate, comprehensive summary of the current legal authorities. We acknowledge that it is possible – after such an analysis was prepared – that a meaningful gap in legal authorities may be identified. However, the DEIS fails to provide that information in a manner that reflects all applicable legal authorities that attach to each of the Co-Trustees within the Monument. Further, the deferral of fishing regulations and their potential effects to a later time underscores the inadequacy of the DEIS as the basis for both the agency's and the public's understanding of impacts. The DEIS never explains how layering a sanctuary with two co-managers over a monument with four co-trustees plus two national wildlife refuges and a state marine refuge and wildlife refuge will improve management and coordination. Finally, the DEIS does not explain how a sanctuary designation would protect the resources within the Monument, other than relying on what appears to be questionable assertions regarding the need for further legal authority.

CEQ's regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) state that, "To the fullest extent practicable", [a] draft statement must meet the requirements established for final statements in Section 102(C) of NEPA" and in the implementing regulations.[60] Importantly, they also state that, "If a

---

[57] *Id.*

[58] DEIS at 365.

[59] "Possibly the most significant difference between No Action and Alternative 1 is the enactment of National Marine Sanctuary Program regulations (15 CFR part 922) allowing ONMS to supplement existing authorities through: 1) emergency regulations; 2) penalties; and 3) authorities to respond to and hold financially liable those responsible for destruction or loss of, or injury to sanctuary resources." DEIS at p. 98.

[60] 40 C.F.R. §1502.9(b) (2022).

draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and publish a supplemental draft of the appropriate portion." In regards to this DEIS, NOAA should revise and publish a supplemental draft that truly incorporates the perspective of all Monument co-trustees, provides sound analytical legal analysis and provides analysis of several management alternatives, including the No-Action Alternative, in light of the stated purpose and need.

We conclude with one further observation. The national commitment to protect thirty percent of U.S. ocean areas by 2030 is a vitally important objective and NOAA clearly has a very significant role to play in achieving that goal. We urge the agency to do by identifying ecologically important ocean areas that do not currently have significant protections. Further, we note considerable concern about the strength of marine sanctuary protections as currently administered.[61] Reflection on how to best ecologically and equitably achieve that goal would be highly desirable.

Sincerely,

Dinah Bear[62]

Lois Schiffer[63]

---

[61] *See, e.g., U.S. Plan to Protect Oceans Has a Problem, Some Say: Too Much Fishing,"* The New York Times, April 30, 2024, available here: https://www.nytimes.com/2024/04/30/climate/united-states-conservation-30x30.html; *Has the U.S. Really Conserved a Third of its Waters?*, The Washington Post, April 19, 2024, available here: https://www.washingtonpost.com/climate-environment/2024/04/19/protected-oceans-united-states-fishing/.

[62] Environmental attorney; General Counsel, Council on Environmental Quality, Executive Office of the President (1983-1993; 1995-2007) (Deputy General Counsel, 1981-1983).

[63] Environmental attorney; General Counsel, NOAA (2010-2017); Assistant Attorney General, Environment and Natural Resources Division, U.S. Dept. of Justice (1994-2001).

NOAA/Daniel K. Inouye Regional Center.
NOS/ONMS/PMNM
1845 Wasp Blvd, Building 176
Honolulu, HI 96818

May 5, 2024

NOAA Office of National Marine Sanctuaries
1305 East-West Highway, 11th Floor
Silver Spring, MD 20910

RE: **Support for Sanctuary Designation for Papahānaumokuākea**

Dear NOAA Representatives,

Aloha mai! My name is Jonnetta "Jonee" Peters, a native Hawaiian and the Executive Director for the Conservation Council for Hawai'i (CCH), which is also the Hawai'i affiliate of the National Wildlife Federation (NWF). The mission of CCH is the protect and save the native species and ecosystems for the future generation. We are in support of the sanctuary designation of Papahānaumokuākea because of the diverse marine life, flora and terrestrial species, some of which are endangered. The vast ocean ecosystem is dynamic and important for species and humans. Some species are yet to be discovered. An area that is teeming with life need a safety net from over-fishing, by-catch from industrial fishing, and other extractive business.

Additionally, we support Alternative 1 - the preferred alternative - which would designate boundaries that are co-extensive with the marine portions of the Papahānaumokuākea National Marine Monument.

Papahānaumokuākea also deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.

Additionally, sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President.

Please protect this precious ecosystem for the future generations by designating Papahānaumokuākea as a sanctuary!

Mahalo for your time and efforts,

Jonnetta "Jonee" Peters
Executive Director

Telephone/Fax: 224.338-6511 | email: info@conservehi.org
web: www.conservehawaii.org | P.O. Box 2923, Honolulu, HI 96802
President: Colleen Heyer **| Vice President:** Sunshine Woodford **| Secretary:** Makaala Kaaumoana
Treasurer: Mashuri Waite Ph,D **| Directors**: Puanani Anderson-Fung, Dendra Best,
Bret Nainoa Mossman, Michael Nakachi,
Executive Director: Jonnetta "Jonee" Peters
Operations and Events Manager: Leah Kocher
National Wildlife Federation Region 12 Director: Rachel Sprague
National Wildlife Federation Pacific Region Associate Director: Emily Martin
Kō Hawai'i leo no nā holoholona lōhiu – Hawai'i's voice for wildlife | State Affiliate of the National Wildlife Federatio

May 6, 2024

To Whom It May Concern,

I am writing to share my thoughts on the proposed Sanctuary for Papahanaumokuakea. I am a conservation planner with the US Fish and Wildlife Service (USFWS), which has allowed me to work alongside managers since sanctuary scoping was initiated in 2021. My thoughts and comments in this letter are my own and are being submitted in a personal capacity.

Papahanaumokuakea holds a special place in my heart. I had the opportunity to visit Midway Atoll in 2010 as a master's student and it changed my perspective on what a healthy Hawaiian ecosystem looks like. This place also sparked something within my spirit that won't allow peace until I share my views on the proposed sanctuary.

In 2016 I served as the Oahu science liaison for the "Expand Papahanaumokuakea" coalition which asked President Obama to expand the Monument to its current size and add the Office of Hawaiian Affairs (OHA) as a co-trustee. We requested that OHA be elevated to a co-trustee to ensure that Native Hawaiian voices were elevated to the highest level of decision making for the realm that is both spiritually and culturally connected to Native Hawaiian people. The National Oceanic and Atmospheric Administration (NOAA) seems to recognize the special cultural and biocultural significance of Papahanaumokuakea to Native Hawaiians and speaks to it in the draft Environmental Impact Statement (dEIS) document. Additionally, outreach and educational materials created and distributed by NOAA tout the unique attributes of the Monument, claiming that nature and culture are one.

It's concerning to me that agency that serves as the voice for Native Hawaiians (OHA) seems to be excluded from many of the management decisions outlined in the dEIS, as is the USFWS. It also includes significant changes to current management, which has not been discussed or approved by the Monument management board (MMB). The dEIS says that NOAA is proposing to supplement and complement existing management, but also says that a proposed sanctuary would be managed in close collaboration with Monument co-trustees, but that NOAA and the State of Hawaii (State) would manage the sanctuary. To the reader of this massive dEIS document, it would appear as though NOAA and the State have primary authority over proposed sanctuary waters, and I have strong concerns about the proposed management of the Monument expansion area (MEA, also referred to as the outer sanctuary zone OSZ).

In dEIS section 4.2.5 (Permitting and Regulated Activities) NOAA discussed current permitting in the Monument and describes the permitting process in place that is currently reviewed by all co-trustees. The existing process is modeled after the USFWS special use permit for public use, which includes a transparent and public process, opportunity for public input during development of compatibility determinations and permit stipulations, as well as equitable review of permit applications by all Monument co-trustees. In the dEIS NOAA says that it does not recognize the authority of the Secretary of the Interior to issue permits in the MEA, despite successful permit issuance since the Monument was expanded in 2016. It is quite concerning that the dEIS proposes to replace the permitting system in the MEA with a sanctuary permit, a decision that has not been discussed or voted upon by the MMB and all its co-trustees.

The proposed sanctuary permit for the MEA/OSZ describes approval by the co-managers of the sanctuary (NOAA and the State) but omits input from all Monument co-managers. The new proposed sanctuary permit also does not allow for appeal of a permit decision and is inconsistent with current Monument rules. Of particular concern in the proposed regulation exemption that would permit the removal of fish from the MEA/OSZ. Current Monument rules state that all fish caught within the Monument in both Federal and State waters must be consumed within the Monument, unless being retained for research purposes. Any extraction of resources should be decided upon by the entire MMB, and not exempted from current Monument prohibitions through sanctuary designation. Any change to the Native Hawaiian practices permit category and permit criteria should be thoroughly vetted by both OHA and its advisory body, the Papahanaumokuakea Cultural Working Group (CWG) and the dialogue must be meaningful and consider the views of the Native Hawaiian community. The sanctuary non-commercial fishing exemption as proposed are counter to Mai Ka Po Mai, which was written after a decade of input from the Native Hawaiian community. The Mai Ka Po Mai guidance document outlines Monument permitting stipulations that must be met when issuing a Native Hawaiian practices permit including that 1. the activity must be "pono," 2. the activity must benefit the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community, 3. and any resource harvested from the Monument must be consumed in the Monument.

I feel that it is unfair for the public, including the Native Hawaiian community, to approve an exemption for non-commercial fishing in the MEA/OSZ until proposed fishing rules have been released with opportunities for public input. It was alarming on December 8, 2022 when the Western pacific regional fishery management council (Wespac) posted a press release (that was also published on the front page of the local newspaper) entitled "fishing returns to the Northwestern Hawaiian islands after 15 years" touting fishing regulations that were submitted to NOAA Fisheries (NMFS) as part of the National Marine Sanctuaries Act (NMSA) section 304(a)(5) process as if they'd been approved for implementation. They included plans to recoup up to $15,000 in associated costs to cover fishing trips by sale of fish caught from the MEA. The draft regulations were not, and still have not, been reviewed, or approved by the MMB. The press release was never rescinded, corrected, or addressed by NOAA to the public. In fact, the only letter condemning the inaccurate press release was from OHA's CWG, who currently reviews all permit applications and provides recommendations to OHA to ensure that activities are aligned with Native Hawaiian values and principles, including that activities are done in a way that is "pono."

The revised draft proposed regulations appended to the dEIS are strikingly like the ones that were released in 2022, with the $15,000 recoup cost removed. The dEIS appendices also include internal correspondence from NOAA regarding the regulation consultation. In a response from NOAA to Wespac on February 22, 2023, NOAA determined that the proposed fishing regulations did not fulfill the purposes and policies of the NMSA for the proposed sanctuary designation, specifically pointing to the ability to "sell" fish caught within the Monument. However, upon examination of the "disposition of Native Hawaiian subsistence practices catch" section in the proposed regulations appended to the dEIS, it states that "permittees may request NMFS consider the ability to recover costs through sale of catch associated with the trip to the MEA." The letter addressed from NOAA to Wespac on May 31, 2023 concluded the NMSA section 304(a)(5) consultation stating that the recommendations were found to fulfill purposes and policies of the NMSA, even though the "sale" of catch still found within the proposed regulations. It's quite concerning to me that NOAA allowed the consultation to conclude without revised proposed regulations being developed, especially since Wespac again decided to insert financial

compensation into a different section of the regulations. Those proposed regulations should have been public with this dEIS so that we know what is being proposed, and not analyzed in a different and separate NEPA process that concludes after the public comment period for the sanctuary designation. I have concerns about any attempts to commodify Monument resources, particularly since NOAA is housed within the Department of Commerce.

Despite these draft proposed regulations being submitted and approved by NOAA in May of 2023, it wasn't until the public release of the dEIS when Monument co-managers first saw draft proposed regulations that include permitting the removal of up to 350,000 pounds of bottomfish and 180,000 pounds of pelagic fish from the MEA each year. Cooperating agencies that were allowed review of an early EIS draft in the fall of 2023 did not have an opportunity to review the draft proposed fishing regulations. It is also important to note that OHA was the only Monument co-trustee that was not given an opportunity to review a draft of the EIS before it went public. As the co-trustee that is responsible for representing Native Hawaiian voices throughout Papahanaumokuakea, it's very concerning that OHA was the only management agency to be excluded from the review process, the fishing regulations that are being proposed as a "Native Hawaiian practice," as well as of the development of dEIS sections relating to Native Hawaiian culture and practices. This feels to me like exclusion of OHA from its primary responsibility as a Monument co-trustee to an entity that does not have any management authority within the sanctuary. This suspicion was confirmed in an April 12, 2024 Civil Beat article in which NOAA Monument superintendent Eric Roberts was quoted saying that "The Office of Hawaiian Affairs co-manages the Monument but it wouldn't be able to do so for the sanctuary under the National Marine Sanctuaries Act." Why does NOAA appear to suppress Native Hawaiian voices under this sanctuary proposal when it was directed by President Obama to elevate OHA as an equal voice in co-management? The co-trustees have successfully managed Papahanaumokuakea by collaborating and elevating the voices and concerns of Native Hawaiians. The Secretaries of the Interior and Commerce were both tasked with management of the MEA in the Presidential proclamation that expanded the Monument, and the State of Hawaii is a co-lead in the development of the Sanctuary dEIS, so only OHA has been relegated to having no authority under the proposed sanctuary. If OHA is removed from their management obligations under sanctuary designation then their advisory body, the CWG, will also be excluded. To me this seems unjust, unfair, and exclusionary.

To further add to the injustice of Native Hawaiians being left out of the decision-making process, the public uses described in current Monument rules, and sanctuary rules, do not limit the "Native Hawaiian practices" permitting category to Native Hawaiian individuals. Under current rules, anyone can perform a Native Hawaiian practice despite their genealogical connections to Hawaii. I see the proposed fishing regulations as a way to allow extractive fishing under the guise of a cultural practice, that could allow anyone from the public to apply for a permit as a Native Hawaiian subsistence practice. If NOAA intends to supplement and complement current protections, it should include the protection of Native Hawaiian cultural practices and ideals, which went into the development of Mai Ka Po Mai over a decade of consultation with the Native Hawaiian community. Additionally, NOAA references the E Hoi I Ke Au A Kanaloa Cultural Impact Assessment (a State EIS requirement) in its dEIS multiple times, and upon review of the document it clearly outlines the feelings of the 25 interviewees, and their views on resource extraction from the Monument, including fishing. Why were the findings of this report not incorporated in the development of the dEIS and the draft fishing regulations? Interviewees clearly state their objection to any large-scale extraction of resources from Papahanaumokuakea, and adherence to pono

methods when conducting Native Hawaiian practices. Since the release of the dEIS, I have not spoken to a single Native Hawaiian practitioner that would agree that the extraction of up to 350,000 pounds of bottom fish and up to 180,000 pounds of pelagic fish from the MEA per year could ever be considered a pono practice.

I also find it very concerning that the only virtual public meeting that was held following release of the dEIS occurred during the middle of the Merrie Monarch Festival, the largest Native Hawaiian cultural festival. This would mean that anyone interested in providing public comments would either have to submit written testimony or be able to attend one of the scheduled evening or Saturday meetings across the State. I pointed to this when I gave testimony at the virtual meeting, yet no additional virtual meetings were held. The people of Hawaii should not have to choose between participation in the largest Hawaiian cultural festival and providing comments on this designation.

After review of the dEIS, listening to the testimony of others at public meetings, and a broader review of resource management by the Department of Commerce, I cannot support the designation of a National Marine Sanctuary in Papahanaumokuakea as currently described in the dEIS. I feel that NOAA has conflicting mandates between the Office of National Marine Sanctuaries (ONMS) and NMFS. Where one agency (ONMS) is tasked with protecting marine resources while NMFS manages fisheries that commodify resources that should remain protected in areas of regeneration and cultural importance. I'm still quite disturbed that NOAA has not publicly responded to the inaccurate claim of "fishing returns to Papahanaumokuakea" stated by Wespac in a press release, which needlessly antagonized the Native Hawaiian community. Wespac was responsible for managing fisheries prior to Monument designation and did it so poorly that the subsequent collapsed lobster fishery has never recovered.

I cannot support a sanctuary designation in Papahanaumokuakea that includes the MEA since the exemptions for this area would allow non-commercial fishing and truncate OHA's management authority in this area. Additionally, the proclamations that established and expanded the Monument clearly state that NOAA should consider designation of a sanctuary seaward of National Wildlife Refuge boundaries. Since none of the alternatives analyzed match this scenario I don't believe that a sanctuary should be designated without a more comprehensive analysis in the dEIS, including another round of public review. Sanctuary designation, as currently described in the dEIS, would allow an open back door for fishing to resume in Papahanaumokuakea.

I urge NOAA to reconsider sanctuary designation at this time and instead work with the fishing community, OHA, and the CWG to draft pono fishing rules for the MEA instead of relying on commercial fishers to determine the definition of pono fishing practices. There should not be an exemption to any Monument prohibitions until the fishing regulations have been approved with opportunities for the Native Hawaiian community and the public to provide comments. All Monument co-managers should be included in this process, not just NOAA and the State.

There is a lot more that I want to say about the proposed changes to the Monument but instead I'm going to speak generally about Native Hawaiian representation in management of Papahanaumokuakea. The Monument is a mixed world heritage site. It's important not only biologically but also culturally. It's known worldwide for being the place where culture and nature are one. Managers are doing lots of things to improve and restore biological habitats, but what are they doing to restore the cultural connections to Papahanaumokuakea and create new opportunities for Native Hawaiians to learn how to manage these systems? I believe that managers are neglecting their duties by focusing on biology and

not also culture, since the two are nearly indistinguishable from a Native Hawaiian worldview. A holistic approach to management that includes the strong cultural history of this area should be the approach of managers in this area, and not the exclusion of indigenous voices from a place that is part of our genealogical creation story. Native Hawaiians continue to fight to have a say in how our sacred spaces are managed and federal agencies should be supportive of opportunities to include diverse viewpoints in management, rather than excluding the people who successfully managed natural resources in the Hawaiian islands for over a thousand years before western contact.

Sincerely,

Narrissa Spies (Brown)

Monday, May 6, 2024

Superintendent

Papahānaumokuākea Marine National Monument and UNESCO World Heritage Site

1845 Wasp Blvd, Building 176

Honolulu, HI 96818

Re: NOAA-NOS-2021-0114

Dear Superintendent Clark,

With over 10,000 members in the USA, Shark Stewards strongly support designating parts of the Papahānaumokuākea Marine National Monument as a national marine sanctuary to enhance protections and safeguard resources in the marine portions of the Monument. We believe sanctuary designation will complement the efforts of the Office of Hawaiian Affairs, the state of Hawaii, and other federal agencies to conserve this nationally significant area and its cultural resources and bolster strong and lasting protection for the marine environment.

Papahānaumokuākea is a sacred place with deep cosmological significance to Native Hawaiians who have a genealogical relationship to all living things in the Hawaiian archipelago. The Monument is a mixed (natural and cultural) World Heritage Site. It preserves sacred places, stories, artifacts, and strong Polynesian cultural ties to the land and seas, dating back more than a thousand years.

Coral islands, undersea volcanoes, flat-topped undersea mountains, banks, and shoals stretch 1,350 miles. The Monument supports a diversity of life, including over 7,000 species, many found nowhere else on earth. Threatened green sea turtles and endangered Hawaiian monk seals are among the rare species that inhabit the island chain.

The National Marine Sanctuaries Act established the National Marine Sanctuary System to protect areas of the marine environment that have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities. The monument is an area of national significance that merits this protection in addition to the protections provided by the Antiquities Act.

It is critical that sanctuary designation strengthen and enhance the protection of Papahānaumokuākea, as designated under the Antiquities Act and the Presidential Proclamations. Those efforts should include integrating traditional Hawaiian knowledge systems, values, and practices into management. We oppose any regulatory or management measures that would decrease the current level of protection within the Monument and Monument Expansion Area.

In this letter, the terms "Papahānaumokuākea Marine National Monument" and "Monument" mean both the original Monument's boundaries and the Monument Expansion Area.

- **The role of scoping in the Environmental Impact Statement process.**

Scoping is a critical early step in the EIS process. It sets the boundaries of the analysis, helps to identify information sources, and helps to focus alternatives and identify issues to address within the EIS. A comprehensive scoping process is essential for identifying the "reasonable range" of alternatives in the EIS to address the purpose and need of proposed agency action.
Each reasonable alternative must be rigorously explored and objectively evaluated, and each alternative considered in detail so that reviewers may evaluate their comparative merits. NOAA has an obligation under NEPA to compare the protections currently in place with the complexities of managing a national marine sanctuary. The environmental impact statement should comprehensively explain the current protections and compare them to what would be changed by a sanctuary designation.

- **The spatial extent of the proposed sanctuary and boundary alternatives.**

The existing boundaries of Papahānaumokuākea Marine National Monument cover 582,578 square miles. We recommend that NOAA's preferred alternative for the sanctuary's boundaries follow the current Monument boundaries, including the Monument area originally designated in Presidential Proclamation 8041 of June 15, 2006, and the Monument Expansion Area as specified in Presidential Proclamation 9478 of August 26, 2016. The sanctuary should include all the waters, submerged lands, and living and non-living resources within these areas. The shoreward boundary should extend to the mean high tide.

- **The location, nature, and value of the resources to protect by a sanctuary.**

In 1999, President William J. Clinton established the Northwestern Hawaiian Island Coral Reef Ecosystem Reserve by Executive Order 13178. In 2006, President George W. Bush established Papahānaumokuākea Marine National Monument by Presidential Proclamation 8031. The proclamation included the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway National Wildlife Refuge, the Hawaiian Islands National Wildlife Refuge, and the Battle of Midway National Memorial. In 2010, UNESCO designated the monument as a mixed World Heritage site for its natural and cultural significance. In 2016, President Barak Obama expanded the monument to protect historic and scientific interest objects, geological and biological resources part of a highly pristine deep-sea and open ocean ecosystem, and an area of cultural significance to the Native Hawaiian community. The monument has significant living and non-living resources, cultural and natural seascapes, and geological features which deserve protection through sanctuary designation.

Critical geological features include seamounts and a non-volcanic ridge that extends southwest towards the Johnston Atoll, which are biodiverse hotspots that provide habitat for deep-sea species. Seamounts, ridges, and other undersea topographic features enable marine organisms to range throughout the Hawaiian Archipelago and between Hawaii and other archipelagoes.

Further, these features are home to species unknown to humans, with possible implications for research, medicine, and other uses.

The Monument provides critical foraging habitats for marine species and birds. Laysan albatross, Black-footed albatross, Bonin petrels, shearwaters, petrels, tropicbirds, Short-tailed albatross, and other seabird species forage in the Monument, along with five species of protected sea turtles. Twenty-four species of whales and dolphins have been sighted in the Monument. Three species are threatened or endangered: sperm whales, fin whales, and sei whales. Acoustic evidence also shows that endangered blue whales visit the area and may migrate past the Hawaiian Islands twice a year. Sharks, including tiger sharks and Galapagos sharks, are key species in the Monument's ecosystems

Native Hawaiians regard the Monument's atolls, islands, and waters as sacred places from which all life springs and ancestral spirits return after death. The Native Hawaiian belief systems regarding this genealogical relationship inform a set of responsibilities, rights, and privileges that Hawaiian people inherited to honor and protect their ancestors. The Kumulipo describes the Hawaiian universe as comprising two realms, Pō and Ao. Ke ala polohiwa a Kāne (the dark shining path of Kāne), also known as the Tropic of Cancer, is considered the border between Pō and Ao. The island of Mokamanamana is located on this boundary and is the center of convergence between the two realms; the island sits near the entrance of Papahānaumokuākea Marine National Monument, as only the second island in the northwestern part of the chain. The Monument's name commemorates the union of Papahānaumoku and Wākea, the divine parents of the island chain, the taro plant, and the Hawaiian people. Some islands have several names: one or more Hawaiian names that highlight a natural feature such as an abundance of sharks or a sacred quality ascribed to the place in traditional teachings, and an English name that often commemorates a historic shipwreck nearby.

Long-distance voyaging and wayfinding is a unique and valuable traditional practice that the Native Hawaiian community developed and advanced. Wayfinding relies on celestial, biological, and natural signs, such as winds, waves, currents, and the presence of birds and marine life. The Monument's open ocean ecosystem and its natural resources continue to be important in the Hawaiian Archipelago's cultural voyaging seascape and training ground for new generations of wayfinders.

Shipwrecks and aircraft in the Monument are of great historical interest and importance. The Monument is the final resting place of thousands of people lost during World War II battles. The submerged sites and scattered artifacts tell the stories of sailors and navigators who ventured throughout the Pacific. Interpretation of these shipwreck sites and the broader maritime heritage of Papahānaumokuākea Monument further our understanding of our connection to this place and our role in protecting its natural and cultural resources.

The sanctuary designation should protect all living, non-living, cultural, and maritime resources of the Monument and the cultural and natural seascapes of which they are an integral part.

- **Management measures for the sanctuary and any additional regulations that should be added under the NMSA to protect Monument Resources.**

Overall - Resource protection is the highest priority of the Monument, and the designation document, management plan, and regulations must be consistent with this priority. The sanctuary designation must augment and strengthen existing resource protections, increase regulatory compliance, ensure enforceability, and provide natural resources damage assessment authorities and interagency coordination of activities as provided in the National Marine Sanctuaries Act.

Presidential Proclamations 8031 and 9478 include prohibited activities which NOAA should incorporate into the sanctuary designation document, management plan, and regulations. Further, Presidential Proclamation 9478 provided a framework for managing the Monument Expansion Area, and NOAA should codify those protections in the designation document, regulations, and management plan.

Integration of Native Hawaiian cultural values and principles – "M*ai Ka Pō Mai* is a collaborative management framework intended to guide the Monument's co-trustees integration of traditional knowledge systems, values, and practices into management. Based on Hawaiian cosmology and worldview, the framework includes five management domains, four of the management domains are referred to as Kūkulu, and the central management domain is the Ho'oku'i. We strongly urge NOAA to embrace the framework and work with the Native Hawaiian Cultural Working Group, OHA, and the Native Hawaiian community to include the *Mai Ka Pō Mai* framework into the designation document, management plan, and regulations.

Fishing - The Magnuson–Stevens Fishery Conservation and Management Act (MSA) is the primary law that governs marine fisheries management in US federal waters. Its objectives are to prevent overfishing, rebuild overfished stocks, increase long-term economic and social benefits, and ensure a safe and sustainable seafood supply. ONMS Director John Armor's letter of November 19, 2021, to Chairperson Soliai of the Western Pacific Regional Fishery Management Council stated that the MSA is the appropriate statute for managing fisheries within the proposed sanctuary. *We strongly disagree and urge NOAA to adopt a joint regulatory approach at a minimum.*

As mentioned above, the cultural and natural landscape of Papahanaumokuakea, their services, and the living and non-living resources in the Monument deserve protection under the sanctuary designation. Fish species are a critical part of the landscape, and their management must be part of the ecosystem. The National Marine Sanctuaries Act is the only ecosystem-based act that can achieve this goal through regulation. *The ONMS regulations should be in addition to MSA regulations and not a backstop.*

Should ONMS choose not to regulate fisheries under the NMSA (a point we strongly disagree with), then the Secretary of Commerce must ensure the proposed regulations from the Western Pacific Fishery Management Council are consistent with Executive Order 13178 and Presidential Proclamations 8031 and 9478. If they are not, the Secretary of Commerce must reject the draft regulations.

Maritime Transportation - In 2008, the International Maritime Organization (IMO) designated the Monument a "Particularly Sensitive Sea Area." The Monument Management Board put

additional domestic measures and best practices into place to protect the original Monument area. We recommend that the IMO designation applies to the Monument Expansion Area. Further, as part of the sanctuary designation process, ONMS should determine if additional regulatory and management controls are necessary.

Thank you for the opportunity to comment on the proposed sanctuary designation.

David McGuire,

Director shark Stewards

Kona HI

PHONE (808) 594-1888 FAX (808) 594-1938

STATE OF HAWAIʻI
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAIʻI 96817

May 6, 2024

PMNM-Sanctuary Designation
NOAA/NOS/ONMS
1845 Wasp Blvd. Bldg 176
Honolulu, HI 96818

Re: Proposed Papahānaumokuākea National Marine Sanctuary Designation

Aloha:

The Office of Hawaiian Affairs (OHA) is in receipt of your March 1, 2024 letter seeking comments on the proposed designation of marine portions of the Papahānaumokuākea Marine National Monument and the Monument Expansion Area (collectively called the Monument) as a national marine sanctuary as well as a draft environmental impact statement.

OHA offers the following comments for your consideration:

Background

Papahānaumokuākea Marine National Monument (the PMNM or the Monument), which was originally established in 2006, includes the Northwestern Hawaiian Islands that were ceded (with the exception of Midway atoll, Kuaihelani) after the overthrow of the Hawaiian Kingdom in 1893. On August 26, 2016, President Barak Obama issued Presidential Proclamation 9478[1] to expand the boundaries of PNMM out to the United States Exclusive Economic Zone (EEZ) furthering the protection of Presidential Proclamation 8031. The Proclamation further references the Monument Expansion Area as being a highly pristine deep sea and open ocean ecosystem with unique biodiversity that constitutes a sacred, cultural, physical and spiritual place for the Native Hawaiian community.[2] President Obama, recognizing The Office of Hawaiian Affair's (OHA's) role in protecting the rights and resources of the Native Hawaiian peoples, justly elevated OHA

[1] 3 CFR 9478 - Proclamation 9478 of August 26, 2016. Papahānaumokuākea Marine National Monument Expansion

[2] Office of Hawaiian Affairs, National Oceanic and Atmospheric Administration, US Fish and Wildlife Service and State of Hawaii (2021). *Mai Ka Po Mai: A Native Hawaiian Guidance Document for Papahānaumokuākea Marine National Monument*. pp.17&18

to co-trustee and co-manager of PMNM. OHA thus entered into a co-trustee/co-manager agreement with the above listed co-trustees/co-managers and the Hawai'i State Governor.[3] Since 2017, OHA became part of the Monument co-trustee agencies and the Senior Executive Board of Co-managers, and Monument Management Board (MMB) of the PMNM.

The monument is now an area approximately 582,578 square miles. The Office of Hawaiian Affairs (OHA) has been a co-manager of the PMNM along with the Department of Commerce (through NOAA), the State of Hawai'i (through the Board of Land and Natural Resources (BLNR)) and the Department of Interior (through U.S. Fish and Wildlife Service (USFW)) for over a decade. The four co-trustees rely on a group of seven co-managers, which include two offices from NOAA, two from Fish and Wildlife Service, two divisions of DLNR and OHA. Co-managers carry out the management plan, which includes care for the monument and its many inhabitants, permitting of human uses of and in the Monument, preservation and conservation of the area and more.

On March 1, 2024, NOAA released its Notice of Proposed Rulemaking. This notice functioned to inform the public and interested parties of NOAA's intent to designate Papahānaumokuākea as a marine sanctuary under authority granted by the Naitonal Marine Sanctuary Act. The notice provides an overview of the numerous changes that a sanctuary designation will bring. It is important to note that in this notice and in subsequent conversations, it has always been the intent that a sanctuary designation is meant to enhance rather than strip away protections that the monument designation currently provides. Below we provide highlights of sections where we would like to provide comments:

Co-Trustee/Co-Managment Structure

OHA Administration's greatest concern with the proposed rulemaking is that it causes enormous confusion over the legitimacy of the co-management structure that has been in place for more than a decade. This is of utmost setback because OHA's role as a co-trustee of the monument—side-by-side as equals with NOAA, the U.S. Fish and Wildlife Service (FWS) and the State of Hawai'i—was a position that OHA and the Native Hawaiian community fought hard to achieve for years. We are disappointed that in elevating protections with Sanctuary designation, the rightful role of OHA, the state's indigenous government agency, as a decision-maker and co-trustee, is completely absent.

OHA's standing to take its proper place as co-trustee and co-manager of PMNM was a necessary step to support and fulfill the federal government[4] and State's trust

[3] State of Hawaii, Office of Hawaiian Affairs, US Department of Interior- US Fish and Wildlife, US Department of Commerce - National Oceanic and Atmospheric Administration; Memorandum of Agreement (2017)

[4] State of Hawai'i Organic Act of April 30, 1900, c339, 31 Stat. 141, § 2; and Hawai'i Admission Act of March 18, 1959, Pub. L. 86-3, 73 Stat. 4, § 2

obligations and fiduciary duties to "… better the conditions of Native Hawaiians"[5] and protect Native Hawaiian rights and interests. It is the State's duty to protect Native Hawaiian traditional and customary cultural and religious rights and practices.[6] OHA advocates, protects, and stewards cultural and natural resources from ma uka to ma kai (from the mountains to the sea) and promotes protections of rare, threatened, and endangered lifeforms that reside on the lands or in the waters surrounding from the main Hawaiian Islands out to the farthest reaches of the PMNM.[7]

The indigenous Native Hawaiian peoples never directly relinquished their inherent sovereignty or their right to self-determination and this was affirmed again and again in federal and state laws and actions. To effectuate the Native Hawaiians unique trust relationship and compact with the United States pursuant to the 1959 Admissions Act[8] and under the Hawai'i State Constitution[9] and related statutes, it is OHA's position that both government bodies must honor their trust obligations to the Native Hawaiians with regard to Papahānaumokuākea. OHA's co-trusteeship and co-management positions within the PMNM therefore are preserved and should not be eliminated nor diminished under Sanctuary designation.

The Notice of Proposed Rulemaking states that "NOAA and the State of Hawai'i would collaboratively manage the sanctuary." There is no specific identification of OHA and its role in management, which causes serious alarm.

OHA acknowledges that both the notice and accompanying management plan make mentions of honoring existing management structures. The notice states, "co-managment of the proposed sanctuary with the State of Hawai'i would not supplant the existing co-management structure for the Monument." Additionally, the accompanying management plan mentions that the sanctuary designation will "support and maintain existing co-management functions." However, the co-management entities are not explicitly named in the rules, which causes us grave unease.

We acknowledge that the Monument governance structure will remain. Sanctuary designation does not directly nullify the many years of advocacy and collaboration that has built the PMNM governance structure. However, OHA has concerns that the overlapping sanctuary designation causes confusion with regard to how important it is that we maintain the PMNM and its corresponding governance structure even if sanctuary designation is granted.

We recoginze that the National Marine Sanctuaries Act restricts which parties can

---

[5] Hawai'i Admission Act of March 18, 1959, Pub. L. 86-3, 73 Stat. 4, §5(f)
[6] Ka Pa'akai O Ka 'Aina v. Land Use Commission,7 P.3d 1068,94 Haw. 31 (2000)
[7] Submerged Lands Act, Pub. L. No. 31, ch. 65, title I,§ 2, 67 Stat. 29 (1953) (codified as amended at 43 U.S.C. §§ 1301-1315 (2013))
[8] Hawai'i Admission Act of March 18, 1959, Pub. L. 86-3, 73 Stat. 4, § 2
[9] Hawai 'i Constitution, Article XI, §§ 1, 2, 6, and 9; and Article XII, §§ 5, 6 and 7

be named explicitly as managers. This means that there is no place for indigenous governing bodies to have a named role as managers when it comes to any marine sanctuary, not just Papahānaumokuākea. While we understand the statutory and regulatory constraints, we fear that the lack of explicit commitment to OHA's status as co-trustee and co-manager in either the proposed rules or the draft management plan leaves too much up to interpretation.

OHA believes that establishing the sanctuary designation—absent a clearly stated intention to maintain both the co-trustee and co-management model of the monument—usurps the sovereignty of OHA as well as the lāhui o Hawai'i, given that OHA was elevated to protect the rights of our Native Hawaiian people and places. We believe that the most appropriate action moving forward is to **pause sanctuary designation until federal law can be changed to allow for explicit co-management structures that include native governing bodies as equal decision-makers**. OHA urges NOAA to consider temporarily halting sanctuary designation and to work with our agency and the Native Hawaiian community to achieve the ability for indigenous governing bodies to be eligible to be named as co-managers for marine sanctuaries under the National Marine Sanctuaries Act. OHA supports greater protections for our sacred Papahānaumokuākea under sanctuary designation, but these protections cannot occur at the expense of Native Hawaiian self-determination. We cannot support the diminishment of Native Hawaiian leadership with regard to Papahānaumokuākea.

Bifurcation of the EIS process

National Marine Fishery Service (NMFS), also an arm of NOAA, has not published or released the draft fishing regulations. This means that no one can review or provide public comments on the fishing regulations for the proposed sanctuary during this public comment period. We understand that NMFS will publish a draft environmental impact study (DEIS) notice and hold public hearings and a comment period later this year. OHA believes that this sequencing is out of order and creates confusion, as well as unnecessary burden to Native Hawaiian and fishing communities.

Without complete information the process is bifurcated. OHA believes this information should have been completed prior to the process for Sanctuary Designation otherwise it creates an incomplete, bifurcated, confusing and burdensome process on the Native Hawaiians and fishing community.

Prohibition on Exploring for, Developing, or Producing Oil, Gas or Minerals, or Any Energy Development Activities

OHA Administration supports that the sanctuary designation would "prohibit exploring for, developing, or producing oil, gas, or minerals to protect sanctuary resources." We especially support the addition of "any energy development activities." This makes clear that the prohibition will protect against any form of mining or exploration that may not yet be contemplated for energy. We appreciate the contemplation that exploring, developing and producing oil, gas, minerals and other energy in the sanctuary

boundaries should be one of the few activities that is completely banned in the sanctuary area.

The prohibitions named in the draft environmental impact statement align with the Office of Hawaiian Affairs' advocacy efforts for protection of Hawa i'i's natural resources and current State Law prohibiting deep sea mining. Hawa i'i's waters, biodiversity, and vibrant marine ecosystems, provide sustenance and have for centuries. OHA, as co-trustee of Papahānaumokuākea, has long supported the creation, maintenance, and management of marine protected and designated areas to ensure we adequately care for these waters and ecosystems. Our agency has supported community-based subsistence fishing areas, marine life conservation districts and fish replenishments areas. These types of management models provide a way to bring forth the 'ike (wisdom, knowledge) of our ancestors in managing and these vital ecosystems so they may thrive in perpetuity, for future generations. Accordingly, OHA supported recently passed State legislation regarding deep sea mining prohibitions which provides for the complete banning of this extractive activity in State waters.[10]

Other Prohibitions

There are several more prohibitions that the proposed rulemaking recommends. Many of these would allow prohibited activities only if they are done pursuant to a permit or incidental to a permitted activity. Generally, OHA is supportive of protections that maintain the biological and ecological vibrancy of Papahānaumokuākea. However, we cannot support any prohibition language that may limit the traditional and customary practices that Native Hawaiians are entitled to by both state and federal laws. There is a permit for Native Hawaiian practices both currently with the monument and in the proposed sanctuary designation. However, OHA wants to be sure that Native Hawaiian traditional and customary practices not be diminished.

OHA also has concerns about how these prohibitions may intersect with subsistence-based fishing. While the sanctuary designation should not overlap with any existing community-based subsistence fishery areas (CBSFA), we do not agree with any prohibitions that may have impacts on existing and prospective CBSFAs. Community- and cultural-based subsistence fishing practices honor the ways in which our oceans are connected. This means that both the kapu on and harvesting of certain species during certain times of year play integral roles in maintaining the ecological balance of our waters. OHA strongly urges this body to ensure that both current and future community- and cultural-based subsistence fishing practices are enhanced rather than negatively impacted as you consider advancing sanctuary designation. NOAA must incorporate language that explicitly includes community- and cultural-based subsistence-based fishing practices as part and parcel of protected Native Hawaiian customs and practices.

[10] SB2575 Thirty-Second Legislature 2023-2024;Environmental Protection; Seabed Mining; Permits; Prohibition.

U.S. Armed Forces Exemption

OHA does not support both the current and proposed "broad exemption to allow activities and exercises of the U.S. Armed Forces, including those carried out by the U.S. Coast Guard." We have consistently elevated the harmful impact of military exercises in the monument, including the effect of sonar training on the koholā (humpback whales) in the monument. We believe that if the federal government truly believes extensive protections of the sanctuary areas are necessary then they must hold their own military to the same standards. We note that there is an emergency provision that the sanctuary designation looks to continue. This means that if national security is truly required, the U.S. military will not be allowed unregulated access to Papahānaumokuākea. We cannot accept this provision. What we take issue with is the way that the broad exemption allows the U.S. military unfettered and unmonitored access to Papahānaumokuākea in times of peace and for training exercises without any true oversight, accountability or liability.

The above being said, OHA does acknowledge and appreciate that sanctuary designation may allow for slightly greater accountability of the U.S. military in the ways the rules are currently written. We appreciate increased accountability, however, OHA strongly believes NOAA must hold the U.S. military to the same standards as all other government agencies to truly honor the sacredness of Papahānaumokuākea as noted in the proposed rulemaking.

Sanctuary Permit Procedures and Criteria: Native Hawaiian Practices

OHA appreciates that there will continue to be permits issued for Native Hawaiian practices. However, the vague and confusing definitions for these practices creates ongoing difficulties with appropriate issuing of permits.

The proposed rule refers to Presidential Proclamation 8031 (2006)[11] for the definition. This proclamation defines "Native Hawaiian practices" as "cultural activities conducted for the purposes of perpetuating traditional knowledge, caring for and protecting the environment, and strengthening cultural and spiritual connections to the Northwestern Hawaiian Islands that have demonstrable benefits to the Native Hawaiian community. This may include, but is not limited to, the non-commercial use of monument resources for direct personal consumption while in the monument." OHA believes this definition provides a solid foundation.

However, OHA is concerned that Native Hawaiian is not defined. We have heard anecdotally that there is confusion at the federal level of what constitutes Hawaiian culture. We believe it must narrowly reference our indigenous practices and only those practices of the kānaka maoli, who lived and thrived in Hawai'i prior to European and American arrival. We recommend the following standard definition and language be adopted and integrated by ONMS/NOAA: Native Hawaiian is defined as "any individual who is a

[11] 3 CFR 8031 - Proclamation 8031 of June 15, 2006. Establishment of the Northwestern Hawaiian Islands Marine National Monument

descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawai'i."[12] Native Hawaiians also self-identify using many other names including but not limited to: Kānaka Maoli, Kānaka 'Ōiwi, and indigenous peoples or indigenous Native Hawaiians. These self-identifications should also be included and respected regarding any processes, protocols and requests, especially to ensure the permitting process will be carried out in a way that upholds the 'ike (knowledge, wisdom) of kānaka maoli and only our culture.

EIS Documentation:

It is our understanding that this is a HEPA/NEPA process. ONMS/NOAA and the State of Hawai'i conducted pre-meetings and consultations prior to the release of the current DEIS's (both the federal and state). OHA expresses concern about this sequencing because it may impact interested parties' abilities to comment on the sanctuary designation if the federal notice and relevant documents were not released or available for review at the time of those consultations.

According to Hawai'i Administrative Rule (HAR) 11-200.1-24(s)(1), the draft EIS shall include "reproductions of all written comments submitted during the consultation period required in section 11-200.1-23." The current DEIS (Appendix F) does not provide reproductions or copies. Rather, comments are "recreated" in NOAA's DEIS without original letterheads or formatting. Typically, state level DEISs or DEAs will provide copies of all written comments as they were originally received. NOAA has not done that here. Further, providing actual reproductions/copies demonstrates what exactly each party was responding to. As part of the DEIS process, comments can be received as part of the Notice of Intent for the EIS Preparation Notice (EISPN) or as part of the public scoping. Currently, Appendix F provides comment recreations in Section 3 under "public scoping;" thus, it is understood that all comment recreations are from the public scoping process and not the EISPN. This is problematic though as the HARs require that EISPN comments be provided in the DEIS.

Furthermore, according to HAR 11-200.1-23(c): Written comments and responses to substantive comments in response to an EISPN shall be included in the draft EIS. There are no specific comments or responses pertaining to the EISPN within the DEIS. Some of the public scoping comments provided in Section 3 of Appendix F may contain the EISPN comments, however, because NOAA chose to do recreations of comments, we cannot determine this and are left to understand they are solely from public scoping. This needs to be clarified.

Moreover, according to HAR 11-200.1-24(s)(6): The draft EIS shall include "a representative sample of the consultation request letter". There is no representative sample consultation letter within the DEIS. Typically, a DEIS or DEA will provide the sample letter in an appendix followed by copies of all the written comments received. Written

[12] 107 STAT. 1510; Public Law 103-150, NOV. 23, 1993

comments are provided as copies and not recreated in a summary type format. This is done to demonstrate that requests for consultations and specific comments are specific to the HRS 343 process and that comments from other non-HRS 343 consultations are not being utilized for HRS 343 compliance purposes.

Accordingly, these documents must be available for review prior to finalizing the comment process.

Closing Remarks

OHA believes Papahānaumokuākea is not just a sacred place but an example of how management of natural and cultural resources must be co-managed in ways that respect indigenous knowledge. We appreciate the many ways sanctuary designation enhances existing protections. We look forward to continuing our work to further solidify co-management structures that honor the need for indigenous governing bodies to have decision-making parity with federal and state partners. Mahalo for the opportunity to comment. Should you have any questions, please contact OHA's Director of Advocacy, Ke'ōpū Reelitz at (808) 829-0090 or by email at keopur@oha.org.

'O wau iho nō me ka 'oia 'i'o,

Stacy Ferreira
Ka Pouhana, Chief Executive Officer

SF:kr

CC: Carmen Hulu Lindsey, OHA BOT Chairperson and Maui Island Trustee

To Whom It May Concern.

My name is Janet Britt and I have lived in Kailua-Kona Hawaii for 14 years. I have worked in conservation much of my life, twenty years with the Nature Conservancy in Wyoming and six years with the former Hawaiian Islands Land Trust (HILT). I would like to strongly encourage decision makers to support Alternative 1 for the Papahānaumokuākea National Marine Monument.

With the proposed rule and Draft EIS, an additional layer of regulations over the existing boundaries of the current Marine Monument would maintain and enhance existing protections. It also incorporates Mai Ka Pō Mai, which was informed and created by the Native Hawaiian community, and the vision of how Papahānaumokuākea should be cared for now and in perpetuity. A sanctuary designation would also help strengthen the durability of existing protections provided through the Monument, which has been threatened by today's uncertain political climate, ensuring added safeguards regardless of who becomes President.

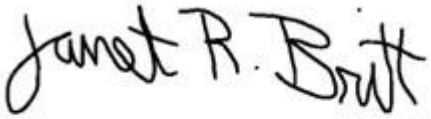
Papahānaumokuākea deserves the highest protection, as it has deep cosmological and traditional significance for living Native Hawaiian culture. It is the place where it is believed that life originates and to where the spirits return after death. Papahānaumokuākea is also a place for Native Hawaiian cultural practitioners of today to reconnect with their ancestors and gods, who they believe are manifested in nature.

A sanctuary can also attract additional public and non-profit funding, which could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for operations, research, citizen science, education, and emergency response.

With only 3% of the global ocean fully protected, we must support additional protections for Papahānaumokuākea that will help to mitigate against possible negative impacts from changes in political administrations.

Mahalo for your consideration.

Sincerely,



Janet R. Britt
77-213 Mahiehie St.
Kailua-Kona, HI 96740

Janetbritt50@gmail.com

Roberta Hickey
Papahānaumokuākea Sanctuary Designation Public Comment

My name is Roberta Hickey, and I am a law student at the University of Hawai'i at Mānoa, William S. Richardson School of Law. I have also worked at the University of Hawai'i in the School of Ocean and Earth Science Technology for the last year and a half. In addition, I am a resident of Hawai'i and a concerned citizen, very interested in ensuring government accountability and respect for the environment, including the preservation of ocean resources.

I am writing to voice my concern over the proposed Papahānaumokuākea National Marine Sanctuary. While I tentatively support a sanctuary designation for the Papahānaumokuākea area in the South Pacific region, I do so with qualifiers.

One of these qualifiers is that this designation provides the most environmental protections for the area as a primary concern, taking into account the cultural practices of Indigenous groups in the area. Wrapped within this is the impact that could affect environmental research with global and long-term implications regarding climate change and sustainability efforts. It is also of crucial concern, given the importance of the natural environment to cultural practice to Native Hawaiians (the Indigenous population of the region), that this be taken into account alongside environmental protections because environmental preservation does not occur in a vacuum.

Another qualifier in my support is the protections granted for cultural practice fishing. On the surface, this seemingly innocuous position in the proposed sanctuary designation would seemingly support Indigenous practices concerning subsistence fishing, valuing cultural practices and environmental concerns. Yet, some concern has been voiced in other public testimony that this may be a loophole for more commercial interest practices rather than protection of cultural practice.

Furthermore, I understand the protections assigned as a monument in the region are far more robust and stringent. This would prevent commercial interest loopholes from being exploited, and my understanding is that sanctuary designation would be laxer in this regard.

I would also like to voice the concern that some of the latest proposed changes of approximately 400 pages were released shortly before the notice and comment period. This has not allowed sufficient time to review this information for a more robust and thoroughly informed public commentary.

Lastly, I also understand that Native Hawaiian stakeholders are not centralized in the decision-making process regarding this designation, as was the case with the original monument status recognition in the past. This is a vital concern that Indigenous voices and leadership be centered in this decision-making process. Native Hawaiians, as stewards of the environment, particularly when it revolves this region of the world, need to be at the forefront of the conversation and the decision-making process and not merely in consultation.

Again, while I support what is seemingly the interest in preserving the environment and cultural practice of the Papahānaumokuākea area if monument status protections are more robust and stringent to ward against commercial interest fishery, my support is swayed not to sanctuary status but the preservation and extension of monument status to offer the most protection to both environment and Indigenous cultural practice.

I thank the agency for providing this forum for the public to express its support, concerns, and commentary regarding the Papahānaumokuākea sanctuary designation. I can be reached via email associated with my commentary submission for this issue.

REGION 9
SAN FRANCISCO, CA 94105

May 6, 2024

Eric Roberts
Superintendent
Papahānaumokuākea Marine National Monument
1845 Wasp Blvd., Building 176
Honolulu, Hawaii 96818

Subject: Draft Environmental Impact Statement for the Proposed National Marine Sanctuary Designation for the Papahānaumokuākea Marine National Monument, Honolulu County, Hawaii (EIS No. 20240032)

Dear Eric Roberts:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. The CAA Section 309 role is unique to EPA. It requires EPA to review and comment on the environmental impact on any proposed federal action subject to NEPA's environmental impact statement requirements and to make its comments public.

The National Oceanic and Atmospheric Administration Office of National Marine Sanctuaries proposes to designate marine portions of the Papahānaumokuākea Marine National Monument as a National Marine Sanctuary. Proclamation 9478 expanded the Monument by an additional 442,781 square miles from 139,793 square miles to a total 582,574 square miles, becoming the largest National Monument in the world. This Draft Environmental Impact Statement analyzes the impacts on the environment of the proposed action and a range of alternatives for sanctuary designation. Action alternatives differ by proposed boundaries and the Agency-Preferred Alternative is Alternative 1, with 1 being the largest and most comprehensive and Alternatives 2 and 3 smaller.

Review Summary

EPA did not identify significant public health, welfare, or environmental quality concerns to be addressed in the Final EIS.

Thank you for the opportunity to review this Draft EIS. If you have any questions, please contact me at (415) 947-4167, or contact Laney Gordon, the lead reviewer for this project, at (415) 972-3562 or gordon.laney@epa.gov.

Sincerely,

JEAN PRIJATEL

Digitally signed by JEAN PRIJATEL
Date: 2024.05.06 15:11:55 -07'00'

Jean Prijatel
Acting Manager
Policy and Operations Branch

Middle Bank

A Review of the Current Scientific Information[1]

March 18, 2024

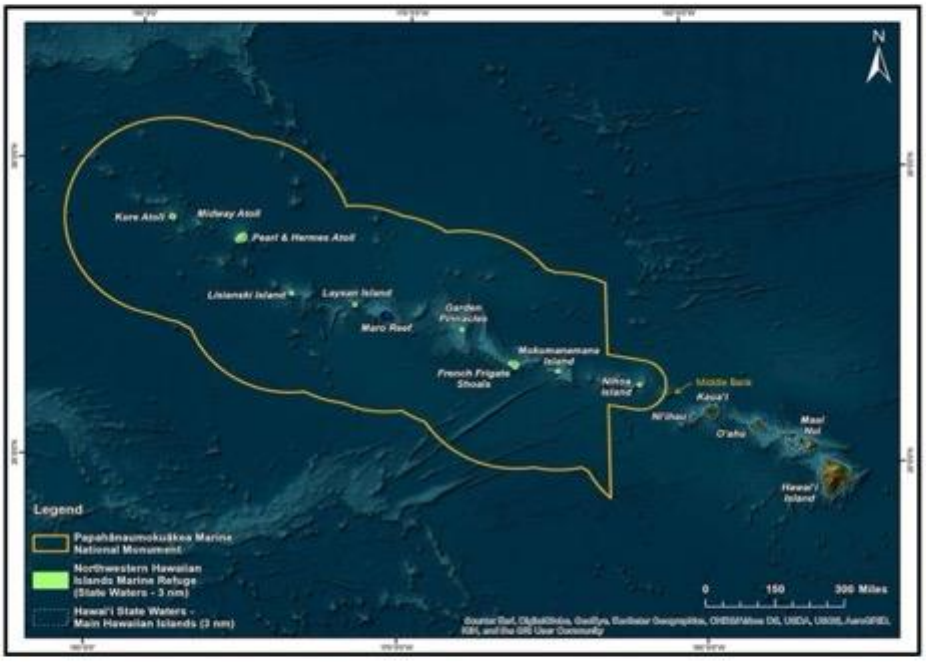
Introduction

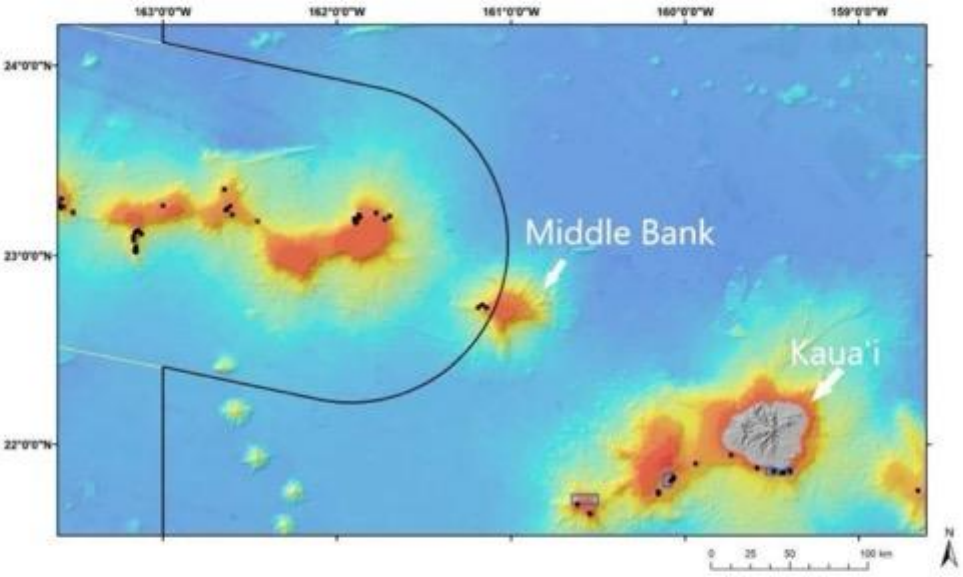
Middle Bank is a small seamount located in federal waters approximately 90 miles northwest of Kaua'i. The seamount straddles the far eastern boundary of the Papahānaumokuākea Marine National Monument (hereafter, PMNM or Monument). The inclusion of the western portion of Middle Bank in the PMNM appears to be an unintentional result of boundaries drawn during the creation of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (hereafter, Reserve) in 2000 under Executive Order 13178. In 1991, the Western Pacific Regional Fishery Management Council established the 50-nm protected species study zone in the Northwestern Hawaiian Islands (hereafter, NWHI) to prevent interactions between Hawaiian monk seals and the Hawai'i-based longline fishery. According to the Western Pacific Regional Fishery Management Council (2016a), the zone "is a contiguous area extending 50 nm from named features in the NWHI and connected by corridors between those areas where the 50-nm-radius circles do not intersect." One of the referenced "named features" is Nihoa Island (50 CFR § 665.201), and a 50-nm radius from the geographic center of this island passes though Middle Bank. When the Reserve was established its seaward boundary followed that of the protected species study zone (Van Trump 2002; Golden 2021). In turn, when the PMNM was established in 2006 under Proclamation 8031 its seaward boundary followed that of the Reserve.

After the PMNM's seaward boundary was modified in 2016 under Proclamation 9478, the fraction of Middle Bank outside the Monument boundary did not change. In accordance with a proposal by U.S. Senator Brian Schatz (HI), all federal waters east of 163° W. were excluded from the boundary expansion out to the full 200 nm of the U.S. EEZ in order to preserve access by local fishermen on Kaua'i and Ni'ihau to a particularly active fishing spot near NOAA Weather Buoy 51101 (Schatz 2016), which is located at 24°21' N. and 162°04' W.

Although Middle Bank lies partially within the Monument, the geographic coordinates of the seamount (22°43′ N. and 161°02′ W.) situates it within the boundaries of the Main Hawaiian Islands (hereafter, MHI) fishery management area according to the federal regulatory definition at 50 CFR § 665.202(a)(1), which states that the MHI includes the U.S. Exclusive Economic Zone (EEZ) around the Hawaiian Archipelago lying to the east of 161°20′ W. The location of Middle Bank relative to the boundary of the Monument is shown in the figures below.

[1]This literature review was compiled by Donald Schug with the assistance of Robin Baird, Brian Bowen, Alan Friedlander, Mark Hixon, Christopher Kelley, Michaela Kratofil, and William Walsh.





Source: Adapted from Hawai'i Division of Aquatic Resources (2024) and Kelley (2016)

2

One of the most noteworthy geographic features of Middle Bank is its relatively shallow summit. Middle Bank's flat-top summit lies between 35 and 75 m beneath the sea surface and is about 18 km long (northwest-southeast axis) by about 15 km wide (northeast-southwest axis) (Uchida and Uchiyama 1986). Its steep rise from the surrounding seafloor (from approximately 3,000 m deep) disrupts bottom currents, causing them to accelerate as they flow westward. The speed of ocean currents around Middle Bank is more variable than in most other parts of the MHI, changing by up to 0.06 m/s over the course of the year (Costa et al. 2016).

Numerous studies have demonstrated that seamounts with summits less than 400 m deep have the potential to substantially affect the pelagic ecosystem by enhancing local biological productivity (e.g., Boehlert and Genin 1987; Genin 2004; Pitcher and Bulman 2007; Morato et al. 2010b). The mechanisms that support these ecosystem changes include localized upwelling along a seamount's sides caused by the change in speed and direction of surface and subsurface currents as they flow around the seamount, together with topographic blockage of zooplankton and micronekton undergoing daily vertical migration (Genin 2004; White et al. 2007; Costa et al. 2016). The overall result is that a single seamount can become a "hotspot" of biological diversity, biomass, and abundance in a relatively barren open-ocean seascape, and this biological enhancement can extend 30 to 40 km from the seamount's summit (Morato et al. 2010b; Clark et al. 2012; Gove et al. 2016). This feature of shallow seamounts may be especially notable in the open ocean areas surrounding the NWHI, which consist largely of deep waters that lack an abundance of phytoplankton and zooplankton that typically underlie dynamic and productive ecological communities (Kratofil et al. 2023).

Conservation Concerns

The following sections examine the conservation concerns raised by the salient biophysical features of Middle Bank described above. These concerns include the sustainability of fishing, maintenance of population and genetic connectivity, protection of marine mammals, and protection of deep-sea coral communities.

Sustainable Fishing

Seamounts may be important aggregating locations for demersal and pelagic species targeted by fisheries (Holland and Grubbs 2007; Pitcher and Bulman 2007; Pitcher et al. 2010; Gilman et al. 2012). In the portion of Middle Bank within the boundaries of the Monument only sustenance fishing is allowed, which is defined as fishing for bottomfish or pelagic species in which all catch is consumed within the Monument, and that is incidental to an approved and permitted activity (50 CFR § 404.3). In contrast, the area of the seamount outside the Monument boundary is subject to both commercial and non-commercial (subsistence and recreational) fishing.

Middle Bank is a well-known fishing site for commercially-important deepwater bottomfish species, including *Etelis coruscans* (local name: onaga) and *Pristipomoides filamentosus* (local name: opakapaka) (Western Pacific Regional Fishery Management Council 2016b). The seamount is reportedly an area of high catch rates for these bottomfish species (Siceloff et al. 2016), which are often associated with underwater headlands and areas of high relief (Oyafuso et al. 2017). The species are caught at mesophotic depths (100–300 m) using hook-and-line gear (Haight et al. 1993). In addition, Middle Bank is reported to be a popular fishing site for *Aprion*

virescens (local name: uku) during the two to three months when they form spawning aggregations on the bank (Ayers 2022).

The only fishing occurring on the portion of Middle Bank outside the Monument that is not subject to federal or state permitting and reporting requirements is non-commercial (i.e., recreational and subsistence) fishing for pelagic species. The Hawai'i Division of Aquatic Resources administers a mandatory permitting/reporting program for the commercial bottomfish fishery and commercial small boat pelagic (i.e., non-longline) fishery in both the state and federal waters around the MHI. There is a federal permitting/reporting program for the non-commercial deepwater bottomfish fishery in the federal waters around the MHI, including the waters over Middle Bank. In addition, the number of deepwater bottomfish federally-permitted non-commercial fishermen are allowed to catch, possess, and land is limited to five per person per fishing trip.

Enforcement of fishing regulations at Middle Bank on either side of the Monument boundary is problematic due to its relatively remote location. The Hawai'i Division of Aquatic Resources reported that even in bottomfish fishing areas closer to the populated MHI it had concerns about possible underreporting of catch and effort, particularly in areas that had previously been closed to bottomfish fishing (Western Pacific Regional Fishery Management Council 2021).[2] The isolation of Middle Bank makes it even more difficult to monitor fishing activity. As a consequence, the populations of some species of bottomfish on the seamount are vulnerable to local depletion by fishing activity (Kelley et al. 2010; Western Pacific Regional Fishery Management Council 2016b). The threat of local depletion of deepwater bottomfish populations at Middle Bank is compounded by the relatively late age at maturity, long life span, and slow growth rate of most of the species targeted by fishermen (Moore et al. 2013). For example, the expected lifespan of onaga is 55 years, while the longevity of the endemic grouper *Hypothordus quernus* (local name: hapu'upu'u) is estimated to be 76 years (DeMartini 2019).

It is also important to note that bottomfish such as onaga and opakapaka on Middle Bank are likely moving across the Monument boundary (Kelley 2021). Consequently, even if fishermen comply with fishing regulations in the portion of Middle Bank outside of the Monument, the seamount as a whole could experience a decline in the populations of some species, thereby affecting the Monument ecosystem.

In addition to deepwater demersal species, pelagic fish of high commercial value aggregate at Middle Bank. The density of tuna, billfish, oceanic sharks, and other large, highly migratory pelagic fish around seamounts has been observed to be higher relative to the open ocean, and

[2] In 1998, it was determined that overfishing was occurring on the deepwater bottomfish complex around the Hawai'i Archipelago, with the primary problem being excess fishing effort in the MHI (Ikehara 2006). In response, the State of Hawai'i created a network of reserves in state and federal waters around the MHI that excluded bottomfish harvest while leaving surface waters open to fishing for pelagic species. The network was revised in 2007 to better protect selected bottomfish habitats. Despite a lack of rigorous enforcement and reports of illegal fishing in some reserves (Hospital and Beavers 2011; Drazen et al. 2014; Western Pacific Regional Fishery Management Council 2016b), an evaluation of the effectiveness of the amended reserves found positive local effects of protection, with mean fish length, and in some cases abundance, increasing for one or more bottomfish species inside nearly all the reserves studied. Moreover, relative abundance, fish size, and species richness declined with distance from the reserves, signifying that the recovering bottomfish communities inside the reserves had begun to spillover the boundaries of the areas, and that the reserves were a source of more and larger fish to fished areas (Drazen et al. 2014; Sackett et al. 2014; Sackett et al. 2017). In 2019, four of the 12 reserves were re-opened to bottomfish fishing; in 2022, the remainder were re-opened.

some seamounts have been documented to have positive effects on the catch rates for commercially-important pelagic species (Holland and Grubbs 2007; Morato et al. 2010a; Gilman et al. 2012). Holland and Grubbs (2007) report that two general hypotheses have been proposed to explain the high densities of large pelagic fish associated with seamounts. First, there may be enhanced food availability at seamounts relative to the surrounding areas. Second, seamounts may play a role as navigational 'waypoints' in the larger movement patterns of these species According to these authors, "there is little doubt that seamounts are very important in the life history strategies of tunas and in shaping their distribution patterns." In addition, the authors note that pelagic fish catches from seamounts should be closely monitored given that the known locations of seamounts increase the vulnerability of species to targeted harvesting and because, for unknown reasons, seamounts seem to attract disproportionate amounts of sub-adults.

Information on the types of pelagic fish species frequenting Middle Bank and the extent to which they are targeted by fishermen is limited. Catch data published by the National Marine Fisheries Service (2022) for the Hawai'i-based longline fishery indicate that many pelagic species that have been associated with seamounts were caught in the U.S. EEZ offshore off the NWHI prior to the expansion of the Monument in 2016. These species include bigeye tuna, yellowfin tuna (*Thunnus albacares*), blue marlin (*Makaira mazara*), shortbill spearfish (*Tetrapturus angustirostris*), swordfish (*Xiphias gladius*), silky sharks (*Carcharhinus falciformis*), and mako sharks (*Isurus* spp.). This longline fishing activity included occasional sets at Middle Bank (Gilman et al. 2012).

The impacts of fishing on aggregations of tuna at Middle Bank may be similar to those at Cross Seamount, a shallow seamount situated to the southwest of the island of Hawai'i. Researchers have documented large schools of tuna at Cross Seamount, and it is a well-known site of high catch rates of bigeye tuna (*Thunnus obesus*) (Itano and Holland 2000; Sibert et al. 2000; Holland and Grubbs 2007). Sibert et al. (2000) reported that tag-and-recapture experiments suggest that the Cross Seamount tuna aggregation represents a highly labile population in which individuals arrive, remain a few days or weeks, and then leave. The authors concluded that while fishing mortality at Cross Seamount is substantial, the high emigration, together with a high rate of natural mortality, makes it unlikely that fishing is adversely impacting the tuna population at this seamount.

Maintenance of Population Connectivity

Population connectivity is the exchange of individuals among geographically-separated sub-populations that comprise a metapopulation, primarily via larval dispersal in marine species, yet also by occasional movements of adults. This connectivity plays a fundamental role in local and regional population dynamics, community structure, genetic diversity, and resiliency to human exploitation (Cowen et al. 2002). Moreover, protecting areas with high population connectivity could confer resilience to climate change (Lopazanski et al. 2023).

Many seamounts show limited population connectivity and a high level of endemism due to geographical isolation and complex hydrographic processes (Shank 2010). However, some seamounts can create pathways of habitat "stepping stones," thereby connecting metapopulations and creating avenues for larval dispersal (Hubbs 1959; Rowden et al. 2010; Mazzei et al. 2021).

There is growing evidence that the bottomfish populations at Middle Bank are important for biological connectivity between the MHI and NWHI. Larval and egg dispersal modeling

indicates that the seamount may act as a critical stepping stone and ecological corridor, connecting the Monument and the MHI through the dispersal of bottomfish larva and eggs (Kobayashi 2008; Drazen et al. 2012; Vaz 2012). Eggs released around Middle Bank stay around the MHI (Drazen et al. 2012; Wren et al. 2016), but eggs spawned in other areas of the NWHI do not contribute to the MHI populations of bottomfish due to distance and ocean current flow (Toonen et al. 2011; Drazen et al. 2012).

Large, mature fish are especially important to Middle Bank's capability to serve as a recruitment source, as these individuals tend to produce higher quality eggs and more of them when compared to younger fish of the same species (Drazen et al. 2012; Hixon et al. 2014). Since fishing frequently targets larger, older individuals, the reproductive success of a species can be disrupted (Weng 2013), leading to a decline in overall fish populations and a reduction or loss of population connectivity.

Given the potential importance of Middle Bank in maintaining the connectivity of bottomfish stocks in the MHI and PMNM, a report prepared for the NMFS Pacific Islands Regional Office ranked Middle Bank the highest among 16 candidate bottomfish Habitat Areas of Particular Concern (HAPC) in the MHI (Kelley et al. 2010). However, the Hawaiian Archipelago EFH/HAPC Working Group rejected the inclusion of Middle Bank as a HAPC, stating that the larval dispersal modeling was scientifically interesting but did not provide compelling evidence that the seamount is a significant stepping stone with respect to population connectivity between the MHI and NWHI (Hawaiian Archipelago EFH/HAPC Working Group 2011).

Marine Mammal Protection

Cetaceans and pinnipeds are widely reported as more abundant in the vicinity of abrupt topographies like seamounts (Kaschner 2007). For example, humpback whales (*Megaptera novaeangliae*) are known to associate with seamounts in numerous areas around the globe, including the southwestern Pacific Ocean (Garrigue et al. 2010; Derville et al. 2020), southwest Indian Ocean (Trudelle et al. 2016; Dulau et al. 2017), the Revillagigedo Archipelago off Mexico (Lagerquist et al. 2008), the north Atlantic Ocean (Kennedy et al. 2014), and the southeast Atlantic Ocean (Ross-Marsh et al. 2022).

The reason for this localized movement at seamounts is unclear. It has been hypothesized that it could represent a continuation of breeding behavior; indicate opportunistic foraging since the bathymetric features also serve to affect nutrient flow and aggregate prey; and/or aid in navigation, as seamounts could be areas of increased geomagnetism that further facilitate orientation along migration routes (Henderson et al. 2022).

There is evidence that Middle Bank may be important to the protection of populations of marine mammals as well as fish. In the Hawaiian Archipelago, Henderson et al. (2022) reported that humpback whales equipped with satellite telemetry tags from 2017 to 2019 found that different humpback whales followed similar paths in all three years, transiting west from Niʻihau to Kaʻula Island and Middle Bank. Moreover, they displayed consistent behavior when over the seamount, changing movement behavior to "area-restricted search" (characterized by slower swimming speeds and localized movements). The authors noted that the whale transit paths between Niʻihau, Kaʻula Island, and Middle Bank overlapped with the paths used by tagged humpback whales in studies by Mate et al. (1998), Mate et al. (2019), and Palacios et al. (2019).

More recently, the Wave Glider mission that acoustically surveyed areas within the PMNM affirmed earlier observations that the banks, shoals, and seamounts of PMNM are occupied by humpback whales during the winter breeding season (Lammers et al. 2023). The survey revealed that humpback whale song prevalence was highest at Middle Bank. This seamount was also noted to be important in a recent updated assessment of the Biologically Important Area (BIA) boundary for humpback whales in the Hawai'i region (Kratofil et al. 2023). BIAs represent areas and times in which cetaceans are known to concentrate for activities related to reproduction, feeding, and migration, as well as the known ranges of small and resident populations (Harrison et al. 2023). Based on the spatial distribution of sightings and occupancy pattern of satellite-tagged humpback whales, the BIA boundary in Hawai'i was extended farther west to include Middle Bank (Kratofil et al. 2023).

Although marine mammal survey effort has been limited on Middle Bank, researchers have noted that a wide array of other marine mammal species may also be attracted to the bank. Baird et al. (2013) and Kratofil et al. (2023) recorded tagged false killer whales (*Pseudorca crassidens*) from the northwestern Hawaiian Islands population at Middle Bank. Oleson et al. (2010) note that bottomfish found on the deep reef slope of seamounts could be potential forage for the species. Short-finned pilot whales (*Globicephala macrorhynchus*) and melon-headed whales (*Peponocephala electra*) satellite tagged off Kaua'i have been documented skirting the edges and slopes of Middle Bank (Baird 2016; Baird et al. 2022). Common bottlenose dolphins (*Tursiops truncatus*) have been sighted on Middle Bank during NOAA surveys (Baird 2016; Bradford et al. 2017). Individuals from Middle Bank are likely part of a currently unrecognized insular population in the northwestern Hawaiian Islands (Baird 2024).

Additional marine mammal species may be attracted to Middle Bank, although this has not been confirmed by visual and acoustic surveys, satellite tagging, or other types of data collection. Based on spatial predictive modelling, Pittman et al. (2016) expected Middle Bank to have a high relative abundance of sperm whales (*Physeter macrocephalus*) during the winter, and a high relative abundance of pantropical spotted dolphins (*Stenella attenuata*) during the summer and winter. Kaschner (2007) noted that the Hawaiian spinner dolphin (*Stenella longirostris*) is an example of a marine mammal species which may utilize seamount areas as feeding posts. The author observed that the regular inshore–offshore movement of spinner dolphins around Hawai'i matches the diurnal vertical and horizontal migrations of prey organisms in the mesopelagic zone (200–1000 m depth) around islands and seamounts. However, given the distance of Middle Bank from any nearshore areas where these dolphins could rest during the day, the attractiveness of the seamount as a feeding ground is uncertain (Baird 2024). Foraging studies employing satellite-linked dive recorders indicate that the Hawaiian monk seals (*Neomonachus schauinslandi*) at all colonies in the NWHI routinely commute to forage on the deep slopes of neighboring seamounts (Parrish 2009). While Middle Bank is relatively distant from the major monk seal colonies in the NWHI, seals from Nihoa and/or Ni'ihau may be using the seamount as a foraging area (Papahānaumokuākea Marine National Monument 2016).

The effects of fishing on Middle Bank for the marine mammals that are attracted to the seamount are largely unknown. In the Endangered Species Act status review for the Hawaiian insular false killer whale, interactions with fisheries were ranked as one of the most important current and future threats for this population, while recognizing that the level of certainty regarding these threats was low (Oleson et al. 2010). Lammers et al. (2023) note that for humpback whales the

NWHI provide protections from anthropogenic stressors (e.g. vessel noise, collisions, etc.) because of their remoteness and restricted access.

Preservation of Deep-sea Coral Communities

Deep-sea corals are often associated with seamounts (Miller et al. 2009). As described by NOAA Ocean Exploration (2017), ocean currents can: 1) scour sediment on a seamount, exposing the hard substrate that is ideal habitat for deep-sea corals; 2) deliver a constant supply of planktonic food to deep-sea corals living along seamount flanks; and 3) carry deep-sea coral larvae from various geographically distant areas. In turn, deep-sea corals on seamounts have been shown to play a role as "ecosystem biobuilders," acting as habitats for diverse invertebrate and fish communities (Clark et al. 2006; Sinniger et al. 2013).

Middle Bank has recently been found to host high density beds of deep-sea corals. In 2017, the NOAA ship *Okeanos Explorer* used a remotely operated vehicle to explore the base of one of the volcanic cones on the summit of Middle Bank. The survey revealed aggregations of Hawaiian gold coral (*Kulamanamana haumeaae*) (Smith et al. 2017), which may be one of the longest-lived species on earth (Roark et al. 2006; Sinniger et al. 2013). In addition, the survey found four black coral species, three of which had not previously been reported in the Hawaiian Archipelago (Molodtsova et al. 2018). One black coral species, *Antipathella* sp. (Myriopathidae), formed a dense monospecific coral garden near the top of the cone feature.

Kelley (2021) notes that the deep-sea corals in some areas of Middle Bank are vulnerable to damage from hook-and-line fishing operations, including anchor damage from vessels attempting to maintain position over productive bottomfish fishing habitat and damage from dropped fishing line weights and fishing line entanglement.

Sanctuary Boundary Implications

Given the above conservation concerns, it is appropriate to ask what boundary would best achieve the mission statement for the draft sanctuary management plan:

> *Carry out seamless integrated management to ensure ecological integrity and achieve strong, long-term protection and perpetuation of NWHI ecosystems, Native Hawaiian culture, and heritage resources for current and future generations.*

With respect to carrying out seamless integrated management, Clark et al. (2012) noted that an important management consideration for seamounts is whether they should be treated as discrete units, supporting faunal assemblages clearly distinct from other deep-sea habitats, or should be evaluated as part of wider ecosystems. The studies cited above suggest that Middle Bank is not ecologically isolated but rather has assemblages of similar species composition to those found in adjacent habitats on nearby seamounts, atolls, and islands and in the surrounding open ocean. Moreover, the seamount may play a key role as an ecological corridor for some species. The current arbitrary boundary separating a large portion of this ecologically important area from the rest of the proposed sanctuary appears to be inconsistent with the mission of ensuring ecological integrity.

As specified in its mission statement, the sanctuary must also help ensure the long-term protection and perpetuation of Native Hawaiian culture. A sanctuary boundary that reduces fishing access to Middle Bank could be perceived as inconsistent with this portion of the mission statement. As stated by the Western Pacific Regional Fishery Management Council (2006):

> *For Native Hawaiians... who once exercised sovereignty and self-determination in the Hawaiian Archipelago, and whose activities were governed by customary and traditional practices, any curtailment or reduction of access rights and cultural practices reduces their ability to practice and continue their culture. The loss of any access and or traditional practice could be viewed as a permanent loss of culture for Native Hawaiian communities.*

On the other hand, greater protection of the bottomfish populations at Middle Bank may benefit fishermen because it would provide a protected recruitment source for the MHI deepwater bottomfish fishery (Kelley 2021). Western Pacific Regional Fishery Management Council (2006) notes that ensuring a sustainable bottomfish resource would provide positive impacts to Native Hawaiians. Furthermore, it has been recommended by the Western Pacific Regional Fishery Management Council that non-commercial fishing, such the removal of fish and other resources for Native Hawaiian cultural practices, be allowed in the Monument expansion area by permit (Western Pacific Regional Fishery Management Council 2023). If the sanctuary boundary encompasses all of Middle Bank, similar fishing regulations could be applied to the portion of the seamount currently outside the Monument.

Harvesting fish and allowing it to be taken back to communities so that it can be consumed by families and shared would be consistent with the sanctuary mission statement. As noted in the report for the Hawai'i Bottomfish Heritage Project (Calhoun et al. 2020), the practice of giving away fish is a primary motivation for fishing in the bottomfish fishing community, demonstrating the critical role of fishing in maintaining social relationships as well as cultural identity. Moreover, studies conducted elsewhere in Hawai'i and in other areas of the world indicate that the establishment of exclusive zones for small-scale fisheries can be an effective way to maintain healthy fish stocks and productive fishing grounds, especially if the zones are adjacent to "no-take" areas where all fishing activities are prohibited, thereby promoting density dependent spill-over processes (e.g., Vaughan and Vitousek 2013; Di Franco et al. 2016; Susanto et al. 2018; Rodgers et al. 2021; Soria et al. 2024).

Given the remoteness of Middle Bank, it is likely that enforcement of fishing regulations will continue to be difficult irrespective of where the sanctuary boundary is drawn. However, Kelley et al. (2010) have suggested that incorporating all of Middle Bank into the Monument (or proposed sanctuary) would facilitate enforcement by creating a buffer between the major commercial bottomfish fishing grounds in the MHI and the seamount. Furthermore, permits for fishing at Middle Bank could be subject to the same Vessel Monitoring System requirement applied to other sanctuary permits.

References Cited

Ayers, A. 2022. Ecosystem & Socioeconomic Profile of Uku (*Aprion virescens*) in the Main Hawaiian Islands. National Marine Fisheries Service Pacific Islands Fisheries Science Center. Honolulu, HI.

Baird, R. 2024. Personal communication to Donald Schug. February 15, 2024.

Baird, R. W. 2016. *The Lives of Hawai'i's Dolphins and Whales: Natural History and Conservation*. University of Hawaii press, Honolulu, HI.

Baird, R. W., C. J. Cornforth, K. A. Wood, S. E. Vasquez, A. E. Harnish and M. A. Kratofil. 2022. Small-Boat Surveys and Satellite Tagging of Odontocetes on the Pacific Missile Range Facility, Kauai, in August 2021. Cascadia Research Collective. Olympia, WA.

Baird, R. W., E. M. Oleson, J. Barlow, A. D. Ligon, A. M. Gorgone and S. D. Mahaffy. 2013. Evidence of an island-associated population of false killer whales (Pseudorca crassidens) in the Northwestern Hawaiian Islands. *Pacific Science* 67 (4):513-521.

Boehlert, G. W. and A. Genin. 1987. A review of the effects of seamounts on biological processes. In: Barbara H. Keating, Patricia Fryer, Rodey Batiza and G. W. Boehlert. *Seamounts, islands, and atolls*. Washington, D.C.: American Geophysical Union

Bradford, A. L., K. A. Forney, E. M. Oleson and J. Barlow. 2017. Abundance estimates of cetaceans from a line-transect survey within the US Hawaiian Islands Exclusive Economic Zone. *Fishery Bulletin* 115 (2):129-142.

Calhoun, S., K. Leong and J. Hospital. 2020. Hawai'i Bottomfish Heritage Project: Traditions and Fishery Development. National Marine Fisheries Service Pacific Islands Fisheries Science Center. Honolulu, HI.

Clark, M. R., T. A. Schlacher, A. A. Rowden, K. I. Stocks and M. Consalvey. 2012. Science priorities for seamounts: Research links to conservation and management. *PloS one* 7 (1):e29232.

Clark, M. R., D. R. Tittensor, A.D. Brewin, P. Schlacher, T. Rowden, A. and K. C. Stocks, M. . 2006. Seamounts, deep-sea corals and fisheries: Vulnerability of deep-sea corals to fishing on seamounts beyond areas of national jurisdiction. UNEP-WCMC. Cambridge, UK.

Costa, B. M., M. Poti, A. Winship, P. Miller and J. Gove. 2016. Chapter 2: Environmental Setting Marine. In: B. M. Costa and M. S. Kendall. *Marine Biogeographic Assessment of the Main Hawaiian Islands*. Silver Spring, MD: Bureau of Ocean Energy Management and National Oceanic and Atmospheric Administration.

Cowen, R. K., G. Gawarkiewicz, J. Pineda, S. Thorrold and F. Werner. 2002. Report of a Workshop to Develop Science recommendations for the National Science Foundation. November 4-6, 2002, Durango, Colorado.

DeMartini, E. E. 2019. Hazards of managing disparate species as a pooled complex: A general problem illustrated by two contrasting examples from Hawaii. *Fish and Fisheries* 20 (6):1246-1259.

Derville, S., L. G. Torres, A. N. Zerbini, M. Oremus and C. Garrigue. 2020. Horizontal and vertical movements of humpback whales inform the use of critical pelagic habitats in the western South Pacific. *Scientific Reports* 10 (1):4871.

Di Franco, A., P. Thiriet, G. Di Carlo, C. Dimitriadis, P. Francour, N. L. Gutiérrez, A. Jeudy de Grissac, D. Koutsoubas, M. Milazzo and M. d. M. Otero. 2016. Five key attributes can

increase marine protected areas performance for small-scale fisheries management. *Scientific Reports* 6 (1):38135.

Drazen, J., V. Moriwake, D. Sackett and C. Demarke. 2014. Evaluating the Effectiveness of Restricted Fishing Areas for Improving the Bottomfish Fishery in the Main Hawaiian Islands. Prepared for State of Hawai'i Division of Aquatic Resources. Honolulu, HI.

Drazen, J., D. Sackett, A. Vaz and C. Moore. 2012. Bottomfish Restricted Fishing Areas and the deep 7: A report of current monitoring results. *Bottomfish News* 14 (October):2-3.

Dulau, V., P. Pinet, Y. Geyer, J. Fayan, P. Mongin, G. Cottarel, A. Zerbini and S. Cerchio. 2017. Continuous movement behavior of humpback whales during the breeding season in the southwest Indian Ocean: on the road again! *Movement ecology* 5: 1-17.

Garrigue, C., A. N. Zerbini, Y. Geyer, M.-P. Heide-Jørgensen, W. Hanaoka and P. Clapham. 2010. Movements of satellite-monitored humpback whales from New Caledonia. *Journal of Mammalogy* 91 (1):109-115.

Genin, A. 2004. Bio-physical coupling in the formation of zooplankton and fish aggregations over abrupt topographies. *Journal of Marine systems* 50 (1-2):3-20.

Gilman, E., M. Chaloupka, A. Read, P. Dalzell, J. Holetschek and C. Curtice. 2012. Hawaii longline tuna fishery temporal trends in standardized catch rates and length distributions and effects on pelagic and seamount ecosystems. *Aquatic Conservation: Marine and Freshwater Ecosystems* 22 (4):446-488.

Golden, D. 2021. Assistant Regional Administrator, NMFS Pacific Islands Regional Office, Office of Protected Resources. Personal communication to Neal Langerman. November 30, 2021.

Gove, J. M., M. A. McManus, A. B. Neuheimer, J. J. Polovina, J. C. Drazen, C. R. Smith, M. A. Merrifield, A. M. Friedlander, J. S. Ehses and C. W. Young. 2016. Near-island biological hotspots in barren ocean basins. *Nature communications* 7 (1):10581.

Haight, W. R., D. R. Kobayashi and K. E. Kawamoto. 1993. Biology and management of deepwater snappers of the Hawaiian Archipelago. *Marine Fisheries Review* 54 (2):20-27.

Harrison, J., M. C. Ferguson, L. New, J. Cleary, C. Curtice, S. DeLand, E. Fujioka, P. N. Halpin, R. B. Tyson Moore and S. M. Van Parijs. 2023. Biologically Important Areas II for cetaceans within US and adjacent waters-Updates and the application of a new scoring system. *Frontiers in Marine Science* 10: 1081893.

Hawai'i Division of Aquatic Resources. 2024. Papahānaumokuākea Marine National Monument. Available online at https://dlnr.hawaii.gov/dar/marine-managed-areas/papahanaumokuakea-marine-national-monument/. Accessed January 19, 2024.

Hawaiian Archipelago EFH/HAPC Working Group. 2011. Report of the Review of Proposed Updates of the Hawaii Archipelago Bottomfish and Seamount Groundfish EFH/HAPC Designations.

Henderson, E. E., M. Deakos, J. Aschettino, D. Englehaupt and G. Alongi. 2022. Behavior and inter-island movements of satellite-tagged humpback whales in Hawai'i, USA. *Marine Ecology Progress Series* 685: 197-213.

Hixon, M. A., D. W. Johnson and S. M. Sogard. 2014. BOFFFFs: On the importance of conserving old-growth age structure in fishery populations. *ICES Journal of Marine Science* 71 (8):2171-2185.

Holland, K. N. and R. D. Grubbs. 2007. Fish visitors to seamounts: Tunas and billfish at seamounts. In: T. J. Pitcher, T. Morato, P. J. Hart, M. R. Clark, N. Haggan and R. S. Santos. *Seamounts: Ecology, Fisheries & Conservation*. Oxford, United Kingdom: Blackwell Publishing.

Hospital, J. and C. Beavers. 2011. Management of the main Hawaiian Islands bottomfish fishery: Fishers' attitudes, perceptions, and comments. National Marine Fisheries Service Pacific Islands Fisheries Science Center. Honolulu, HI.

Hubbs, C. L. 1959. Initial discoveries of fish faunas on seamounts and offshore banks in the eastern Pacific. *Pacific Science* 13:311–316

Ikehara, W. 2006. Bottomfish management and monitoring in the main Hawaiian Islands. In: R. Shotton. *Deep Sea 2003: Conference on the Governance and Management of Deep-sea Fisheries*. Rome, Italy: Food and Agriculture Organization of the United Nations.

Itano, D. G. and K. N. Holland. 2000. Movement and vulnerability of bigeye (*Thunnus obesus*) and yellowfin tuna (*Thunnus albacares*) in relation to FADs and natural aggregation points. *Aquatic Living Resources* 13 (4):213-223.

Kaschner, K. 2007. Air-breathing visitors to seamounts: Marine mammals. In: T. J. Pitcher, T. Morato, P. J. Hart, M. R. Clark, N. Haggan and R. S. Santos. *Seamounts: Ecology, Fisheries & Conservation*. Oxford, United Kingdom: Blackwell Publishing

Kelley, C. 2016. The Seafloor in the Newly Expanded Papahanaumokuakea Marine National Monument. Available online at https://nmspapahanaumokuakea.blob.core.windows.net/papahanaumokuakea-prod/media/archive/council/meetings/2016/2016-kelley-rac.pdf. Accessed January 19, 2024.

Kelley, C. 2021. Personal communication to Andy Collins and Randall Kosaki November 27, 2021.

Kelley et al. 2010. HAPC Justification Report. National Marine Fisheries Service Pacific Islands Regional Office, Habitat Division. Honolulu, HI.

Kennedy, A. S., A. N. Zerbini, O. Vásquez, N. Gandilhon, P. J. Clapham and O. Adam. 2014. Local and migratory movements of humpback whales (*Megaptera novaeangliae*) satellite-tracked in the North Atlantic Ocean. *Canadian Journal of Zoology* 92 (1):9-18.

Kobayashi, D. R. 2008. Spatial connectivity of Pacific insular species: Insights from modeling and tagging. PhD Dissertation. Department of Environmental Sciences, University of Technology, Sydney. Sydney, Australia.

Kratofil, M. A., A. E. Harnish, S. D. Mahaffy, E. E. Henderson, A. L. Bradford, S. W. Martin, B. A. Lagerquist, D. M. Palacios, E. M. Oleson and R. W. Baird. 2023. Biologically Important Areas II for cetaceans within US and adjacent waters–Hawai'i Region. *Frontiers in Marine Science* 10: 1053581.

Lagerquist, B. A., B. R. Mate, J. G. Ortega-Ortiz, M. Winsor and J. Urbán-Ramirez. 2008. Migratory movements and surfacing rates of humpback whales (*Megaptera novaeangliae*) satellite tagged at Socorro Island, Mexico. *Marine Mammal Science* 24 (4):815-830.

Lammers, M. O., B. Goodwin, A. Kügler, E. J. Zang, M. Harvey, T. Margolina, J. A. Martinez, K. Merkens and L. T. Hatch. 2023. The occurrence of humpback whales across the Hawaiian archipelago revealed by fixed and mobile acoustic monitoring. *Frontiers in Marine Science* 10: 1083583.

Lopazanski, C., B. Foshay, J. L. Couture, D. Wagner, L. Hannah, E. Pidgeon and D. Bradley. 2023. Principles for climate resilience are prevalent in marine protected area management plans. *Conservation Letters* 16 (5):e12972.

Mate, B. R., R. Gisiner and J. Mobley. 1998. Local and migratory movements of Hawaiian humpback whales tracked by satellite telemetry. *Canadian Journal of Zoology* 76 (5):863-868.

Mate, B. R., D. M. Palacios, C. S. Baker, B. A. Lagerquist, L. M. Irvine, T. M. Follett, D. Steel and C. E. Hayslip. 2019. Humpback whale tagging in support of marine mammal monitoring across multiple navy training areas in the Pacific Ocean: preliminary summary of field tagging effort in Hawaii in March 2019. Oregon State University, Marine Mammal Institute, Hatfield Marine Science Center. Newport, OR.

Mazzei, E. F., H. T. Pinheiro, T. Simon, R. L. Moura, R. M. Macieira, C. R. Pimentel, J. B. Teixeira, S. R. Floeter, C. E. L. Ferreira and R. D. Ghisolfi. 2021. Mechanisms of dispersal and establishment drive a stepping stone community assembly on seamounts and oceanic islands. *Marine Biology* 168 (7):109.

Miller, K., H. Neil and D. Tracey. 2009. Recent advances in deep-sea coral science and emerging links to conservation and management of deep-sea ecosystems. *Marine Ecology Progress Series* 397: 1-5.

Molodtsova, T., C. Kelley and M. Putts. 2018. Abstract-Black Coral Garden on the Summit of Middle Bank (Hawaii). Presentation at the 15th Deep-Sea Biology Symposium, September 9-14, 2018. Monterey, CA.

Moore, C. H., J. C. Drazen, C. D. Kelley and W. F. Misa. 2013. Deepwater marine protected areas of the main Hawaiian Islands: Establishing baselines for commercially valuable bottomfish populations. *Marine Ecology Progress Series* 476: 167-183.

Morato, T., S. D. Hoyle, V. Allain and S. J. Nicol. 2010a. Tuna longline fishing around West and Central Pacific seamounts. *PloS one* 5 (12):e14453.

Morato, T., S. D. Hoyle, V. Allain and S. J. Nicol. 2010b. Seamounts are hotspots of pelagic biodiversity in the open ocean. *Proceedings of the National Academy of Sciences* 107 (21):9707-9711.

National Marine Fisheries Service. 2022. Hawaii and California Longline Fishery Logbook Summary Reports. Available online at https://www.fisheries.noaa.gov/resource/data/hawaii-and-california-longline-fishery-logbook-summary-reports. Accessed January 12, 2023.

NOAA Ocean Exploration. 2017. Why are seamounts "hot spots" for biodiversity? Available online at https://oceanexplorer.noaa.gov/facts/seamounts-biodiv.html. Accessed January 19, 2024.

Oleson, E. M., C. H. Boggs, K. A. Forney, M. B. Hanson, D. R. Kobayashi, B. L. Taylor, P. R. Wade and G. M. Ylitalo. 2010. Status review of Hawaiian insular false killer whales (*Pseudorca crassidens*) under the Endangered Species Act. Pacific Islands Fisheries Science Center, National Marine Fisheries Service. Honolulu, HI.

Oyafuso, Z. S., J. C. Drazen, C. H. Moore and E. C. Franklin. 2017. Habitat-based species distribution modelling of the Hawaiian deepwater snapper-grouper complex. *Fisheries Research* 195: 19-27.

Palacios, D. M., B. R. Mate, C. S. Baker, C. E. Hayslip, T. M. Follett, D. Steel, B. A. Lagerquist, L. M. Irvine and M. H. Winsor. 2019. Tracking North Pacific humpback whales to unravel their basin-wide movements. Marine Mammal Institute, Oregon State University. Newport, OR.

Papahānaumokuākea Marine National Monument. 2016. Reserve Advisory Council: 2016 Meetings. Wednesday, June 8, 2016 (1:00 pm – 4:30 pm). Materials Distributed for Consideration in the Meeting. 1.A Notes from David Laist on Monk Seal Foraging Areas. Available online at https://www.papahanaumokuakea.gov/council/meetings/2016/rac_mtgs2016.html. Accessed December 5, 2023.

Parrish, F. A. 2009. Do monk seals exert top-down pressure in subphotic ecosystems? *Marine Mammal Science* 25 (1):91-106.

Pitcher, T. J. and C. Bulman. 2007. Raiding the larder: A quantitative evaluation framework and trophic signature for seamount food webs. In: T. J. Pitcher, T. Morato, P. J. Hart, M. R. Clark, N. Haggan and R. S. Santos. *Seamounts: Ecology, Fisheries & Conservation*. Oxford, United Kingdom: Blackwell Publishing

Pitcher, T. J., M. R. Clark, T. Morato and R. Watson. 2010. Seamount fisheries: Do they have a future? *Oceanography* 23 (1):134-144.

Pittman, S. J., A. J. Winship, M. Poti, B. P. Kinlan, J. B. Leirness, R. W. Baird, J. Barlow, E. A. Becker, K. A. Forney, M. C. Hill, P. I. Miller, J. Mobley and E. M. Oleson. 2016. Chapter 6: Marine Mammals - Cetaceans. In: B. M. Costa and M. S. Kendall. *Marine Biogeographic Assessment of the Main Hawaiian Islands*. Silver Spring, MD: Bureau of Ocean Energy Management and National Oceanic and Atmospheric Administration.

Roark, E. B., T. P. Guilderson, R. B. Dunbar and B. L. Ingram. 2006. Radiocarbon-based ages and growth rates of Hawaiian deep-sea corals. *Marine Ecology Progress Series* 327: 1-14.

Rodgers, K., A. Graham, J. Han, M. Stefanak, Y. Stender, A. Tsang, R. Weible and K. Stamoulis. 2021. 2016-2020 Five Year Efficacy Study of the Management Regulations within the Community Based Subsistence Fishing Area of Hā'ena, Kaua'i. Prepared for State of Hawai'i Department of Land and Natural Resources, Division of Aquatic Resources. Honolulu, HI.

Ross-Marsh, E., S. Elwen, J. Fearey, K. Thompson, T. Maack and T. Gridley. 2022. Detection of humpback whale (*Megaptera novaeangliae*) non-song vocalizations around the Vema Seamount, southeast Atlantic Ocean. *JASA Express Letters* 2 (4):041201.

Rowden, A. A., J. F. Dower, T. A. Schlacher, M. Consalvey and M. R. Clark. 2010. Paradigms in seamount ecology: Fact, fiction and future. *Marine Ecology* 31 226-241.

Sackett, D. K., J. C. Drazen, V. N. Moriwake, C. D. Kelley, B. D. Schumacher and W. F. Misa. 2014. Marine protected areas for deepwater fish populations: An evaluation of their effects in Hawai'i. *Marine Biology* 161: 411-425.

Sackett, D. K., C. D. Kelley and J. C. Drazen. 2017. Spilling over deepwater boundaries: Evidence of spillover from two deepwater restricted fishing areas in Hawaii. *Marine Ecology Progress Series* 568: 175-190.

Schatz, B. 2016. Letter to Barack Obama. June 16, 2016.

Shank, T. M. 2010. Seamounts: Deep-ocean laboratories of faunal connectivity, evolution, and endemism. *Oceanography* 23 (1):108-122.

Sibert, J., K. Holland and D. Itano. 2000. Exchange rates of yellowfin and bigeye tunas and fishery interaction between Cross seamount and near-shore FADs in Hawaii. *Aquatic Living Resources* 13 (4):225-232.

Siceloff, L., M. S. Kendall, R. Kokubun, J. Drazen and V. Moriwake. 2016. Chapter 4: Fishes - Bottom Fish. In: B. M. Costa and M. S. Kendall. *Marine Biogeographic Assessment of the Main Hawaiian Islands*. Silver Spring, MD: Bureau of Ocean Energy Management and National Oceanic and Atmospheric Administration.

Sinniger, F., O. V. Ocana and A. R. Baco. 2013. Diversity of zoanthids (Anthozoa: Hexacorallia) on Hawaiian seamounts: description of the Hawaiian gold coral and additional zoanthids. *PloS one* 8 (1):e52607.

Smith, J. R., M. Putts and M. White. 2017. Okeanos Explorer ROV dive summary, EX1708, Dive 20, September 26, 2017. NOAA Office of Ocean Exploration & Research. Silver Spring, MD.

Soria, G., F. J. Fernández-Rivera Melo, V. M. Tortolini, A. Cinti, R. Hernández-Pimienta, L. Rocha-Tejeda, S. G. Marinone and A. Munguia-Vega. 2024. Integral Management Zones: A novel strategy for marine bivalve production in the Gulf of California, Mexico. *Aquatic Conservation: Marine and Freshwater Ecosystems* 34 (1):1-16.

Susanto, H. A., L. Hotra and M. Alfian. 2018. A managed access approach to sustain small-scale fisheries management in southeast Sulawesi, Indonesia. *ASFA Monographs* 64:1-8

Toonen, R. J., K. R. Andrews, I. B. Baums, C. E. Bird, G. T. Concepcion, T. S. Daly-Engel, J. A. Eble, A. Faucci, M. R. Gaither and M. Iacchei. 2011. Defining boundaries for ecosystem-based management: A multispecies case study of marine connectivity across the Hawaiian Archipelago. *Journal of Marine Biology* 2011: 1-13.

Trudelle, L., S. Cerchio, A. N. Zerbini, Y. Geyer, F.-X. Mayer, J.-L. Jung, M. R. Hervé, S. Pous, J.-B. Sallée and H. C. Rosenbaum. 2016. Influence of environmental parameters on movements and habitat utilization of humpback whales (*Megaptera novaeangliae*) in the Madagascar breeding ground. *Royal Society open science* 3 (12):160616.

Uchida, R. N. and J. H. Uchiyama. 1986. A Fishery Atlas of the Northwestern Hawaiian islands. National Marine Fisheries Service. Springfield, VA.

Van Trump, J. 2002. Protecting the rainforests of the sea: Creating the Northwestern Hawaiian Islands Coral Reef Ecosystems Reserve by Executive Order. *Penn State Environmental Law Review* 11 (2):273-293.

Vaughan, M. B. and P. M. Vitousek. 2013. Mahele: sustaining communities through small-scale inshore fishery catch and sharing networks1. *Pacific Science* 67 (3):329-344.

Vaz, A. C. 2012. Here today, gone tomorrow: Flow variability, larval dispersal and fisheries management in Hawai'i. PhD Dissertation. University of Hawaii at Manoa. Honolulu, HI.

Weng, K. C. 2013. A pilot study of deepwater fish movement with respect to marine reserves. *Animal Biotelemetry* 1 (1):1-9.

Western Pacific Regional Fishery Management Council. 2006. Draft Supplemental Environmental Impact Statement. Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region. Measures to End Bottomfish Overfishing in the Hawaii Archipelago. Honolulu, HI.

Western Pacific Regional Fishery Management Council. 2016a. Draft Timeline of Pertinent Management Actions in Creating the PMNM. Honolulu, HI.

Western Pacific Regional Fishery Management Council. 2016b. Amendment 4 to the Fishery Ecosystem Plan for the Hawaii Archipelago. Revised Descriptions and Identification of Essential Fish Habitat and Habitat Areas of Particular Concern for Bottomfish and Seamount Groundfish of the Hawaiian Archipelago. Honolulu, HI.

Western Pacific Regional Fishery Management Council. 2021. If You Open Them, They Will Come—Does This Hold True for BRFAs Reopened in Hawai'i? *Pacific Islands Fishery News* Fall: 6.

Western Pacific Regional Fishery Management Council. 2023. Letter to Nicole LeBouef, Assistant Administrator for Ocean Services and Coastal Zone Management. Honolulu, HI.

White, M., I. Bashmachnikov, J. Arístegui and A. Martins. 2007. Physical processes and seamount productivity. In: T. J. Pitcher, T. Morato, P. J. Hart, M. R. Clark, N. Haggan and R. S. Santos. *Seamounts: Ecology, Fisheries & Conservation*. Oxford, United Kingdom: Blackwell Publishing.

Wren, J. L., D. R. Kobayashi, Y. Jia and R. J. Toonen. 2016. Modeled population connectivity across the Hawaiian archipelago. *PloS one* 11 (12):e0167626.

May 7, 2024

To: John Armor, Director of the Office of National Marine Sanctuaries
c/o PMNM-Sanctuary Designation, NOAA/ONMS
1845 Wasp Blvd., Bldg 176, Honolulu, HI 96818

From: Linda Paul, Neal Langerman, William Walsh, Mark Hixon, Robin Baird, Rick Hoo, Thorne Abbott, Doug Fetterly, and Donald Schug

RE: Public Comment on the DEIS, management plan, and regulations for the proposed National Marine Sanctuary Designation for the Northwestern Hawaiian Islands.

Aloha John,

We are members of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council but would like to offer the following comments as members of the public. We unequivocally support the establishment of a National Marine Sanctuary in the Northwestern Hawaiian Islands as a means of improving the legal protections currently in place to preserve the endemic wildlife and ecosystems of this unique, remote and important marine area. However, we recommend that the Final EIS either fully analyze the biological/ecological, economic, social, and cultural impacts of a sanctuary boundary alternative that encompasses all of Middle Bank or provides a detailed explanation of why this alternative is inconsistent with the stated purpose and need of sanctuary designation and the National Marine Sanctuary Act (NMSA). As you are aware, in a letter dated January 28, 2022, the RAC recommended to ONMS that the EIS include a sanctuary boundary alternative that includes "some larger portion of Middle Bank, that is, incorporate an area that is presently outside of the eastern PMNM boundary."

As stated by the Environmental Protection Agency (see https://www.epa.gov/nepa/national-environmental-policy-act-review-process), NEPA regulations require that an EIS consider "a reasonable range of alternatives that can accomplish the purpose and need of the proposed action." The Draft EIS states that the purpose of the proposed action is to provide comprehensive and coordinated management of the marine areas of Papahānaumokuākea to protect nationally significant biological, cultural, and historical resources through a sanctuary designation. As stated in the Draft EIS, the term Papahānaumokuākea, when used alone, refers to the place, also historically known as the Northwestern Hawaiian Islands, including the land and all waters to 200 nm from shore. Moreover, the Draft EIS affirms that this area is not necessarily the same as the area of the PMNM. Therefore, it is apparent that the purpose and need statement does not preclude a full analysis of the impacts of a sanctuary boundary alternative that encompasses all of Middle Bank.

According to the Draft EIS, NOAA eliminated from detailed study a sanctuary boundary that extends eastward of the Monument boundary because it would not fulfill the purposes and policies of the NMSA, and therefore not meet the purpose and need for the proposed sanctuary designation. Specifically, the Draft EIS states that because of the State of Hawai'i's opposition to

expanding towards the Main Hawaiian Islands, a boundary alternative that encompasses all of Middle Bank would be inconsistent with the particular purpose and policy of the NMSA that states that ONMS "develop and implement coordinated plans for the protection and management of these areas with appropriate federal agencies, state and local governments, etc."

We recognize the importance of the referenced purpose and policy of the NMSA. However, in basing its decision to eliminate the Middle Bank alternative solely on that one purpose and policy NOAA fails to take into account other important purposes and policies set forth in the NMSA, including the third purpose and policy, which is "to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes." Furthermore, as stated in the sixth purpose and policy, any public and private uses of sanctuary resources must be "compatible with the *primary objective of resource protection*" (emphasis added). The decision to eliminate the Middle Bank alternative also did not consider what the Draft EIS reports to be the guiding questions that directed NOAA's analysis, including the question: How does the spatial extent of the proposed sanctuary affect the resources, natural environment, cultural heritage, and human uses in and around the proposed sanctuary?

Finally, the elimination of a Middle Bank alternative from detailed study because of State of Hawai'i opposition is inconsistent with the guidance in response to Question 2A in the *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations* (46 Fed. Reg. 18026):[1]

> *Section 1502.14 requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.*

With respect to the proposed sanctuary EIS, these NEPA guidelines make it clear that while the State of Hawai'i's preferences may be considered in shaping the alternatives analysis, the alternatives considered may not be entirely driven by those preferences. In doing so, NOAA may have eliminated a sanctuary boundary alternative that is environmentally preferable and better meets the full range of purposes and policies of the NMSA as well as the sanctuary's vision, mission, and guiding principles.

---

[1] Since the issuance of the Forty Questions guidance, the Council on Environmental Quality has routinely identified it as an invaluable tool for Federal, state, Tribal, and local governments and officials, and members of the public, who have questions about NEPA implementation (87 Fed. Reg. 23453).

In order to provide NOAA with a better understanding of how the omission of a Middle Bank alternative from detailed study could potentially place biological/ecological resources important to the proposed sanctuary at risk, the Research Subcommittee submitted to the RAC an extensive literature review that synthesizes information on the conservation value of Middle Bank and the implications for a sanctuary boundary decision, including a discussion of the sanctuary uses, resources, and qualities that could potentially be at risk by not considering a Middle Bank alternative (see attached literature review *Middle Bank: A Review of the Current Scientific Information*). This review includes information that was not available during the Monument Expansion in 2016, and it is intended to provide the authors of the Final EIS with fuller documentation of data relevant to potential alternatives. We recommend that a summary of the attached literature review be incorporated in the main text of the Final EIS, and that the entire document be included as an appendix. For the purposes of the administrative record, PDFs of all the literature cited in the document have been made available to NOAA staff.

We further recommend that NOAA periodically evaluate the effect on sanctuary resources of fishing activities in the portion of Middle Bank currently open to fishing. In a letter to ONMS dated July 12, 2016, the RAC made a similar recommendation, but no action was taken. Therefore, we once more request that periodic evaluations of fishing effects at Middle Bank be conducted, similarly to how NOAA has proposed conducting evaluations of fishing effects in the Outer Sanctuary Zone (see Sec. I. Part J In the "Supplementary Information" part of 89 Fed. Reg. 15272). As NOAA states, "Such evaluations would take into consideration the best scientific information available and evaluate whether additional actions are necessary for the proper care and management of Sanctuary resources, including fishery resources, consistent with goals and objectives of the Sanctuary."

In addition, we provide the following recommendations and comments on specific text in Section 3.7 of the Draft EIS (the italicized items are excerpts from the Draft EIS; RAC recommendations and comments are in plain text):

During outreach for this sanctuary designation process, there was significant opposition, including from fishers, to expand the boundary and include all of Middle Bank. State government officials indicated that the State would not support any expansion towards the Main Hawaiian Islands due to the lack of support in the community.

As stated in the Draft EIS, there were also comments suggesting "that sanctuary boundaries should extend beyond the footprint of the Monument to adjacent areas, including nearby seamounts and the entirety of Middle Bank." We recommend that the term "significant" be removed, as it suggests that public opposition to the inclusion of all of Middle Bank outweighs support for inclusion.

Furthermore, the Final EIS should note that only three of the 25 individuals consulted for the Cultural Impact Assessment in *E Ho'i i ke Au a Kanaloa* expressed opposition to the inclusion of

all of Middle Bank within the sanctuary (Nohopapa 2023). Two other consultees expressed preference for the sanctuary designation to encompass the largest area possible (Nohopapa 2023), although the incorporation of all of Middle Bank was not specifically mentioned. Moreover, there was widespread agreement among consultees that the health of Papahānaumokuākea and its ecosystems are connected to and affect the Main Hawaiian Islands. As detailed in the attached *Middle Bank: A Review of the Current Scientific Information*, information in the scientific literature suggests that Middle Bank may play a key role in the maintenance of those connections.

The State of Hawai'i manages fishing activity at Middle Bank and has repeatedly acknowledged the importance of this area for Kaua'i fishers.

We suggest that the Final EIS delete the inaccurate statement that the State manages fishing activity at Middle Bank. Although the State has historically taken the lead in managing the Main Hawaiian Islands bottomfish fishery, Middle Bank is located entirely within federal waters, and management of fishing activity at the seamount is ultimately the responsibility of the federal government. Fishing regulations for this area do not require support from the State of Hawai'i. This point was made by the Western Pacific Regional Fishery Management Council in Amendment 14 to the Bottomfish and Seamount Groundfish Fisheries Management Plan (dated December 19, 2007), which proposed to close the waters of Middle Bank to fishing for bottomfish in order to end the overfishing that was occurring within the Hawaiian Archipelago at that time. The Council recommended the closure of Middle Bank and other areas in the MHI within federal waters as "their closure would not require complementary State regulations" (see p. viii of document at https://www.fisheries.noaa.gov/resource/document/final-amendment-14-fishery-management-plan-bottomfish-and-seamount-groundfish).

We note that data to support the statement that Middle Bank is important to Kaua'i fishers is currently incomplete in the Draft EIS. The Final EIS should include a summary of the economic, social, and cultural benefits of maintaining access to the fishery resources in the portion of Middle Bank currently open to fishing. This analysis should be based on published literature (e.g., see references in *Middle Bank: A Review of the Current Scientific Information*), and a research study that includes interviews with fishery participants, observations of fishing practices, comments collected during the public scoping and public review processes, and other qualitative and quantitative social science data.

Decisions that could potentially affect the health of biological resources important to the sanctuary should also be based on quantitative data systematically collected by the state and federal agencies responsible for fisheries management. Data on the level of fishing effort at Middle Bank over the past several years are important for predicting the likelihood and extent to which fishing could have an adverse impact on these biological resources. The only fishing occurring on the portion of Middle Bank outside the Monument that is not subject to federal or

state permitting and reporting requirements is non-commercial (i.e., recreational and subsistence) fishing for pelagic species. The Hawai'i Division of Aquatic Resources administers a mandatory permitting/reporting program for the commercial bottomfish fishery and commercial small boat pelagic (i.e., non-longline) fishery in both the state and federal waters around the MHI. In addition, there is a federal permitting/reporting program for the non-commercial deepwater bottomfish fishery in the federal waters around the MHI, including the waters over Middle Bank. It is possible that some non-commercial bottomfish fishermen have opted to obtain a state commercial marine license rather than the federal non-commercial permit. However, non-commercial catch and effort logbooks are still required for catches of bottomfish made in federal waters around Hawaii. Updated annual data on the number of fishing trips made to Middle Bank and the number of unique vessels that fished Middle Bank can be made publicly available. These data are not confidential, as shown in the tables on p. 3-39 and 3-40 of the document at https://www.fisheries.noaa.gov/resource/document/final-amendment-14-fishery-management-plan-bottomfish-and-seamount-groundfish.

Arguments against inclusion focused on socio-cultural and political/jurisdiction aspects, including assurances from NOAA to Kaua'i fishers during public meetings regarding the 2016 Monument Expansion that the Monument boundary would not extend further towards Kaua'i.

We recommend that the Final EIS delete the reference to assurances from NOAA to Kaua'i fishers during public meetings regarding the 2016 Monument Expansion. The statement implies that the sanctuary boundary vis-à-vis Middle Bank was determined by NOAA before the sanctuary designation process began. Such a pre-determination would be inconsistent with the Notice of Intent published on November 19, 2021, and the subsequent public scoping process, during which NOAA specifically requested comments on the spatial extent of the proposed sanctuary and boundary alternatives. No restrictions were placed on the boundary alternatives NOAA would consider. In particular, the RAC was not informed of the reported assurances and their determining effects on the sanctuary boundary when it recommended to ONMS that the EIS include a sanctuary boundary alternative that encompasses "some larger portion of Middle Bank, that is, incorporate an area that is presently outside of the eastern PMNM boundary" (letter dated January 28, 2022).

With respect to the socio-cultural aspects of including all of Middle Bank within the proposed sanctuary, we note that a boundary alternative that encompasses Middle Bank could include fishing regulations that leaves at least some segments of the fishing community better off. In particular, the EIS analysis during the sanctuary designation process offers NOAA a unique opportunity to identify and assess alternative ways to enhance subsistence and indigenous access to the area of Middle Bank currently open to fishing, thereby helping protect Native Hawaiian traditional and customary fishing practices. For example, it has been recommended by the Western Pacific Regional Fishery Management Council that commercial fishing in the Monument expansion area be prohibited, but the removal of fish for Native Hawaiian cultural

practices be allowed in the Monument expansion area by permit. If an alternative boundary encompasses all of Middle Bank, similar fishing regulations could be applied to the portion of the seamount currently outside the Monument. This alternative would be consistent with the Cultural Impact Assessment in *E Hoʻi i ke Au a Kanaloa* in which consultees advocated for protecting Papahānaumokuākea from commercial fishing, while ensuring that resources are available for Native Hawaiian subsistence fishing (Nohopapa 2023). Furthermore, this fishing regime would have the added biological and sociocultural advantages of bringing the entirety of Middle Bank under the management guidance of *Mai Ka Pō Mai*. Additional information on how the sanctuary could preserve Native Hawaiian fishing practices is provided in *Middle Bank: A Review of the Current Scientific Information.*

Thank you for the opportunity to submit comments on this important matter.

Aloha Kakou (everyone),

My name is Isaac Harp, also known as Paka. I am a kanaka maoli lawai'a (Hawaiian fisherman) and I am deeply concerned with a Department of Commerce/NOAA proposal to designate an extremely weak Sanctuary in the Northwest Hawaiian Islands. Everyone who fishes in the main islands should be concerned with this!

Several generations of my ohana (family), and that of my wife Tammy, have depended on fishing for their survival. The waters of the NWHI are a nursery for the main Hawaiian islands and it's important to apply and enforce the strongest possible NWHI protections to protect future replenishment benefits in the main islands.

I apologize for the length of this testimony but it's important to understand the background of the struggle to protect the NWHI in a Hawaiian cultural context.

I provide below background information, strong concerns with the proposed Commerce Sanctuary, DEIS concerns and demands to protect our way of life in the main islands.

Background
Because the ocean played a significant role in the lives of our `ohana, in the 1980s I decided to give back to the ocean by volunteering on the State of Hawaii bottomfish task force, gillnet task force, and the Kaho'olawe Ocean Management Advisory Group. I also served on the Hawaiian Islands Humpback Whale Sanctuary Advisory Council (SAC). I represented the SAC at a SAC chairs meeting in the Florida Keys. Over the two days I was in Florida, I met with SAC chairs who shared horror story after horror story about how with Sanctuary designation, military, commercial and extractive activity increased, as did their negative impacts, while little to no protections came with the designation.

I served on the Western Pacific Fishery Management Council (Wespac) advisory panels (AP), including as Chair of the first Native and Indigenous Rights AP, and member of the Pelagics AP, and the Bottomfish AP. I've also been a member of the Native Hawaiian Cultural Working Group of the Papahanoumokuakea Monument for over 20-years.

Longline industrial fishing started invading Hawaiian waters in the early 1990s creating conflicts between longline fishers, many of whom appeared to have arrived recently in Hawai'i, and local fishers. But it wasn't until 2000, when kanaka maoli cultural practitioners and local fishers joined forces with environmental organizations willing to support Native rights, that protection for the NWHI became possible.

In 2000, led by kūpuna (respected elders), 65 people from five islands — including kanaka maoli cultural practitioners and community members, commercial and recreational fishermen, divers, scientists, and environmentalists — met for two days and developed Mālama I ka Moana, a plan to protect the NWHI. Kūpuna led the meeting and described traditional fishing practices including kapu (restrictions) and urged full closure to commercial fishing in the NWHI based on their experience.

As a fisherman, I presented a draft strong protection plan for the NWHI and Dave Raney, a local coral reef expert, diver and environmentalist presented a draft statement of protection principles. After substantial debate and discussion, the group used these documents as the basis for a consensus-based Mālama I ka Moana plan for the NWHI. After garnering massive public support through a series of federal hearings, the plan became the backbone of the NWHI Executive Orders issued in 2000 and 2001, establishing the 84-million-acre NWHI Coral Reef Ecosystem Reserve.

The NWHI hui, or network, emerged from this public participation process as a broad grassroots network of kupuna (some with ties to the NWHI for over half a century), kanaka maoli cultural practitioners, commercial, recreational and subsistence fishers, scientists, divers, and local citizens focusing on the protection of our kūpuna islands, the NWHI.

I was among the founding members of the NWHI hui along with kūpuna (elder) fisherman and former President of the Hawaii Longline Association, the late Louis "Uncle Buzzy" Agard, Kumu Hula Victoria Holt-Takamine, scientific analyst Stephanie Fried, civil rights supporter Cha Smith, and coral reef expert and diver Dave Raney. The hui movement led to a massive outpouring of public support for the strongest possible protections - expressed in over 100 public hearings and over 110,000 letters, faxes and emails sent to federal and state officials. This convinced the White House to issue

Executive Orders in 2000 and 2001 establishing the NWHI Reserve, followed by the State of Hawai'i's 2005 NWHI State Refuge - the greatest protections ever found in a marine area.

The massive outpouring of public support for the strongest possible protection of the NWHI, blocked the 2006 attempt by the Department of Commerce to overturn strong Reserve and Refuge protections and replace them with a weak Commerce Sanctuary, proposing to open up the area to industrial fishing and commercial activity and proposing massive violations of existing Reserve and State Refuge protections.

In place of the failed Commerce Sanctuary, the 2006 Papahanoumokuakea Monument was established, reaffirming and reinforcing the strong Reserve and Refuge protections, forcing the Department of Commerce to share jurisdiction over the vast NWHI region.

Hui members Uncle Buzzy Agard, Dave Raney, Stephanie Fried, and I served on the first Reserve Advisory Council, Uncle Buzzy as kupuna, Dave as Secretary, Stephanie as Alternate Member and I as Vice-Chair. We continually requested that NOAA management develop and implement NWHI Reserve regulations, a penalty schedule, and provide enforcement measures which they refused to do then, and still refuse to do now despite their regulatory authority to do so.

NOAA's Dan Basta repeatedly and bizarrely stated that NWHI Reserve enforcement would be "self-implementing" - and even published a 2004 Federal Register Notice (Vol 69 No. 199) to this effect , and repeating NOAA's refusal to implement the fundamental measures necessary for enforcement - refusing to require Vessel Monitoring Systems or an access permitting system for Reserve waters. This was puzzling to all members of the NWHI Reserve Enforcement Working Group that I chaired. The State and Coast Guard law enforcement members had no idea how enforcement could possibly be "self implementing" - or implemented at all - when there was no monitoring, no regulations, and no penalty schedule in place.

Commerce Sanctuary Concerns

Once again - despite the 2006 failure of NOAA's effort to designate a weak sanctuary in the world's most strongly protected waters - the Department of Commerce ("Commerce") through NOAA and NOS again propose designating a Marine Sanctuary to overlay

(1) the strongly protected State Northwestern Hawaiian Islands (NWHI) Refuge (0-3 miles offshore)
(2) the strong NWHI Coral Reef Ecosystem Reserve (3-50 miles offshore)
(3) the strong Papahanaumokuakea Monument which overlaps & preserves Refuge & Reserve protections and

- (4) the extremely weak "Monument Expansion Area" (50 to 200 miles offshore) which, instead of using the strong Reserve & State Refuge protections, introduced massive loopholes and the potential for extremely damaging industrial fishing, commercial activities, and no-holds-barred no-permit needed access for self-identified "Commerce research" activities.

By law the proposed Commerce sanctuary must "supplement and complement" – build upon; strengthen not weaken– existing protections, specifically including those of the NWHI CRE Reserve.

Instead of building upon the strong NWHI Reserve rules (as required by law), or strong State Refuge rules, or Monument rules, the latest proposed Commerce Sanctuary proposes to spread the massive loopholes and unbelieveably weak language of the "Monument Expansion Area" (MEA) throughout the entire region, to open up industrial fishing (falsely calling it "non-commercial" fishing) and other commercial activities, and to use a secretive permitting process, while exempting Department of Commerce activities from all sanctuary rules, permits, or monitoring if they self-declare their activities to be "research."

During NOAA's 2006 failed sanctuary designation attempt, the State of Hawai'i demanded that any sanctuary must use strong State Refuge rules as a baseline:

- Ban commercial use
- Ban commercial & recreational fishing,
- AUTOMATICALLY PROHIBIT ALL activities, except a short list of "do no harm" activities, and
- require PUBLIC hearings on all permit applications.

NOAA refused, and public outcry blocked their 2006 Sanctuary effort, leading to the establishment of a multi-agency Monument instead of a Commerce Sanctuary. For decades, they refused to issue Reserve regulations, a Monument or Reserve penalty schedule (fines for violations), to use easily available and almost free enforcement technology (AIS, satellite feeds), and to strongly enforce the stringent protections of the Reserve & Monument.

In 2016, a Monument Expansion Area (MEA) was created in the waters 50 to 200 miles offshore in endangered monk seal foraging habitat, but it introduced shocking loopholes in these offshore waters and far weaker protections than the strict rules of Refuge, Reserve and Monument. The weak MEA allows activities that are completely illegal in the Reserve, Monument & Refuge!

Instead of upgrading weak MEA protections to meet strong state Refuge and Reserve requirements, ensuring that its weakness and loopholes are quarantined and zoned separately from all of the other strongly protected areas, NOAA's Draft Environmental Impact Statement (DEIS) - developed without input from the Office of Hawaiian Affairs - proposes to spread MEA loopholes and weakness through the Commerce Sanctuary, overlaying all of the strongly protected areas. NOAA's Commerce Sanctuary also proposes to:

- spread commercial use in this sacred and fragile place, "partnerships with tourism associations", etc.
- open up a so-called "non-commercial" but industrial-scale fishery - Wespac proposes taking **300,000+ lbs of bottomfish annually**!
- AUTOMATICALLY ALLOW all activities except for a list of prohibitions (which they exempt themselves from). This is opposite of the State Refuge and Reserve/Monument management requirements that AUTOMATICALLY PROHIBIT all activities. The DEIS fails to analyze the impact of the proposed plan to automatically allow all activities versus the existing management structure in Reserve, Monument and State Refuge of automatically prohibiting all activities.
- issue permits through a secretive process controlled by Commerce with no public hearings, instead of the open public hearings required for the State Refuge.
- sell commercial permits at a price based on the ***"fair market value"*** of the use of fragile resources.

Instead of management by EQUAL co-Trustees of the Monument, the Commerce- controlled Sanctuary blocks the Office of Hawaiian Affairs (OHA) and biodiversity- protecting US Fish and Wildlife Service from sanctuary co-management roles and relegates the State of Hawai'i to a subordinate position, a massive change in management approach.

According to the DEIS, all "alternatives" – other than the No Action Alternative - propose that the Commerce Sanctuary may exempt all DOC agencies from regulations and oversight if they self-declare their secretive and potentially damaging activities as ***Commerce "research,"*** generating substantial concerns for this special place, one of the last predator-dominated marine ecosystems in the world.

The DEIS provides no assessment of the impact of allowing this no holds barred self-declared research or of introducing "research and **development**" by "any federal agency" which represents a shocking change of management principles compared to the Reserve, State Refuge and Monument. Development, of course, is NOT allowed in the Reserve, State Refuge or Monument.

None of the so-called "Alternatives" in the DEIS provide any analysis of the impact of proposed management structure which differs massively from the management structure of the Reserve, Monument and US Fish and Wildlife Refuges – and which is proposed for all "alternatives" except the "No Action" alternative.

The DEIS fails to provide a comparative analysis of the impact of the proposed new Commerce sanctuary management structure, where Department of Commerce is the permitting authority, where all activities are permitted except those on a list of prohibitions regulated by Department of Commerce - versus the existing multi-Trustee management structure.

No DEIS assessment is made to compare the difference between issuing regulations, penalty schedules and

enforcement measures in EXISTING protected areas - in the Reserve, in the Monument, or taking steps to enhance US Fish and Wildlife enforcement authority, or issuing regulations to close the extraordinary loopholes in the MEA and to bring MEA protections up to the strong level of protections of the Monument, Reserve and Refuge - compared to the Sanctuary "Alternatives".

Despite substantial input to NOAA/NOS by the NWHI hui in 2000 and 2001, the DEIS fails to provide any alternative that would bring the weak protections of the MEA up to the level of the strong protections found in State Refuge, NWHI Reserve or the Monument.

The DEIS also fails to state the magnitude of the proposed penalties for sanctuary violation (usually very light in most Sanctuaries) and fails to compare the magnitude of proposed Sanctuary penalties versus those existing in State waters, in USFWS Refuges, and elsewhere in the NWHI where penalty schedules should be implemented.

In addition to the above it is important to note that:

- The Northwestern Hawaiian Islands are **NOT FOR SALE**, commercial gain or fishing!
- Regulations, penalties & strong enforcement for the EXISTING Reserve & Monument **MUST BE PROVIDED NOW!**
- Regulations must be issued for the weak Monument Expansion Area (MEA) to ensure that the protections in this region **at least as strong as** the level of existing strong State Refuge & NWHI Reserve protections!
- ALL activities must be **AUTOMATICALLY PROHIBITED, unless specifically permitted** as in the Refuge and Reserve!
- All rules & prohibitions **MUST APPLY TO EVERYONE**; no exceptions, including for "Commerce research"!
- **NO COMMERCIAL, "Non-commercial", "Sustenance", "SUBSISTENCE," OR RECREATIONAL FISHING!**
- Public hearings **MUST** be held on all permit applications! **NO** secretive NOAA permitting process!
- There must be a **PERMANENT PUBLIC RECORD** of all permits granted!
- **INDEPENDENT** cumulative impact assessments of permits must be part of the permanent record!
- Implement AIS vessel monitoring and satellite vessel monitoring for enforcement NOW!
- Maintain the existing **EQUAL CO-TRUSTEE STRUCTURE** – OHA, US Fish & Wildlife, State, & Commerce!
- Federal funding should be distributed **EQUALLY AMONGST ALL CO-TRUSTEES!**

MARINE MAMMAL COMMISSION

7 May 2024

Mr. Eric Roberts, NOAA Superintendent
Papahānaumokuākea Marine National Monument
1845 Wasp Blvd., Building 176
Honolulu, HI 96818

ATTN: PMNM-Sanctuary Designation

Dear Mr. Roberts:

On 1 March 2024, the National Oceanic and Atmospheric Administration's (NOAA) Office of National Marine Sanctuaries (ONMS) published a proposed rule to designate marine portions of Papahānaumokuākea Marine National Monument (PMNM) as the Papahānaumokuākea National Marine Sanctuary (PNMS). This announcement also included a draft environmental impact statement (DEIS) on the action and a draft management plan (89 Fed. Reg. 15272). The PMNM, which then extended 50 nm seaward from all islands and emergent lands of the Northwestern Hawaiian Islands (NWHI), was created by two Presidential Proclamations in 2006.[1] In 2016, a subsequent Presidential Proclamation expanded the PMNM to the seaward limit of the U.S. Exclusive Economic Zone, creating the Monument Expansion Area (MEA).[2] In the PNMS proposal, the PMNM and the MEA together are referred to as "the Monument," while the MEA is referred to as the Outer Sanctuary Zone (OSZ).

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors, has reviewed the proposed rule and DEIS, and offers the following comments and recommendations. The Commission strongly supports the establishment of the PNMS, and in general is satisfied that the proposed sanctuary would provide adequate protections for marine mammals and their habitat. However, the Commission is concerned about a weakening of some of the proposed fishing regulations, as described below. The Commission recommends that NOAA proceed with the Sanctuary designation as described in the preferred option while ensuring that subsequent development and finalization of fishing regulations maintain the full force of all previous monument protections.

The Commission is concerned that NOAA has not fully assessed the potential impacts of fishing activities that may be permitted within the OSZ. The impacts of marine mammal interactions with some gears could be significant. The process for developing regulated fishing activities is separate from and on a different timetable than that of the sanctuary designation. Specifically, the

[1] Presidential Proclamation 8031 (26 June 2006): https://www.federalregister.gov/documents/2006/06/26/06-5725/establishment-of-the-northwestern-hawaiian-islands-marine-national-monument, and the amending Proclamation 8112 (28 February 2007): https://www.govinfo.gov/content/pkg/WCPD-2007-03-05/pdf/WCPD-2007-03-05-Pg237-2.pdf established the PMNM and its boundaries.

[2] Presidential Proclamation 9478 (31 August 2016): https://www.federalregister.gov/documents/2016/08/31/2016-21138/papahanaumokuakea-marine-national-monument-expansion established the MEA.

4340 East-West Highway • Room 700 • Bethesda, MD 20814-4498 • T: 301.504.0087 • F: 301.504.0099
www.mmc.gov

Commission has three concerns regarding fishing activities proposed to be permittable within the OSZ.

Native Hawaiian Subsistence Practices Fishing

The Commission supports sustainable subsistence fishing by native Hawaiians in the OSZ. However, the Commission is concerned that the proposed regulations governing the OSZ would create a loophole that could allow for what would amount to prohibited commercial fishing under the guise of native Hawaiian subsistence fishing.

The MEA Proclamation encompassed all of the protections created under the PMNM Proclamation, including a prohibition on commercial fishing. Importantly, the MEA Proclamation established that NOAA "may permit…non-commercial fishing, provided that the fish harvested … *cannot enter commerce through sale, barter, or trade, and that the resource is managed sustainably* [emphasis added]."

Under the provisions of the National Marine Sanctuaries Act (NMSA), ONMS invited the Western Pacific Regional Fisheries Management Council (WPRFMC) to draft fishing regulations for the proposed sanctuary that would be consistent with the 2006 and 2016 Presidential Proclamations and the goals and objectives of the proposed PNMS.[3] After a prolonged exchange,[4] the WPRFMC conveyed final proposed regulations to NOAA on 14 April 2023.[5] While NOAA rejected WPRFMC's proposal to allow the sale of catch for the recovery of trip costs, it found that the proposed regulations "fulfill the purposes and policies of the … NMSA and the goals and objectives of the proposed sanctuary."[6]

However, The Commission believes that another element of WPRFMC's proposed regulations is not consistent with the proclamations described above and the goals and objectives of the proposed sanctuary, and, therefore, should be similarly rejected.

The section of the proposed fishing regulations titled "Disposition of Native Hawaiian Subsistence Practices Catch" states that "an individual holding a valid MEA Native Hawaiian Subsistence Practices Fishing permit may bring catch back to the main Hawaiian Islands for consumption, including community sharing, *barter and trade*" (emphasis added). By definition in federal regulations applying to Hawaiian federal fisheries, 'non-commercial' catch includes 'subsistence' and 'traditional indigenous' fishing, and therefore would include what the WPRFMC has termed "Native Hawaiian Subsistence Practices Fishing."[7] As described above, the MEA Proclamation allows for the permitting of non-commercial fishing, but *does not allow catch to enter commerce through barter or trade*. Therefore, the Commission recommends that NOAA limit the

---

[3] See 19 November 2021 letter to the Chairman of the WPRFMC; reproduced at DEIS page 187.
[4] See DEIS Appendix C.
[5] Reproduced at DEIS page 210.
[6] 31 May 2023 letter from NOAA to the Director of the WPRFMC; reproduced at DEIS page 212.
[7] "Non-commercial fishing means fishing that does not meet the definition of commercial fishing in the Magnuson-Stevens Fishery Conservation and Management Act, and includes, but is not limited to, sustenance, *subsistence, traditional indigenous*, and recreational fishing" (50 C.F.R. § 665.12; emphasis added).

disposition of Native Hawaiian Subsistence Practices Fishing catch to community sharing,[8] and reject the portion of the WPRFMC proposed regulations that would allow for the *barter and trade* of such catch.

The Commission recognizes that the phrases "fish harvested … cannot enter commerce through … barter, or trade" (MEA Proclamation) and "bring catch back … for consumption, including … barter and trade" (WPRFMC proposed regulations), differ in that the latter does not refer to catch "not entering commerce." If the WPRFMC proposed regulations were modified to guarantee that catch brought back did not "enter commerce" through any mechanism, and that penalties would be imposed otherwise, then the Commission could endorse the proposed regulation.

Prohibited Activities 7-14

The sanctuary proposal would reestablish 14 generally prohibited activities, but allow some activities to be conducted by permit, including non-commercial fishing (Activity 7). The sanctuary proposal states that a non-commercial fishing permit would be "exempt from prohibitions 7-14," including drilling, dredging, abandoning structures, injuring any living resource, and discharging material.[9] The issuance of a permit allowing non-commercial fishing activity should not be construed as a blanket exemption from all of the other permittable prohibitions under the MEA Proclamation and hence the sanctuary. Moreover, the proposed non-commercial fishing permit would be inconsistent with goals stated in the DEIS that a permitted activity 1) "be conducted with adequate safeguards for the resources and ecological integrity of the monument" and 2) that "the end value of the activity outweighs its adverse impacts on monument resources, qualities, and ecological integrity."[10]

To maintain consistency with the goals of the proposed PNMS, the Commission does not support the authorization of non-fishing activities in conjunction with non-commercial fishing permits. Therefore, the Commission recommends that NOAA clarify that a non-commercial fishing permit does not exempt permit holders from the prohibitions for Activities 8-14. Thus, applicants for non-commercial fishing in the Monument would be required to obtain a separate permit to conduct any of the other prohibited activities besides non-commercial fishing (i.e., Activities 8-14).[11]

Environmental Impacts of Non-commercial Fishing

The fishing regulations proposed by WPRFMC would "amend the Hawaii and Pelagic Fishery Ecosystem Plan (FEP) to prohibit commercial fishing and allow for *sustainable* non-commercial fishing" in the MEA [emphasis added]. Further, the proposed regulations would establish annual catch limits that would allow the removal of up to 350,000 lb of bottomfish and 180,000 lb of pelagic fish from the Monument. The bottomfish limit is near the maximum caught in any year in NWHI prior to the establishment of the PMNM when commercial fishing was allowed. Moreover, because the OSZ contains very little area shallow enough for bottomfish fishing, the

---

[8] Another portion of the proposed WPRFMC regulations allows for the community sharing of non-commercial catch; at DEIS page 210.
[9] See DEIS page 26 for the full list; only activities 1-6 would be ineligible for permitting.
[10] DEIS at page 50.
[11] While fishing would necessarily violate the prohibition on "injuring any living resource", a permit should still be required, because a non-commercial fishing permit would allow the "injuring" of only certain species of fish.

latter would be so concentrated as to create the potential for local depletion. Neither the WPRFMC's letter nor the DEIS describes how these limits were derived or offers analytic evidence that these proposed limits would be sustainable. The letter also lacks an analysis of risk to marine mammals resulting from these activities, as required in the MMPA. Of special concern are ESA listed species and those known to interact regularly with pelagic fisheries. The DEIS does not include a sustainability assessment, which may be because the development, analysis, and environmental compliance of non-commercial fishing regulations for the OSZ are being conducted separately by NMFS and the WPRFMC, in consultation with ONMS.[12] Since the fishing regulations proposed by WPRFMC are being considered separately from, and out of phase with the DEIS, the Commission is concerned that other agencies and the public are unable to comprehensively assess the full and cumulative environmental impact of the proposed sanctuary and fishing regulations prior to designation of the PNMS. Therefore, the Commission recommends that NOAA ensure that NMFS and the WPRFMC expedite the public review of proposed non-commercial fishing regulations and environmental impact analysis to ensure they are consistent with the protections created under the PMNM Proclamation.

We hope these comments and recommendations are helpful. Please contact me if you have questions.

Sincerely,

Peter O. Thomas, Ph.D.
Executive Director

[12] DEIS at page 11.

May 7, 2024

Mr. Eric Roberts

Superintendent, PMNM, NOAA/ONMS

184 Wasp Blvd. Bldg. 176

Honolulu, Hawaii 96818

Dear Mr. Roberts, this testimony is submitted in support of Sanctuary designation and supports Alternative 1. We would ask the testimony of the Cultural Working Group be incorporated into our testimony.

We would like to emphasize the following points:

That the Reserve Advisory Committee become the Sanctuary Advisory Committee.

That The Office of Hawaiian Affairs continue in its role as Co-Trustee. We are unaware of any prohibition in the National Marine Sanctuary Act that prohibits it.

That the WESPAC proposed noncommercial fishing regulations be rejected. In Hawaii there is no evidence that Customary Exchange is a recognized Indigenous Customary Practice.

We have been involved with Papahanaumokuakea from its inception as the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve and State Marine Refuge and support the strongest protection for this sacred area.

Mahalo for the Opportunity to provide testimony in strong and unwavering support. Imua

William J, Aila Jr. and Melva N. Aila

86-630 Lualualei Homestead Road

Waianae, Hawaii 96792

DEEP-OCEAN STEWARDSHIP INITIATIVE

We, the Steering Committee of the Deep Ocean Stewardship Initiative (DOSI), representing a global coalition of deep-ocean experts, would like to express our gratitude for the chance to provide feedback on this draft environmental impact statement (EIS) from the National Oceanic and Atmospheric Administration's (NOAA) Office of National Marine Sanctuaries. This statement pertains to informing the proposal of designating marine portions of Papahānaumokuākea Marine National Monument and the Monument Expansion Area (MEA) as Papahānaumokuākea National Marine Sanctuary.

We previously offered input from a deep-ocean perspective regarding several of the themes on which NOAA had requested comments on the scoping procedure. We appreciate your consideration of our input in your deliberations to date and would like to reconfirm our prior statements and assure you that we remain available for further support in the implementation of the new National Marine Sanctuary, in particular around key deep-ocean topics.

We foresee substantial benefits of the new Sanctuary, including setting a precedent for the urgent actions needed within and beyond EEZs that include multi-stakeholder engagement and co-design that includes intangible heritage. An integrative and holistic geographic boundary as set out in **Alternative 1**, which we foresee as the most robust option, will allow funding of research, education, discoveries, and protection of biodiversity while supporting the heritage, knowledge, values, and practices of current and future generations of Native Hawaiians.

Below we provide some considerations for why Alternative 1 should be the preferred alternative from a deep-ocean biodiversity perspective:

1. **Alternative 1**, which includes the open ocean and deep-water resources of the MEA as well as the shallow reef waters, will provide a wide ecosystem-based management approach that accounts for connectivity between shallow and deep-ocean biodiversity and all the ecosystem processes that both realms support. The additional protection afforded by **Alternative 1** would result in measurable benefits throughout the entire marine region.

2. Minimizing human impacts and avoiding serious harm are essential in any marine environment, but especially in the deep ocean. Deep-ocean habitats and ecosystems are highly vulnerable to impact, often showing little recovery over decades and centuries. Impacted habitats and ecosystems have reduced biodiversity and hence resilience to counteract risks and impacts. Given our current understanding, restoring habitat and biodiversity in the deep ocean is not feasible and comes with significant financial and technological development costs. Including deep ocean realms in the Sanctuary (**Alternative 1**) will aid the entire system.

3. By establishing the **Alternative 1** Sanctuary space, this deep ocean region will be protected from any future marine carbon dioxide removal activities that could be damaging to the ecosystem processes in the region.

4. In addition to the impacts listed in the draft EIS, climate change also contributes to the demise of sedentary deep-ocean biodiversity and changing species ranges owing to heating of an otherwise stable thermal environment, ocean acidification and deoxygenation. Deep ocean life in both benthic and pelagic realms could also be included in a monitoring programme if included under the **Alternative 1** scenario.

5. During permitted scientific exploration and research activities, the use of an established framework for identifying Vulnerable Marine Ecosystems (VMEs) from images could be considered as a non-destructive technique in the Sanctuary.

6. It should be noted that the problem of marine debris also reaches the deep ocean where it can cause ecosystem disruption. A monitoring program would highlight any essential management needs.

7. This EIS and the draft sanctuary management plan could provide detailed information and analysis of the importance of biodiversity associated with deep water corals and related habitats.

8. Alternative 1 could provide important opportunities to explore deep sea genetic materials and promote scientific research and monitoring efforts to enhance understanding of marine genetic resources in the Sanctuary. Further to this, a mechanism could be devised to encourage the sharing of scientific data and information from such activities.

Thank you once again for the opportunity to comment during this important step for the proposed Papahānaumokuākea National Marine Sanctuary.

Sincerely,

The Steering Committee of the Deep Ocean Stewardship Initiative (DOSI):
Maria Baker, Lisa Levin, Elva Escobar, Kristina Gjerde, Maila Guilhon and Diva Amon

With contributions from DOSI Core Team members: Brandon Gertz, Narissa Bax, Michael White, Katy Croff Bell and Leneka Rhoden

Aloha,

Thank you for the opportunity to comment on this matter. I am writing as a member of the public in support of the agency's designating Papahānaumokuākea as a Marine Sanctuary and I am in support of the agency's Alternative 1 plan as far as its geographical bounds. Protecting Papahānaumokuākea as a sanctuary is vital to the survival of the Hawaiian Monk Seal, an endangered mammal endemic to the Northwestern Hawaiian Islands and culturally important to Native Hawaiians. The broad geographic boundaries and enhanced enforcement provisions of Alternative 1 will provide greater protections for the species. In particular, the ability for more agencies to sanction and hold violators financially liable will provide a deterrent effect and greater protection for the area and the species within it.

Having attended the virtual hearing held on April 6, 2024, I observed that some members expressed concern that non-commercial fishing activities would be allowed in the MEA. I share these concerns. Some comments and testimony contained in the Draft EIS are from individuals and organizations that are advocating for the agency to consider allowing recreational fishing (non-commercial) throughout the entirety of the PMNM. This is not compatible with the overarching goals of conservation and protection of the area and its species. Although the Draft EIS indicates that the area's remoteness and inaccessibility means that there is very little human activity within the area, the aggregated activity of multiple non-commercial fishing vessels will undoubtedly harm the Hawaiian monk seal population—who have already been driven close to extinction. For this reason, I advocate for all human fishing activity—commercial, non-commercial, or recreational—to be prohibited throughout the entirety of the PMNM.

Mahalo,

Erika Elona

05-06-24

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

Re: NOAA–NOS–2021–0114

Dear John Armor,

Establishing the Sanctuary's Importance

I am writing to express my support, as well as concerns, for this proposed rulemaking. As a university student pursuing a career in ecosystem science, the potential impacts that this proposed marine sanctuary could impose on the future ecosystem are of concern to me and must be considered. Both the benefits and the risks of this proposed sanctuary must be taken into consideration. This proposed rulemaking by the National Oceanic and Atmospheric Administration, NOAA, intends to dedicate a large marine area surrounding the coast of Hawaii for a conservatory marine sanctuary to protect its ecosystems, as the Papahānaumokuākea National Marine Sanctuary under the National Marine Sanctuaries Act, as well as under additional executive orders.

The preexisting Papahānaumokuākea Marine National Monument is the largest conservation area in the United States, expanding over 100,000 square miles, and covering much of the same area that the proposed sanctuary intends to cover. The proposed sanctuary area will encompass over 500,000 square miles. Papahānaumokuākea encompasses a vast expanse of sensitive and interconnected marine areas. Not only does it include close-to-shore shallows that support coral reef ecosystems surrounding the Hawaiian islands, but also expands over the Northwestern Hawaiian Ridge, encompassing open ocean and deep-sea trench ecosystems as well.[1] This recognized area protects the habitats of many marine species and their delicate ecosystems. 7,000 of these species are considered endangered, and over 1,500 are endemic, found nowhere else in the world[2]. The monument protects over 3.5 million acres of coral reef ecosystems, 14 million seabirds, and, importantly, a nesting ground for green sea turtles.[3] Considering the impending threat of potential environmental harms stemming from anthropocentric impacts, such as climate change, coral bleaching, sea level rise and ocean acidification, as well as marine pollution, it can be agreed that the protection of these many habitats are critical to subsequently protecting marine wildlife unique and essential to the Hawaiian ecosystem, and even the entire Pacific Ocean ecosystem.

Cultural and social factors may also be affected by the dedication of this national sanctuary. The entire Papahānaumokuākea area is of great cultural significance to Native Hawaiians, but specifically the island of Mokumanamana, which the sanctuary designation would expand protections for. Otherwise known as Necker Island, this island is just one example

that demonstrates the richness of Native Hawaiian cultural history, prompting protection, with over 50 observed significant cultural sites, including religious shrines, structures and artifacts– the highest density of sacred sites in the entirety of the archipelago.[4]

The many islets of Papahānaumokuākea are also abundant in archeological history, which further urges enhanced protection by sanctuary designation. Archaeological sites studied on the Papahānaumokuākea islets closest to Hawaii's main islands are significant agriculturally, religiously and genealogically. There are cultural artifacts, as well as archeological evidence marking the beginning of Native Hawaiian genealogy, suggesting indigenous habitation as early as 1000 A.D.[5] Many of these important archaeological artifacts, such as ancestral human bones, were unjustly removed from Hawaii in the 1920s, of which some were recently repatriated to Mokumanamana.[6] Considering the history of unwarranted tampering with these culturally significant artifacts, their protection is extremely important and will prevent this displacement from occurring any further.

In addition to the area's significance to the history of Hawaiian culture, it also encompasses many sites significant to more modern Western history, including many significant maritime heritage sites. These include the shipwrecks and aircraft remains from the historically significant Battle of Midway of World War II[7], as well as from Polynesian canoes, Japanese ships, and American and British whaling ships from the 19th century era of commercial whaling.[8] There are over 125 of these known historical sites, and there are likely more to be discovered. The area's preservation is essential to the historical research of these sites and will allow for a deeper understanding of our nation's maritime legacy as well as the continued discovery of these historical sites.

The monument designation of this area also leaves its protection status both susceptible and sensitive to political shifts. Under Papahānaumokuākea's current monument status, its environmental protections are easily able to be revoked by any governmental executive decision, and this nearly occurred under the Trump administration. Papahānaumokuākea's monument status was placed under executive review in 2017[9], and although its status was left unchanged, this very attempt demonstrated the importance of a sanctuary designation, which would prevent any governmental attempts at change. The long-term protection of this area should not be dependent upon the opinions of our country's changing politics and presidents, but rather, should be withstanding and unpolitical, and a sanctuary designation of this area would ensure that.

Support & Concerns for Proposed Papahānaumokuākea National Marine Sanctuary

Sanctuary Designation would be Largely Beneficial to the Entire Ecosystem

By dedicating the Papahānaumokuākea National Marine Sanctuary, an extensive number of endangered species would be ensured physical protections. Preserving Papahānaumokuākea's unique biodiversity is essential, considering the large population of endangered species, and even endemic species, whose existence is environmentally critical, and urges further protection. The

potential effects of climate change would be less impactful, as these ecosystems would be protected from additional human influence. The more resilient habitat resulting from these added protections would be increasingly able to better weather the impacts of climate change. Because these marine ecosystems are at risk of numerous threats, the conservation of these habitats is essential to the biodiversity and the balance of Hawaiian marine life. The size of the designation is both crucial and beneficial, as the enlarged area covering entire ecosystems allows for species to replenish and protects the entire domain of highly mobile species such as marine mammals.

The primary benefits that must be ensured by the establishment of the sanctuary include the creation of a more resilient habitat, the preservation of unique biodiversity, minimizing human influence, halting excess tourism and all commercialism, protecting large marine preserves, and preserving Hawaiian cultural heritage and history. A healthy marine ecosystem would provide benefit to not only this marine life itself, but also Native Hawaiians whose community, livelihood and human health relies on the health of these ecosystems. For this reason, certain concerns arise around the proposed restrictions for Native Hawaiians in the designated area.

Suggested Reconsideration of Banning Cultural Practices

A major concern that arises with this proposed rulemaking is the part that bans any and all Native Hawaiian practices. This ban is not necessary to ensure the health and conservation of the ecosystem as a whole. Banning the practice of cultural traditions unjustly restricts the same groups that this rulemaking is attempting to support. In certain circumstances, the restriction of any anthropogenic practices is understandable and justifiable when it largely interferes with natural processes, however I would like to advocate for the allowance of Native practices, as I don't believe that these practices create great negative interference or impact. Many of these practices are rooted in respectful relationships with nature, and either concern religious and spiritual rituals or are for sustenance or survival needs. Although commercial fishing should continue to be prohibited, many Native Hawaiian communities who reside on the included islets rely on their surrounding marine areas and natural resources in Papahānaumokuākea for survival. Hawaiian subsistence fishing in the proposed sanctuary should be permitted in the sanctuary, aligning with its goals of supporting local and indigenous communities. Although the sanctuary's proposal outlining the permission of these practices as a "customary exchange"[10] has raised concerns that this will unintentionally allow commercial fishing practices, I believe this will not occur as long as proper regulation is in place. The rulemaking must outline the intended subsistence fishing to a strict legal definition that allows no room for the justification of commercial fishing or fishing of any type that is not for subsistence purposes by local Hawaiians.

Sanctuary Planning should take an Integrated Approach; Considering Unintended Consequences

It is additionally important to consider other potential unintended consequences of establishing a marine sanctuary. The implementation of this protected area may displace fishing

pressure to other areas, encouraging illegal fishing activities. Without integrated management and enforcement measures in place, the sanctuary designation could fail to achieve its intended conservation goals as well as exacerbate other environmental problems initially targeted by this rulemaking. I would like to propose a suggestion for the sanctuary boundary to be expanded southward to Niihau, the closest island, and to enclose the Middle Bank almost entirely to prevent illegal commercial fishing there. The Middle Bank's marine expanse is a critical habitat and feeding area for many deep-water species including coral and the highly endangered Hawaiian monk seal.[11] I propose that the boundary is expanded to enclose the Middle Bank almost entirely, rather than entirely, as, since many fishermen are reliant on that specific area, the prohibition of all fishing activities in the Middle Bank's entirety may result in fishing practices consequently migrating closer to shorelines and populated areas, creating scarcity for subsistence fishermen and disrupting shoreline ecosystems. Marine mining activities, as well, can be equally as damaging as fishing to these species should be banned in the entirety of the sanctuary, including in most of the Middle Bank's areas. The sanctuary's expansion into areas of Middle Bank is also essential to the health of bottomfish species, whose habitats stretch far into and through the Middle Bank up past the island of Kauai, and are greatly threatened by the current fishing and mining practices in the area.[12]

I also urge that the required Advisory Council must also continue to include and represent all affected members of the community, especially including Native Hawaiians and local residents reliant on the affected area. Additionally, I would like to advocate for the possibility to encourage limited recreational access allowed for purposes of snorkeling and scuba diving, as these activities can be practiced in a manner that is not intrusive or destructive to local ecosystems considering proper limitations are in place, and can increase public awareness. Some appropriate regulations to outline these practices may include prohibited spearfishing and usage of environmentally-damaging sunscreens (promoting the usage of coral-safe sunscreen instead).

An additional concern I would like to raise is the potential intrusion of international commercial fishing practices into the sanctuary[13]. Many Chinese fishing fleets have begun fishing practices in many areas of Southeast Asia, and have been recently seen to expand these practices not very far from Hawaii's surrounding marine area. In order to ensure that these sanctuary protections are followed internationally, it must be ensured that there is a sufficient enforcement presence in the marine area on a consistent basis.

Conclusion

I urge you to proceed with the implementation of this essential and greatly beneficial marine sanctuary, in its intended plan to be a targeted conservation effort, with an integrated approach. However, I urge you to proceed with considerations in mind of any and all negative consequences that may occur. Proceeding with the sanctuary's designation must include considerations of Native Hawaiians. I strongly suggest a reconsideration of the rulemaking's outlined statement of banning all native practices, to allow for limited subsistence fishing and cultural practices that are minorly invasive to the marine environment. I also urge that Hawaiian

locals are included in the designation process by holding places on the project's Advisory Council, and to eliminate the standards outlined that ban Native Hawiian practices. My proposed changes I urge you to consider in the sanctuary designation process also include partial enclosure of the Middle Bank, limited allowance of recreational access, as well as adequate marine enforcement to ensure limitations are followed both locally and internationally. Thank you for your consideration.

Sincerely,

Maggie MacMullen

---

[1]US Department of Commerce, N. O. and A. A. (2014, May 19). *National marine sanctuaries*. Papahānaumokuākea 2009 Condition Report. https://sanctuaries.noaa.gov/science/condition/pmnm/history.html

[2]*Papahānaumokuākea Marine National Monument "Marine Conservation Institute*. Marine Conservation Institute. (2020, July 20). https://marine-conservation.org/blueparks/awardees/papahanaumokuakea/#:~:text=Over%207%2C000%20different%20species%20of,and%20the%20Hawaiian%20monk%20seal.

[3]Fisheries, N. (2018, September 25). *Papahānaumokuākea Marine National Monument*. https://www.fisheries.noaa.gov/pacific-islands/habitat-conservation/papahanaumokuakea-marine-national-monument#:~:text=The%20diverse%20ecosystem%20contained%20within,leatherback%20and%20hawksbill%20sea%20turtles.

[4]Team, J. (2020, January 31). *Welcome to Mokumanamana*. Jupiter Research Foundation. https://jupiterfoundation.org/current/2020/1/24/welcome-to-mokumanamana

[5]*Cultural history of the northwestern hawaiian islands*. Papahānaumokuākea Marine National Monument. (n.d.). https://www.papahanaumokuakea.gov/heritage/history.html

[6]*Necker Island (Mokumanamana)*. Papahanaumokuakea Marine National Monument. (n.d.). https://www.papahanaumokuakea.gov/visit/moku.html

[7]*Remembering the battle of midway*. Papahānaumokuākea Marine National Monument. (n.d.-b). https://www.papahanaumokuakea.gov/maritime/battle_midway.html#:~:text=One%20third%20of%20the%20way,the%20United%20States%20and%20Japan

[8]*Maritime Heritage in Papahānaumokuākea Marine National Monument*. Papahānaumokuākea Marine National Monument. (n.d.-b). https://www.papahanaumokuakea.gov/maritime/

[9]Honore, M. (2024, April 12). *Proponents look to create a new Hawaii marine sanctuary ASAP in case of a Trump return*. Honolulu Civil Beat.

https://www.civilbeat.org/2024/04/proponents-look-to-create-a-new-hawaii-marine-sanctuary-asap-in-case-of-a-trump-return/

[10]Honore, M. (2023, January 16). *Congressman worries Wespac proposal is a gateway to commercial fishing in monument*. Honolulu Civil Beat. https://www.civilbeat.org/2023/01/congressman-worries-wespac-proposal-is-a-gateway-to-commercial-fishing-in-monument/

[11]Teresa. (2019, April 8). *NWHI Advisory Council supports plan to keep Middle Bank Open to fishing*. environment. https://www.environment-hawaii.org/?p=9062

[12]Kelley, C. (n.d.). Slides - Newly Expanded Papahanaumokuakea Marine National Monument. https://nmspapahanaumokuakea.blob.core.windows.net/papahanaumokuakea-prod/media/archive/council/meetings/2016/2016-kelley-rac.pdf

[13]O'Sullivan, M. (2021, August 5). *Hawaii fishermen concerned over growing Chinese presence*. Voice of America. https://www.voanews.com/a/usa_hawaii-fishermen-concerned-over-growing-chinese-presence/6209167.html

May 7, 2024

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

Re: NOAA-NOS-2021-0114

Dear Superintendent Roberts,

We applaud the Administration for continuing the designation process of the proposed Papahānaumokuākea National Marine Sanctuary (NMS) and write to express our strong support for designating this national treasure as a national marine sanctuary. We write in response to the National Oceanic and Atmospheric Administration's (NOAA) request for public comment on the proposed Papahānaumokuākea National Marine Sanctuary proposed rule, draft management plan, and draft environmental assessment.

Papahānaumokuākea is a crown jewel of our ocean recognized by UNESCO for its cultural and natural wonders. Uniquely meaningful and sacred to Native Hawaiian culture, it's also incredibly rich in biodiversity. Even as a marine monument, Papahānaumokuākea's ecosystem and its biodiversity are under threat from marine debris and a changing climate. That's why it deserves the utmost protection our laws can provide. The proposed sanctuary would add additional protections to biodiversity hotspots, sacred sites, and productive marine habitats throughout the Hawaiian Archipelago. Sanctuary designation would provide the opportunity to develop a comprehensive and cohesive set of regulations that maintains and enhances existing resource protection.

Papahānaumokuākea is a place of unique environmental resources that provide large-scale ecosystem services for the region and the world. The marine habitat includes several interconnected ecosystems, including coral islands surrounded by shallow reef; deeper reef habitats characterized by seamounts, banks, and shoals scattered across Papahānaumokuākea; mesophotic reefs with extensive algal beds; pelagic waters connected to the greater North Pacific Ocean; and abyssal plains 5,000 meters below sea level. The waters of the proposed sanctuary are home to more than 7,000 marine species and include one of the few intact, large-scale predator-dominated reef ecosystems left in the world. The islands and atolls provide breeding areas for endangered Hawaiian monk seals, nesting habitat for the threatened green turtle, and nesting sites for more than 14 million seabirds. Critical geological features such as seamounts and a non-volcanic ridge are biodiverse hotspots that provide habitat for deep-sea species. At least a quarter of the nearly 7,000 known marine species found in the region are found nowhere else on Earth and researchers continue to encounter new species.

Papahānaumokuākea is as much a spiritual as a physical geography, rooted deep in Native Hawaiian creation and settlement stories. Papahānaumokuākea is a sacred place with deep cosmological significance to Native Hawaiians who have a genealogical relationship to all living things in the Hawaiian archipelago. Native Hawaiians regard the Monument's atolls, islands, and waters as sacred places from which all life springs and ancestral spirits return after death. The ocean waters of the proposed sanctuary were an ancient pathway for traditional voyaging and wayfinding. Papahānaumokuākea is the only intact cultural voyaging seascape in the Hawaiian Islands. Its open ocean ecosystem and its natural resources continue to be important in the Hawaiian Archipelago's cultural voyaging seascape and a training ground for new generations of wayfinders.

Shipwrecks and aircraft in the proposed sanctuary waters are also of great historical interest and importance. There are whaling vessels, merchant ships, 60–80 military vessels, and hundreds of aircraft primarily from the Battle of Midway, a turning point in World War II for the Allies. These waters are the final resting place of thousands of people lost during World War II battles. The submerged sites and scattered artifacts tell the stories of sailors and navigators who ventured throughout the Pacific.

The additional protections and management tools outlined in the draft documents would complement the existing protections afforded to the region by the Papahānaumokuākea Marine National Monument. We urge NOAA to designate the proposed sanctuary to augment and strengthen existing resource protections for this national treasure. Thank you for considering our perspectives, outlined more in depth below.

We strongly support the Alternative 1 proposed boundary which would ensure the strongest and most extensive protections.

Alternative 1 is coextensive with the marine portions of the Monument and encompasses approximately 582,570 square miles. This boundary will offer the most extensive protections for critical natural, cultural, and historical resources.

This alternative includes all the shallow-water coral reef habitats which are most vulnerable to natural and human-caused threats, including impacts from climate change, marine debris, and invasive species. Climate change contributes to the increased erosion of reef habitat from large wave events, the loss of habitat due to sea level rise, and the inability to form reefs due to ocean acidification. Non-indigenous species can be introduced to the environment through vessels or marine debris. Marine debris, which largely consists of plastic, can float from across the Pacific into the waters of Papahānaumokuākea, bringing harmful invasive species, pollutants, and hazards to seabirds and marine life. Alternative 3 excludes these vulnerable, shallow reef waters which should be afforded the maximum amount of protection possible. Alternative 1 also includes open ocean and deep-water resources, such as seamounts that support incredibly productive ecosystems. Activities such anchoring, deployment of tethered equipment, and unregulated fishing could damage these habitats that support biodiverse

hotspots. The Alternative 2 boundary would not include the open ocean and deep-water resources of the Monument Expansion Area, including seamounts supporting rare oases of life.

The entirety of Papahānaumokuākea is sacred to Native Hawaiians. The area is integral to Hawaiian spirituality and the region and the resources with it correspond to the Hawaiian origin creation story, the Hawaiian's place in the world, and the place beyond, blending the past, present, and future. Only Alternative 1 would encompass the entirety of the Papahānaumokuākea Marine National Monument.

The boundaries of Alternative 1 contain five known whaling vessels lost between 1822 and 1842, five merchant ships dating between 1886 and 1957, 60–80 military vessels, and hundreds of aircraft primarily from the Battle of Midway. The shipwrecks and submerged aircraft of the pivotal Battle of Midway are nationally, and internationally recognized heritage associated with a critical turning point in World War II. There are more than 60 reported vessel losses in the historic record, and hundreds of sunken naval aircraft lost within the proposed sanctuary's boundaries. These tell the stories of our past, an integral part of our national identity that shapes our future. Alternative 2 would not include maritime heritage resources from the Battle of Midway and Alternative 3 would not include many of the known maritime heritage resources.

We support the additional protections and management tools afforded by a sanctuary designation that are necessary to protect the area's environment and ecosystems.

The National Marine Sanctuaries Act established the National Marine Sanctuary System to protect areas of the marine environment that have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities. Papahānaumokuākea is an area of national significance that merits this protection in addition to the protections provided by the Antiquities Act. Resource protection is the highest priority of the Monument, and the management plan and regulations must be consistent with this priority. The sanctuary designation will augment and strengthen existing resource protections, increase regulatory compliance, ensure enforceability, and provide natural resources damage assessment authorities and interagency coordination of activities as provided in the National Marine Sanctuaries Act.

Sanctuary designation provides the opportunity to develop a comprehensive and cohesive set of regulations that maintains and enhances existing resource protection. The current lack of regulations to permit activities in the monument expansion area could lead to future impacts from unregulated activities. The proposed rule addresses discrepancies and gaps in prohibitions, regulated activities, and permit criteria. Notably, the proposed rule includes explicit language prohibiting any energy development activities, furthering the underlying intent of the prohibition on oil, gas, and mineral development by accounting for technological advances in other forms of energy development. We are supportive of the

proposed rule. Sanctuary designation will also provide enhanced enforcement and allows NOAA to assess civil penalties for violations of sanctuary regulations.

Sanctuary designation also provides additional non-regulatory tools to further manage and protect the area's environment and ecosystems. With sanctuary designation, NOAA would be able to enhance or fill gaps in critical programmatic priorities. Sanctuary designation will provide additional public education, outreach, and community engagement opportunities around the marine ecosystems, wildlife, and cultural heritage of Papahānaumokuākea. Sanctuary education programs have been a powerful force in building stewardship for these unique places and bringing ocean wonders to all Americans. High-quality learning opportunities can provide a pathway toward meaningful connections to this special place for students, educators, policy makers, community leaders, and the public. Sanctuary designation would provide alternative sources of funding through public-private partnerships to support education initiatives and programs in Hawai'i.

We support the draft management plan that helps advance environmental justice by further integrating Native Hawaiian culture, knowledge, and practices into Papahānaumokuākea's management.

The draft management plan calls for managing the sanctuary as a sacred site consistent with Native Hawaiian traditional knowledge, management concepts, and principles articulated within Mai Ka Pō Mai. The draft sanctuary management plan's framework is based upon Mai Ka Pō Mai, a guidance document created by the Native Hawaiian community that uses traditional concepts and cultural traditions to set a foundation for how management should be conducted through a Native Hawaiian perspective. The draft management plan emphasizes the importance of weaving Kānaka 'Ōiwi (Native Hawaiian) knowledge systems, values, and practices together with other knowledge systems and approaches in caring for this sacred biocultural seascape. We wholeheartedly agree that it is important to honor the unique contributions of 'Ōiwi knowledge systems through meaningful inclusivity and engagement of 'Ōiwi practitioners, researchers, and community members in multi-disciplinary research partnerships.

We fully support the designation of Papahānaumokuākea as a national marine sanctuary to safeguard its wonders for the people and wildlife who depend on it, and we thank NOAA and the Office of National Marine Sanctuaries for committing to its protection.

Sincerely,

National Marine Sanctuary Foundation
Blue Nature Alliance
Blue Planet Strategies
Center for American Progress

Conservation International
Creation Justice Ministries
EarthEcho International
Environment America
Friends of the Earth
Friends of the Mariana Trench
Healthy Ocean Coalition
Hispanic Access Foundation
Inland Ocean Coalition
Maritime Museum of San Diego
National Aquarium
National Ocean Protection Coalition
National Parks Conservation Association
National Wildlife Federation
Northern Chumash Bear Clan
Ocean Defenders Alliance
Pacific Whale Foundation
Shark Team One
Shark Stewards
Sustainable Ocean Alliance
The Florida Aquarium
The Ocean Project
Turtle Island Restoration Network
Waitt Foundation
Waitt Institute

Gina Raimondo, Secretary
U.S. Department of Commerce
1401 Constitution Ave. NW, Washington, D.C. 20230

Richard W. Spinrad, Under Secretary of Commerce for Oceans and Atmosphere
National Oceanic and Atmospheric Administration
1401 Constitution Ave. NW, Washington, D.C. 20230

Nicole LeBoeuf, Assistant Administrator
National Ocean Service
1305 East-West Highway, Silver Spring, MD 20910

John Armor, Director
Office of National Marine Sanctuaries
1305 East-West Highway, Silver Spring, MD 20910

May 7, 2024

RE: Strong Support for Sanctuary Status Designation of Papahānaumokuākea

Aloha mai kākou,

Since time immemorial, Native Hawaiians have understood Papahānaumokuākea as a deeply sacred space; it is the pathway for spirits who have passed on and a source of ali'i (chiefly) birthright, authority, and mana (power).[1] The name itself, bestowed by Uncle Buzzy Agard and Aunty Pualani Kanaka'ole Kanahele, comes from the Kumulipo and represents the regenerative cycle of hānau (birth) and hala (death).[2] In this modern day, Papahānaumokuākea is also revered for its inimitable ecosystem teeming with life that cannot be found anywhere else in the world. Papahānaumokuākea is a biocultural wonder that gives us a glimpse into what used to be and what still could be, given adequate protection and stewardship. **The undersigned organizations express our strong support for the preferred Action Alternative 1.** The draft environmental impact statement (EIS) for the proposed Papahānaumokuākea National Marine Sanctuary outlines a necessary layer of protection, integrates Native Hawaiian voices into its governance structure, and establishes a system of regulatory safeguards to protect the sacred area's unique biodiversity.

Native Hawaiian ideologies, practices, and traditional environmental stewardship must be part of the management of Papahānaumokuākea. "Equitable conservation, which empowers and supports the environmental stewardship of Indigenous peoples and local communities represents the

[1] Quiocho, Kalani et al., *Mai Ka Pō Mai: applying Indigenous cosmology and worldview to empower and transform a management plan for Papahānaumokuākea Marine National Monument*, ECOLOGY AND SOCIETY 28(3):21. https://doi.org/10.5751/ES-14280-280321.
[2] Council for Native Hawaiian Advancement, *He Inoa No Papahānaumokuākea: The Importance And Tradition of Names*, HANOHANO NA 'AINA KUPUNA: EXPLORING PAPAHĀNAUMOKUĀKEA (2024) [hereinafter HANOHANO].

primary pathway to effective long-term conservation of biodiversity, particularly when upheld in wider law and policy."[3] It is critical for Native Hawaiians to be present, participatory, and empowered in all decision-making aspects regarding Papahānaumokuākea. According to the draft EIS, "creating accessible and diverse opportunities to increase ʻŌiwi participation in diverse roles as a multi-disciplinary team is crucial to supporting the management of this biocultural seascape through inclusivity of ʻŌiwi worldviews."[4] Native Hawaiian approaches to management are appropriately interwoven throughout the proposed sanctuary designation plan[5] and are indicative of the bright future ahead for Papahānaumokuākea.

Nihoa i ka moku mana.[6] Papahānaumokuākea is home to more than 7,000 different species, including many threatened or endangered birds, plants, seals, and sea turtles,[7] some of whom don't exist anywhere else in the world.[8] Among other objectives, sanctuary designation will "provide a pu'uhonua to protect key habitats, vulnerable, endangered and threatened species, and highly mobile marine species that regularly move across the boundaries of Papahānaumokuākea."[9] Protection does not happen passively and the stronger regulations provided by sanctuary designation are necessary to resist against rising threats like alien and invasive species, marine debris, and climate change.

To Aunty Pua Kanakaʻole Kanahele, Papahānaumokuākea is our ʻāina kūpuna, an elder sibling of the islands we now live on.[10] It's a place of immense cultural, ecological, and societal importance that needs all of the protection that we can offer. Alternative 1 has the greatest aggregate beneficial impacts for physical, biological, cultural, and maritime heritage resources[11] and would be a welcome step forward into sanctuary status designation. If there are any questions or follow-ups on the contents of this comment, please contact Madelyn McKeague, Policy Manager at the Council for Native Hawaiian Advancement, at madelyn@hawaiiancouncil.org.

---

[3] Dawson, Neil M. et al., *The role of Indigenous peoples and local communities in effective and equitable conservation*, ECOLOGY AND SOCIETY 26(3):19. https://doi.org/10.5751/ES-12625-260319.
[4] Office of National Marine Sanctuaries, *Proposed Papahānaumokuākea National Marine Sanctuary Draft Environmental Impact Statement* (2024) at 83 [hereinafter *Draft EIS*].
[5] *See id.* at 154-163.
[6] Mary Kawena Pukui, ʻŌLELO NOʻEAU: HAWAIIAN PROVERBS & POETICAL SAYINGS, #2311 (1983). Translates roughly to "Nihoa, island of birds."
[7] U.S. Fish and Wildlife Service, *Papahānaumokuākea National Marine Monument*. https://www.fws.gov/national-monument/papahanaumokuakea-marine.
[8] Papahānaumokuākea National Marine Monument, *Papahānaumokuākea as a Refuge for Rare and Globally Significant Species*. https://www.papahanaumokuakea.gov/wheritage/refuge.html.
[9] *Draft EIS*, supra note 4 at 150.
[10] HANOHANO, supra note 2.
[11] *Draft EIS*, supra note 4 at 126.

Me ka ha'aha'a,

American Civil Liberties Union of Hawai'i
'Aha Pūnana Leo
Bishop Museum
Boys & Girls Club of Hawai'i
Council for Native Hawaiian Advancement
Hawai'i Land Trust
'Iolani Palace
Kanaeokana
Native Hawaiian Education Council
Papa Ola Lōkahi
Partners in Development Foundation
Pouhana O Nā Wāhine

To Whom It May Concern,

I am writing in **strong support** the proposed designation of the marine areas of Papahānaumokuākea as a National Marine Sanctuary under the National Marine Sanctuaries Act (NMSA). I am a law student at the William S. Richardson School of Law, and I take interest in conservation efforts. This designation would provide important legal benefits that will enhance the long-term protection and management of the ecological, cultural, and historical resources within this unique and irreplaceable area.

To me, on of the biggest legal benefits of sanctuary designation is coordinated management: the NMSA authorizes NOAA to develop objectives and actions that ensure lasting protection consistent with the existing Monument proclamations. This will allow for coordinated management across the entire area. Additionally, the sanctuary designation would allow NOAA to impose additional regulatory tools to strengthen the existing protections for Papahānaumokuākea's ecosystems, wildlife, and cultural and maritime heritage resources. This includes the ability to assess civil penalties for violations and impose liability for damage to sanctuary resources. The NMSA requires interagency consultation for any federal agency action that is likely to destroy, cause the loss of, or injure any sanctuary resource. This will help ensure consistent and aligned management across jurisdictions. Unlike the existing Monument designation, which future presidential proclamations can modify, the terms of a national marine sanctuary designation can only be changed through the same rigorous public process used to establish the sanctuary in the first place. This provides for a more permanent form of protection of this unique and irreplaceable area.

The marine areas of Papahānaumokuākea possess unparalleled ecological, cultural, historical, and scientific value that deserve the strongest possible legal protections. Personally, I would love to be able to visit someday, and I hope it can remain as it is until then and long after By designating this area as a national marine sanctuary, NOAA can build upon the existing Monument framework to implement a comprehensive, coordinated, and enduring management regime befitting this national treasure. I urge NOAA to swiftly complete the designation process and establish Papahānaumokuākea National Marine Sanctuary.

Thank you for the opportunity to testify.

Sincerely,
Jacob Leclerc

Aloha, I am Jim Kastner, one of the many thousands of people who fought for the establishment of the strongest possible protections for the Northwestern Hawaiian Islands - the Coral Reef Reserve in 2000, the State Refuge in 2005 and the Monument in 2006.

I strongly support the goal of providing the strongest possible protections for the Northwestern Hawaiian Islands (NWHI). The existing NWHI Reserve, NWHI State Refuge and Papahānaumokuākea protections are some of the strongest on earth.

The current Sanctuary proposal fails to provide these protections and represents a direct threat to the sacred and fragile NWHI pu'uhonua.

The Sanctuary plan:

- Proposes to spread loopholes and weak language throughout the NWHI.

- Fails to use the language of the strongest existing protections, fails to meet the mandatory requirement to "complement and supplement" NWHI Ecosystem Reserve requirements.

- Reverses the current requirement to automatically prohibit activities in the NWHI, by default, except those on a short list. Instead, it automatically allows all activities, except a list of "prohibited" activities, which the Department of Commerce exempts itself from.

- Reverses the practice of applying all rules equally to federal agencies – and creates huge loopholes that exempt the Department of Commerce from permit requirements and from prohibitions for activities they self-declare to be "research".

- Shows disrespect for Native Hawaiian rights, disrespect for biodiversity protectors:

- Eliminates co-management by the two agencies focused on Hawaiian rights and biodiversity which have held co-management status in the Papahānaumokuākea Monument for almost two decades - the Office of Hawaiian Affairs (OHA) and the US Fish and Wildlife Service.

- Opens the door to long-prohibited fisheries, including a so-called "non-commercial" fishery that can harvest over 300,000 lbs of bottom fish. It is unacceptable to introduce fisheries of any kind – commercial, "non-commercial," recreational, "sustenance".

- Fails to mandate public hearings for permit applications, as in the State Refuge.

These huge flaws threaten to harm the fragile and sacred NWHI.

If a future President decided to weaken Reserve or Monument protections, leaving behind a weak NWHI Sanctuary riddled with loopholes, opening up industrial fishing and commercial activities while eliminating the checks and balances of Co-Trustee management that currently includes agencies dedicated to protecting Kanaka Maoli rights (Office of Hawaiian Affairs), and biodiversity preservation (the U.S. Fish and Wildlife Service), this shocking reversal of 24 years of protections will have devastating impacts on the NWHI ecosystem.

In 2006, the State demanded any sanctuary must apply the strict standards of the state refuge, similar to the Reserve where:

- Access is very limited
- All activities are automatically prohibited except a short list.
- Prohibitions apply EQUALLY to everyone.
- Commercial and recreational fisheries are banned, protecting fish nurseries supplying our main islands.
- PUBLIC hearings are mandatory for state permit applications, unlike the secretive NOAA permit process.

The Monument bans bio prospecting and preserves these protections.

The proposed sanctuary fails to provide protections for the NWHI. It is a threat to this fragile area.

Unlike NOAA's proposed Commerce sanctuary, the Monument is managed by four EQUAL co-Trustees:

- Fish and Wildlife Service which protects biodiversity
- OHA which protects Native Hawaiian rights
- The State of Hawaii
- The Department of Commerce

These three other trustees counterbalance the Department of Commerce which promotes commercial exploitation, which wrong for the NWHI islands.

The 2016 Monument Expansion Area - unlike all other protected areas – introduced shocking loopholes and makes possible activities completely banned in the Reserve, Refuge and Monument. But at least BOTH the Departments of Interior and Commerce have equal status. Interior can act as a brake on the worst of Commerce excesses.

For decades, NOAA has refused to provide Reserve regulations, penalties for violators, and strong enforcement including using easily available AIS and satellite monitoring.

NOAA must issue and enforce Reserve regulations and spread them to the weak Monument Expansion Area (MEA).

NOAA claims that its Commerce "sanctuary" provides new protections – but refuses to apply the strong protective language of the Reserve or State Refuge to the MEA or proposed sanctuary. Instead NOAA copies the worst loopholes from the weak MEA and spreads them through the sanctuary proposal.

They propose a new so-called "non-commercial" Wespac fishery in this fragile ecosystem, which can violate the "ban" on drilling, dredging, waste-dumping or damaging the ecosystem.

NOAA exempts the entire Department of Commerce, including NOAA Fisheries, from prohibitions on fishing, anchoring on coral, harvesting our precious resources, waste dumping, drilling, and apparently even exploring for oil, gas and minerals as long as it is labeled so-called Commerce "research."

NOAA wants to sell "Special Use Permits" based on what they call the "MARKET VALUE" of our pu'u honua. That is what their DEIS says. Words matter.

Papahānaumokuākea IS NOT FOR SALE, not for commercial gain, not for fishing.

Even NOAA's own former General Counsel is raising huge concerns about threats posed by NOAA's Sanctuary plan.

Yet NOAA bulldozes ahead, while their DEIS fails to address these concerns, potentially leading to litigation.

Instead of using taxpayer money on expensive hearings throughout our islands in large venues that few attend and fancy videos promoting the NOAA "sanctuary" which fails to protect precious resources - do your job - issue regulations and a penalty schedule for the Reserve and Monument based on the strongest existing protections and enforce them instead of trying to spread the biggest loopholes to weaken hard won existing protections.

Mahalo for your consideration, Jim Kastner

3

To Whom It May Concern,

I am an environmental law student at the William S. Richardson School of Law, and I am writing in **support** of the proposed National Marine Sanctuary designation of the Papahānaumokuākea National Monument under the National Marine Sanctuaries Act (NMSA). Given the environmental effects of climate change, commercial activity, and the threat of invasive species, I believe that increased conservation efforts are paramount to maintaining the ecological and cultural resources.

Papahānaumokuākea was originally intended to be a National Marine Sanctuary to protect the area's unique ecosystems, marine life, and cultural and maritime heritage resources. However, the President designated it as a monument instead. While the existing designation does afford the area protections, such designation is subject to Presidential modification, making it a less permanent solution. Sanctuary designation, on the other hand, requires any proposed changes to go through the administrative procedures that ensure public participation in the process.

Additionally, adding the Sanctuary designation will not expand or take away the existing designation, but will add additional protections within the existing boundaries. This includes a coordinated management approach with NOAA and the State of Hawai‘i, the ability for NOAA to impose civil penalties for violations, jurisdictional coordinations, and other regulatory tools.

Because of its ecological, cultural, historic, and scientific value, it is important that leadership affords Papahānaumokuākea strong and sustainable legal protection to protect it for present and future generations. Thus, I am in strong support of the sanctuary designation.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Richardson Law Student

Western
Pacific
Regional
Fishery
Management
Council

May 7, 2024

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

To Whom It May Concern,

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

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

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

A Council Authorized by the Magnuson Fishery Conservations and Management Act of 1976
1164 Bishop St. • Suite 1400 • Honolulu • HI 96813 USA • Tel. (808) 522-8220 • FAX (808) 522-8226 • www.wpcouncil.org

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

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

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

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

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

Sincerely,

Kitty Simonds
Executive Director

Dr. Pualani Kanahele Kanakaʻole
1110 Auwae Road
Hilo, Hawaiʻi 96720

To the Department of Commerce,

It seems that you want to develop a “Commerce Sanctuary” which term does not compute. Commerce according to the dictionary is to trade, do business, traffic, cohabitation etc. Sanctuary sits on the oppose end of this definition. Sanctuary, again according to the dictionary takes on the definitions of retreat, shrine, preserve, sheltered protection, etc.

The definitions coming from the Dept of Commerce are very politically induced. Money I suppose!

The area was given the nomenclature of Papahānaumokuākea for the reasonable depth of the ideology of “Sanctuary”. Papa-hānau-moku-ākea are made up of words which simply means “a place for all the regenerative creatures to grow and multiple in safety. The name suggest very strongly that they will have this habitate to multiple. Commerce will indeed change its functional value. The creatures who occupy the space have been there for aeons and are obviously comfortable and have indeed earned the space.

Have you thought of reciprocation? What do you give back? Do you have face, a name to give in relationship to your consciousness of “Commerce Sanctuary”?

Some of the islands are eroding, as it should, nothing lasts forever. All our volcanic islands will erode and we are happy to live on the ones we call “home”. There are thousands of us who are NOT in favor of “Commerce Sanctuary” and who are in favor of protection of creatures that inhabit and reproduce on Papahānaumokuākea to continue their existense safely with a sense of longevity.

Papahānaumokuākea is indeed a shrine for life and living.

Kū mākou e hele me kuʻu mau pōkiʻi aloha
We stand with all our loving creatures

Dr. Pualani Kanahele Kanakaʻole

COUNCIL for
NATIVE HAWAIIAN ADVANCEMENT

Gina Raimondo, Secretary
U.S. Department of Commerce
1401 Constitution Ave. NW, Washington, D.C. 20230

Richard W. Spinrad, Under Secretary of Commerce for Oceans and Atmosphere
National Oceanic and Atmospheric Administration
1401 Constitution Ave. NW, Washington, D.C. 20230

Nicole LeBoeuf, Assistant Administrator
National Ocean Service
1305 East-West Highway, Silver Spring, MD 20910

John Armor, Director
Office of National Marine Sanctuaries
1305 East-West Highway, Silver Spring, MD 20910

May 7, 2024

RE: Strong Support for Sanctuary Status Designation of Papahānaumokuākea and Comments for the Draft Management Plan

Aloha mai kākou,

It is impossible to understate the importance of Papahānaumokuākea to Native Hawaiian culture, scientific exploration and discovery, and ecological conservation efforts. In addition to our joint letter of support for sanctuary designation, the Council for Native Hawaiian Advancement (CNHA) would like to submit additional comments on behalf of our organization alone that we believe would improve the sanctuary plan.

Ua lehulehu a manomano ka 'ikena a ka Hawai'i.[1] **More Native Hawaiian seats should be statutorily included in the management structure.** Currently, the Papahānaumokuākea Marine National Monument (PMNM) is co-managed by four entities: the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (USFWS), the Hawai'i Department of Land and Natural Resources (DLNR), and the Office of Hawaiian Affairs (OHA). The draft sanctuary plan retains two of these entities: NOAA and the State of Hawai'i, likely DLNR. Reportedly, OHA would not be able to be a managing partner under the current language of the National Marine Sanctuaries Act.[2] While OHA will still be part of the management of PMNM, it is critical that Native Hawaiians are codified into every layer of protection.[3] Since time

[1] Mary Kawena Pukui, 'Ōlelo No'eau: Hawaiian Proverbs & Poetical Sayings, #2814 (1983). Translates roughly to "Great and numerous is the knowledge of the Hawaiians."
[2] Marcel Honore, *Proponents Look To Create A New Hawaii Marine Sanctuary ASAP In Case Of A Trump Return*, Honolulu Civil Beat (12 Apr 2024). https://www.civilbeat.org/2024/04/proponents-look-to-create-a-new-hawaii-marine-sanctuary-asap-in-case-of-a-trump-return/
[3] Dawson, Neil M. et al., *The role of Indigenous peoples and local communities in effective and equitable conservation*, Ecology and Society 26(3):19. https://doi.org/10.5751/ES-12625-260319. "Equitable conservation, which empowers and supports the environmental stewardship of Indigenous peoples and local communities

immemorial, our kūpuna have stewarded over the area and continue to care for the lands and waters. However, it is important to ensure this connection is never lost and that Native Hawaiians are written into law as management partners. Papahānaumokuākea should still be designated as a National Marine Sanctuary and affirmative steps should be made to include OHA in sanctuary management in the future.

Lilo aku la ka nui a koe ka unahi.[4] **Prohibitions should be strengthened without infringing on Native Hawaiian cultural and subsistence fishing.** Each layer of protection has been enacted in reaction to a need; the Hawaiian Islands Bird Reservation was issued after reports of large numbers of seabirds were being slaughtered,[5] stewardship was re-assigned away from the U.S. Navy when priorities shifted to conservation efforts, and the PMNM was established in place of failed Sanctuary efforts at the turn of the millennium. Today, the proposed Papahānaumokuākea National Marine Sanctuary arrives when the world has lost about 14% of its coral reefs in the past decade[6] and about one-third of fish populations are overexploited or dangerously depleted.[7] The draft exemptions and exceptions for otherwise prohibited activities have the potential to create unnecessary regulatory loopholes for commercial fishing and military exercises to undermine sanctuary protections. Standards for permitting should be strengthened significantly, prioritizing Native Hawaiian practices without opening the door wide open.

E kanu i ka huli ʻoi hāʻule ka ua.[8] We cannot let this opportunity pass us by without acting. We stand in firm support of sanctuary designation for Papahānaumokuākea and welcome further review of the draft management plan as we envision a bright future for a sacred space.

Mahalo,

Madelyn Lehualani McKeague
Policy Manager, CNHA

represents the primary pathway to effective long-term conservation of biodiversity, particularly when upheld in wider law and policy."

[4] Pukui, supra note 1 at #2004 (1983). Translates roughly to "Most [of the fish] are taken and only the scales are left."

[5] Timeline of Protections, PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT. https://nmspapahanaumokuakea.blob.core.windows.net/papahanaumokuakea-prod/media/archive/pdf/timeline.pdf

[6] Global Coral Reef Monitoring Network, *Status of Coral Reefs of the World: 2020 Summary for Policymakers* (2022). https://gcrmn.net/wp-content/uploads/2022/05/Status-of-Coral-Reefs-of-the-World-2020-Summary-for-Policymakers.pdf

[7] National Resources Defense Council, *Can Anything Be Done to Stop Overfishing?* (24 Jun 2024). https://www.nrdc.org/stories/can-anything-be-done-stop-overfishing

[8] Pukui, supra note 1 at #316 (1983). Translates roughly to "Plant the taro stalk when it rains" meaning one ought to do the work when opportunity affords."

United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
FWS/R1/NWRS

May 7, 2024

Mr. John Armor
Director, Office of National Marine Sanctuaries
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
1305 East-West Highway
Silver Spring, MD 20910

Dear Mr. Armor:

Thank you for the opportunity to comment on the potential designation of a National Marine Sanctuary (Sanctuary) proposed to overlap portions of the Papahānaumokuākea Marine National Monument (Monument), an area currently co-managed by the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (FWS), the State of Hawai'i (State) and the Office of Hawaiian Affairs (OHA) [collectively, the co-managers]. We recognize that for portions of the Monument, designating a Sanctuary may provide additional protections by implementing new administrative protections to waters within Monument boundaries outside of refuges, and new damage assessment and recovery tools. Of the alternatives proposed, the FWS supports Alternative 3 which includes the marine areas of the Monument, seaward of the two national wildlife refuges. We do not support proposed Alternatives 1 and 2 because: (1) they are inconsistent with Presidential directives; (2) they do not comply with existing law; and (3) a Sanctuary overlay would create more unnecessary process and confusion with the communities that we serve without commensurate conservation benefit.

The attached comments identify FWS concerns regarding:

1. Proposed Sanctuary boundary
2. Description of existing management authorities
3. Permitting
4. Management of the proposed Sanctuary as described in the draft Environmental Impact Statement (DEIS)
5. Proposed fishing regulations
6. Description of current permitting and statutory authorities

We appreciate the consideration of our comments and look forward to continuing the co-management of Papahānaumokuākea with NOAA, the State of Hawai'i, and OHA. We recommend a Sanctuary designation proposal specify that:

- Scientific or management activities undertaken by FWS within the Monument are not subject to any additional Sanctuary requirements or authorization from NOAA.
- Sanctuary permits and National Marine Fisheries Service (NMFS) fishing permits for a Sanctuary would be incorporated into the existing Monument permitting processes to ensure that permits are issued consistently with existing practices. A separate Sanctuary or NMFS permitting process will not be required.
- NOAA and FWS would develop a MOU to describe how issues will be resolved, ideally at the lowest level possible.

We look forward to further discussions to reach a mutually agreeable outcome for future conservation in the Monument.

Sincerely,

HUGH MORRISON Digitally signed by HUGH MORRISON Date: 2024.05.07 17:50:39 -07'00'

Regional Director

cc:
Governor, State of Hawai'i
Chair, Office of Hawaiian Affairs

1. NOAA Preferred Sanctuary Boundary Alternative

Inconsistency with Presidential Proclamations:

Alternatives 1 and 2 include all marine portions of Midway Atoll National Wildlife Refuge and Hawaiian Islands National Wildlife Refuge. Including national wildlife refuges within the proposed Sanctuary boundary conflicts with the Presidential Proclamations that created the Monument. Because these Alternatives are not in accordance with the Proclamations' direction, we recommend not referring to the proposed action as implementing the Proclamations.

Presidential Proclamation 8031 states, "*The Secretary of the Interior, through the FWS, will have* ***sole responsibility for management of 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.*"

Presidential Proclamation 9478 states that, "*the Secretary of Commerce should consider initiating the process under the National Marine Sanctuaries Act (16 U.S.C. 1431* et seq.*) to designate the Monument Expansion area and the Monument* ***seaward of the Hawaiian Islands National Wildlife Refuge and Midway Atoll National Wildlife Refuge and Battle of Midway National Memorial*** *as a National Marine Sanctuary to supplement and complement existing authorities.*"

The FWS recommends NOAA and the State follow the guidance in the Monument establishment proclamations by excluding refuge waters from any proposed sanctuary.

Noncompliance with National Wildlife Refuge System Administration Act:

Throughout NOAA's preparation of the DEIS, we advised NOAA that proposing a Sanctuary within a refuge would not comply with the National Wildlife Refuge System Administration Act (Administration Act). The Administration Act directs that all refuge areas, "shall be administered by the Secretary [of the Interior] through the FWS," (16 U.S. C. §668dd(a)(1)). Senate Report No. 94-593 that accompanied the passage of the Administration Act notes that joint jurisdiction of refuge areas in the past was a source of difficulty for agencies, and intending to resolve such problems, further clarified Congress's direction that dual administration of refuge areas would be prohibited by the Act. The Report states "*there will be no joint administration of any units within the System by the FWS and any other agency.*"

We conclude that both Alternatives 1 and 2 of the DEIS run counter to the requirement in the Administration Act requiring the FWS to have exclusive management authority over the refuges. A Sanctuary overlaid on a refuge could negatively impact our ability to meet the mission and purposes of that refuge, and this is the precise issue that Congress endeavored to avoid. Successful Sanctuary-Refuge collaborations occur elsewhere in the nation, including in American Samoa's Rose Atoll Marine National Monument, owing to abutted boundaries without overlay.

Furthermore, consideration of both Hawaiian Islands and Midway Atoll National Wildlife Refuges together for inclusion in a proposed Sanctuary does not adequately recognize the significant differences in the purposes and establishment directives of each refuge. The two refuges have different boundaries, special management structures, and jurisdictional authorities (one is considered by the State of Hawai'i to be in state waters while the other is only federal waters). As stated previously, we recommend that the refuges be considered independent of each other.

To remain consistent with the establishing Presidential Proclamations, the FWS recommends excluding the refuge waters from a proposed Sanctuary based on its inconsistency with existing law.

2. Existing Comprehensive Conservation Management

The Administration Act provides for comprehensive protection of resources within all units of the National Wildlife Refuge System (NWRS). NWRS regulations effectively manage activities to ensure actions are appropriate and compatible with the purposes of a refuge and the mission of the refuge system.

The Department of the Interior has more than a century of experience managing and protecting key areas of what is now Papahānaumokuākea Marine National Monument. The area has remained in its wild and nearly pristine state largely because of the effort of the Department of the Interior. The DEIS claims there would be adverse potential impacts on the protection of the resources if refuge areas were excluded from a proposed Sanctuary, yet the DEIS does not mention nor analyze existing comprehensive refuge regulations (50 CFR, subchapter C). We recommend that the final EIS acknowledge and analyze the area being successfully co-managed for more than a decade as part of the Monument, roughly 40 years as part of the Midway Atoll National Wildlife Refuge, and more than a century as part of the Hawaiian Islands National Wildlife Refuge.

The DEIS claims that not including refuge waters in the Sanctuary would jeopardize the continued conservation of the resources in refuge areas; however, the DEIS does not provide evidence to support that claim. We believe that a century of effective management by the Department of the Interior is tangible evidence of effective conservation and should dispel concerns that these areas would be in danger if not included in the Sanctuary. On the contrary, the existence of the Interior Department's successful management demonstrates lasting and comprehensive protections.

Implementing Refuge System and Marine National Monument authorities and regulations are also recognized as effective and lasting by the international community. The conservation laws, legal structure, regulations, operational policies, and co-management governance structure provided much of the rationale and justification for international recognition for Papahānaumokuākea Marine National Monument's inscription as a mixed natural-cultural World Heritage site by the International Union for the Conservation of Nature.

3. Sanctuary Permitting

The Monument has been successfully co-managed by the aforementioned co-trustees for more than fifteen years. During that time, a single permitting system incorporated all the authorities and

processes of each co-trustee. It remains unclear in the document if permitting for the Sanctuary would be incorporated into the single Monument permit process. Although the DEIS states that "*The proposed permitting system would not supplant the joint permitting system for PMNM, and was developed to ensure a continued joint permitting system administered by Monument co-managers that incorporates the authorities provided through the NMSA that co-managers,*" there is no description of how that would occur. The only reference to developing the new joint system is based on a single unclear statement that, "*Co-managers may develop a Memorandum of Agreement in the future to add clarification on joint-permitting*" (pages 27-28).

Most of the associate topic's language in the document leads the reader to believe that there would be a separate permitting system for the Sanctuary that would not be a part of the Monument permitting process, and even an additional permitting system for non-commercial fishing in the Monument Expansion Area (MEA) (see pages 28-29; 33). On page 133, where the document states that the exclusion of refuge waters would have an adverse impact on the existing laws and management, NOAA indicates that we should expect a two-permit system with this Sanctuary designation: "*This may potentially require permittees to obtain two permits, one for the activity that falls within the area of the sanctuary, and another for the area that falls outside the sanctuary but within the national wildlife refuge.*" Because the refuges are part of the Monument permitting system, we conclude that the only reason that two permits would be needed is if a Sanctuary permit is required in addition to a Monument permit.

The addition of fee collection for permit processing is also a departure from current practice (pages 29, 33). Because all co-managers work jointly on the permitting process, this section is particularly unclear about whether or not NOAA would keep fees internally, or divide fees received equitably amongst co-managers. Lastly, the DEIS articulates that FWS would need to get permits from the Sanctuary for management activities if the refuge waters are included in the Sanctuary (page 97). This requirement would add an additional regulatory burden and delay essential management activities. The proposed Sanctuary prohibitions are also in direct conflict with some necessary management activities required to manage the refuges, including maintenance of infrastructure around Tern Island and Midway Atoll. This direct conflict would be resolved by excluding refuge waters.

Additional sanctuary permitting would likely increase permit approval and project timeframes for the public and co-managers, while also creating possible disagreement amongst co-managers on what actions are permittable in the Monument.

4. Monument Co-Management

As with the concerns expressed above about permitting, the Sanctuary management discussion throughout the document leads the reader to conclude NOAA and the State of Hawai'i are proposing to be the sole managers of marine areas of the Monument, without input from FWS and OHA. If, as previously indicated by NOAA, the intent of Sanctuary designation is to seamlessly place a layer of protection that enhances current Monument protections, more inclusive language should be used that broadly mentions that Sanctuary decisions and management will be made collaboratively with the existing authorities and Monument co-managers.

5. Fishing in the Expanded Area of the Monument

We are concerned that the proposed fishing regulations for the MEA (Outer Sanctuary Zone) have been developed without adequate inclusion of the perspectives of the Monument co-managers. Resources in the Monument are a co-management trust responsibility. Presidential Proclamation 9478 clearly states that, "*The Secretary of Commerce, through NOAA, **and in consultation with the Secretary of the Interior**, shall have responsibility for management of activities and species within the Monument Expansion under the Magnuson-Stevens Fishery Conservation and Management Act.*" Despite our requests to be included and provide input, no such consultation has occurred.

We also are concerned that non-commercial fishing activities are proposed as exempt from the regulations that protect the Monument resources (Page 26) because there has been little public engagement on this fishing issue and this approach is inconsistent with the Presidential Proclamations. The proposed regulations would create another permit that would not come before Monument co-managers, but rather would be issued by NOAA's NMFS without input from other co-managers. The proposed guidelines also establish new fisheries for pelagic fish and bottom fish, and any such level of proposed extractive use has not been evaluated in any publicly available analysis. The recommendations also include a Native Hawai'i Subsistence Practices Catch permit, which would violate the current protections in the Monument by allowing fishers from Hawai'i (not only those of Native Hawaiian descent) to bring fish catch back to the main Hawaiian Islands for use or sale. There does not appear to have been meaningful engagement about proposed fishing regulations that are being issued as a Native Hawaiian Practice.

6. Inaccurate Description of Current Permitting and Statutory Authorities

Throughout the document, the claim is made that "*At present, there are no regulations to authorize permitting or enforce the prohibitions in the MEA as outlined in Presidential Proclamation 9478.*" (e.g., page 15), and similarly, "*Sanctuary designation provides the authority for a permitting system to manage waters of PMNM and the MEA in coordination with the Monument permitting system, eliminating potential gaps in management*" (e.g., page 16), or that, "*the MEA currently has no access restrictions*" (page 32). We do not believe that this characterization of the management abilities under co-management is accurate.

The Monument has permitted activities and access, and enforced prohibitions under the authorities cited in Presidential Proclamation 9478 which states "*The Secretary of the Interior, through the FWS, and in consultation with the Secretary of Commerce, shall have responsibility for management of activities and species within the Monument Expansion under its applicable legal authorities, including the National Wildlife Refuge System Administration Act, the Refuge Recreation Act, and the Endangered Species Act (for species regulated by FWS), and Public Law 98-532 and Executive Order 6166 of June 10, 1933.*" The Monument co-managers have used these authorities over the past eight years to permit or deny activities, provide access in the MEA, and to enforce prohibitions. While we agree that NOAA may not have statutory authority to permit or enforce Proclamation non-fishery related prohibitions in the MEA, to say that these abilities do not exist presents a false picture of the current management and, thus, the benefits of the proposed

Sanctuary. The DEIS should reflect that these gaps or lack of authorities are NOAA-specific, and not reflective of Papahānaumokuākea's co-management as a whole.

1365 Memorial Dr #230,
Coral Gables, FL 33146

05/03/2024

Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC)
1845 Wasp Blvd, Bldg. 176
Honolulu, HI 96818

Re: Document ID #2024-03820

Dear Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration, and Department of Commerce:

Thank you for the opportunity to provide a comment on this proposed rule. My name is Mariana Gamboa. I am a student at the University of Miami studying Ecosystem Science and Policy and am currently in my senior year. I am particularly interested in environmental sustainability and conservation. This proposed rule adheres to environmental conservation as it protects a marine area rich in biodiversity and filled with ecosystem services. The National Oceanic and Atmospheric Administration has published a proposed rule to designate marine portions of Papahānaumokuākea Marine National Monument as Papahānaumokuākea National Marine Sanctuary. This sanctuary would protect significant biological, cultural, and historical resources. The area consists of 582,570 square miles of Pacific Ocean waters located around the Northwest Hawaiian Islands. A draft environmental impact statement is also being published by NOAA, in coordination with the state of Hawai'i, as well as a draft management plan. I fully support this rulemaking.

I have learned about the importance of conservation and sustainability and what it encompasses. Sustainable development ensures the well-being of people around the world, while ensuring that future generations will have access to that same well-being. When defining well-being, it is found to contain a variety of factors. However, when measured closely in social science, it is normally divided between a few sectors: Ecological well-being, good governance, a healthy economy, and social inclusion. Maintaining a balance between all pillars of sustainability is crucial in the development and well-being of the people and the planet. This area is important in its conservation due to the fact that the United States

has one of the largest ecological footprints in the world. By conserving this area, we are ensuring the well-being of that community, as well as the well-being of the entire planet. We can lower the U.S. ecological footprint. The U.S. social programs are pretty high compared to the rest of the world, but must do its homework on the ecological side. By Hawaii being part of the U.S., we can aid in our development. By ensuring the ecological conservation of Hawaii, we can ensure its economic well-being, due to the large movement of tourism and how much they depend on it. NOAA's products and services support economic vitality and affect more than one-third of America's gross domestic product.

There has been a years-long effort to get the area designated a Marine Sanctuary. Papahānaumokuākea is very important to Hawaiian culture and Native Hawaiians. The name itself is a combination of the two mythological ancestors, Papahānaumoku and Wākea, who are believed to give rise to the Hawaiian Archipelago, the taro plant, and the Hawaiian people. Additionally, there is post-Western-contact historic significance as the area is associated with the Battle of Midway and 19th century whaling.

The consideration for the area to be a national marine sanctuary is not new. The effort started all the way back in 1909 with President Roosevelt's creation of the Hawaiian Islands Bird Reservation through Executive Order 1019 in response to the overharvesting of seabirds. Then, in 2000, President Clinton ordered Executive Order 13178 for designating the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve as a national marine sanctuary under the National Marine Sanctuaries Act, including the initiation of a public scoping process. This was followed by George W. Bush's designation of Papahānaumokuākea as a Marine National Monument under the Antiquities Act in 2006 and President Obama's expansion of the territory 4 times larger in 2016. In 2020, the Senate Committee on Appropriations directed NOAA to initiate the sanctuary designation process. This marks twenty four years since the consideration.

Although National Monuments take large efforts in the protection of historical and cultural sites, there are a number of differences in their administration compared to National Sanctuaries, which benefit specific needs of an area. The National Marine Sanctuaries Act is the only federal law written specifically for oceanic protection. This law grants NOAA the authority to develop management plans, issue regulations, and enforce those regulations for each sanctuary and the System as a whole. The sanctuary designation process involves public engagement, including local community outreach, stakeholder involvement, and citizen participation before and after a sanctuary is designated.
All national marine sanctuaries require a community Advisory Council composed of local stakeholders representing citizen, expert, and industry perspectives. These site-focused, community-based groups

provide guidance and make recommendations to their sanctuary superintendent on issues including management, science, service, and stewardship. It takes much longer for Sanctuaries to be designated due to the required public participation process, in comparison to National Monuments, which are only done through presidential proclamation and occur a lot quicker through the Antiquities Act of 1906. The Antiquities Act does not require a participatory process. Monuments can be designated fairly quickly depending on how a president chooses to develop and sign their proclamation. There is no obligation under the Antiquities Act for a monument to have education programs, an advisory council, or public and community engagement. Additionally, friends groups and chapters of the National Marine Sanctuary Foundation act as community partners, and thousands of volunteers dedicate themselves to citizen science, monitoring, outreach, and education programs. science-based federal agency within the Department of Commerce with regulatory, operational, and information service responsibilities with a presence in every state and our territories.

New Rule Streamlines Protections of Area

The proposed sanctuary would only add to, not diminish, the management measures and protections provided by the presidential proclamations. The proposed rule unifies management of the area by removing discrepancies and gaps in prohibitions, regulated activities, and permit criteria, providing clarity and comprehensive protection for the proposed sanctuary.
The draft management plan reflects five priority areas of sanctuary management: (more on the rules)

- resource protection and conservation
- research and monitoring
- governance and operations
- partnerships and constituent engagement
- education, interpretation, and mentoring

While each sanctuary has its own unique set of regulations, there are some regulatory prohibitions that are typical for many sanctuaries such as discharging material or other matter into the sanctuary, disturbance of, construction on or alteration of the seabed, disturbance of cultural resources, and exploring for, developing or producing oil, gas or minerals (with a grandfather clause for preexisting operations). Dedicated scientists use cutting-edge research and high-tech instrumentation to provide citizens, planners, emergency managers and other decision makers with reliable information they need, when they need it.

Papahānaumokuākea Provides Many Ecosystem services

Scientists have found that, in some cases, mesophotic reefs act as potential sources to reseed or renew shallower coral reefs as well as important habitats of many fish species. Bringing to light the existence of healthy mesophotic coral ecosystems provides insights on the devastating declines and opportunities for management and restoration of both shallow-water corals and the newly recognized mesophotic ecosystems.They also protect entire ecosystems, preserving critical ecological functions and conserving biodiversity.

This includes at least 145 species of endemic arthropods, six species of endangered endemic plants (including an endemic palm), and four species of endemic birds, including remarkably isolated species such as the Nihoa Finch, Nihoa Millerbird, Laysan Finch, and the Laysan Duck, one of the world's rarest ducks Search Our Facts

The proposed sanctuary is a place of unique environmental resources that provide large-scale ecosystem services for the region and the world. Large-scale conservation areas like this one are important to protect highly mobile species, such as sharks and marine mammals. Top predators like sharks are very important to Papahānaumokuākea because they shape the ecosystem communities inside the region. Science-based management of fish resources led to a project, led by Dr. Carl Meyer and Dr. Kim Holland, conducting data quantifying long-term movements and habitat use of sharks, which has also been used to help understand monk seal predation at French Frigate Shoals. The results also indicated that tiger sharks (Galecerdo cuvier) are the most wide-ranging top predator in the Monument. Sharks stand at the pinnacle of the food chain and maintain the balance of marine life regulation of prey populations. They control species distribution, abundance, and diversity, which affects the health of marine habitats. Currently, overfishing poses an immense threat to oceanic life. Besides the rise in global temperatures induced by the climate crisis, this is another primary factor driving the rapid deterioration of overall ocean health. About 100 million sharks are slaughtered annually for their fins, meat, livers, and gills, and almost a third of all shark species are endangered.

Over a billion people rely on seafood as their main food source, and the industry provides over 780 million jobs globally. Without shark conservation, job loss, food insecurity, and income loss can lead to an economic catastrophe. They shift their prey's spatial habitat, which alters the feeding strategy and diets of other species. Through the spatial controls and abundance, sharks indirectly maintain the seagrass and coral reef habitats. The loss of sharks has led to the decline in coral reefs, seagrass beds and the loss of commercial fisheries. By taking sharks out of the coral reef ecosystem, the larger predatory fish, like groupers, increase in abundance and feed on the herbivores. With less herbivores, macroalgae expands and coral can no longer compete, shifting the ecosystem to one of algae dominance, affecting the survival of the reef system.

The marine habitat also includes several interconnected ecosystems, including coral islands surrounded by shallow reefs. Coral reefs are important because they provide various services for the world, such as protection from storms and erosion. They are beneficial for the economy because they offer jobs for local communities, as well as recreational activities. Additionally, they are also a source of foods and new medicines. Over half a billion people depend on the reefs for protection, income, and food. They are also culturally important to various indigenous cultures throughout the world.

Fishing, diving, and snorkeling on and near reefs add hundreds of millions of dollars to local businesses. The net economic value of the world's coral reefs is estimated to be nearly tens of billions offsite link of U.S. dollars per year. Coral reefs provide habitat for a variety of species, tourism, cultural heritage, and social connectedness through a sense of place. However, increasing population growth rates along with economic and industrial development, unsustainable fishing, land-based pollution, global forces from climate change, coral bleaching, coral disease, among others, have resulted in unprecedented pressure on coral reefs.

Low-light mesophotic reefs with extensive algal beds are another type of ecosystem found in the area. These reefs serve as an essential habitat for economically and ecologically important fish. These species use these reefs for spawning, feeding, breeding, and growth to maturity. They also contain organisms with special defenses for microbial infections and warding off predators. A lot of research is being done on these species because they have been found to contain multiple health benefits for humans. The algal beds living in the mesophotic reefs also play an important role because they provide food for arthropods, herbivorous fish, and other invertebrates, and also act as a layer for gull nesting. Open ocean (pelagic) waters connected to the greater North Pacific Ocean. The pelagic zone is an area that is critical for oxygen production, climate regulation, and economic activity.

Deep-water habitats such as abyssal plains 16,400 feet below sea level, and deep reef habitat characterized by seamounts, banks, and shoals. The abyssal plains cover ~70 percent of the global seabed and are the biggest habitat on Earth's surface. These topographic features alter currents and near-bed flows, causing the winnowing of sediment and enhanced deposition of organic matter (food for deep-sea animals). Diversity and abundance of animals are linked to environmental differences between different abyssal habitat types. The animal communities living on seamounts and abyssal hills are diverse and different from those on the nearby abyssal plains. While some organisms live in both places, there are many animals that appear to occur only on seamounts and abyssal hills. In general, more suspension feeders, such as corals, live on hills and seamounts than on the adjacent plain. In other regions, overall biomass has been found to be higher on seamounts and abyssal hills than on the plain. So, studying abyssal hills and seamounts in addition to the flat parts of the abyssal plains will give a better picture of

the full range of habitats and animal communities in an abyssal region. The seabed on seamounts will likely not be mined for polymetallic nodules because their slopes are too steep for mining vehicles. However, the life and habitats on seamounts could be impacted indirectly by mining, through the plumes (clouds) of sediment that may be disturbed by mining activities on the plain nearby. Some in the deep-sea mining industry have also speculated that seamounts could be refuges for animals during mining activities. These possibilities provide more reasons to us to study seamounts and the habitats and fauna found there.

Somewhat like continental slopes, ocean bank slopes can upwell as tidal and other flows intercept them, sometimes resulting in nutrient-rich currents. Because of this, some large banks, such as Dogger Bank and the Grand Banks of Newfoundland, are among the richest fishing grounds in the world.There are approximately 30 submerged banks in the Northwestern Hawaiian Islands. Up until recently very little was known about the banks beyond that they were shield volcanoes formed at the hotspot. Some scientists believe that many of the banks act as 'stepping stones' for marine organisms to migrate in the region. The bank areas provide extensive habitat for bottomfish and a few are known to provide foraging habitat for endangered Hawaiian monk seals. Large precious corals, such as gold, pink and black are also found in the deep waters of the banks. Unlike shallow reef corals which are able to harness sunlight as an energy source due to photosynthesizing symbiotic dinoflagellates in their tissues, deep-water precious corals live in near-total darkness and are completely dependent upon capturing plankton from the water column with their tentacles. The first Hawaiian coral reefs originated around the oldest islands. Many of these islands are now seamounts sunken to great depths. Other seamounts have never emerged above the ocean's surface. Guyots are sunken volcanoes that became flat topped seamounts. Fish and precious corals may be concentrated near the tops of seamounts or guyots. St. Rogatien, Brooks Banks, and other unnamed banks surrounding French Frigate Shoals. Little is known about these bank areas, except that Hawaiian monk seals have been observed foraging in these areas, probably for eels. The Hawai'i Undersea Research Laboratory plans to visit these banks in several deep sea dives beginning in 2002 to build a greater understanding of the areas.

Raita Bank is just west of Gardner Pinnacles. The crest or top of Raita Bank is about 60 feet from the ocean surface. Bottom habitats of relatively shallow banks such as Raita tend to be barren when compared with more sheltered coral reef environments. Recent surveys revealed less than 1% live coral cover in the shallow portions of Raita Bank, with the bottom scoured by wave action and strong currents. Raita is one of the larger banks in the NWHI, and there is much yet to be discovered about this area. Pioneer Bank is only 22 nautical miles from Neva Shoals, and the features combine to form a major coral reef ecosystem rich in biodiversity and with a variety of marine habitats

Because these rocky features extend up into the water column, they provide ideal habitat for attached sessile invertebrates that depend on currents to deliver their food. The hard substrate is also favorable for settlement of larvae from the water column

Conclusion

I am immensely grateful towards the NOAA for proposing this rule, and I hope for it to succeed.

References

1. Te Ara - Encyclopedia of New Zealand. "Papa and Wakea." Te Ara - the Encyclopedia of New Zealand, https://teara.govt.nz/en/artwork/5176/papa-and-wakea.
2. Private Tours Hawaii. "What Are the Hawaiian Islands, Geologically Speaking?" Private Tours Hawaii Blog, https://www.privatetourshawaii.com/blog/what-are-the-hawaiian-islands-geologically-speaking.
3. National Oceanic and Atmospheric Administration (NOAA). "What Is an Archipelago?" NOAA's National Ocean Service, https://oceanservice.noaa.gov/facts/archipelago.html.
4. National Oceanic and Atmospheric Administration (NOAA). "Seamounts: Underwater Treasures." NOAA Office of Ocean Exploration and Research, https://oceanexplorer.noaa.gov/okeanos/explorations/ex1504/background/seamounts/welcome.html.
5. National Oceanic and Atmospheric Administration (NOAA). "National Marine Sanctuaries." NOAA Office of National Marine Sanctuaries, https://sanctuaries.noaa.gov/.
6. UNESCO World Heritage Centre. "Hawai'i Volcanoes National Park." UNESCO World Heritage Centre, https://whc.unesco.org/en/list/1326/#:~:text=The%20area%20has%20deep%20cosmological,the%20spirits%20return%20after%20death.
7. NOAA's Office of National Marine Sanctuaries. "Papahānaumokuākea Marine National Monument." NOAA Office of National Marine Sanctuaries, https://sanctuaries.noaa.gov/papahanaumokuakea/#:~:text=The%20proposed%20rule%20unifies%20management,currently%20prohibited%20in%20monument%20waters.
8. Papahānaumokuākea Marine National Monument. "Papahānaumokuākea's Underwater Banks." Papahānaumokuākea Marine National Monument, https://www.papahanaumokuakea.gov/visit/banks.html.

9. NOAA Office of Ocean Exploration and Research. "Seamounts: Underwater Treasures." NOAA Ocean Explorer, https://oceanexplorer.noaa.gov/explorations/18ccz/background/seamounts/seamounts.html.
10. Study.com. "Pelagic Zone: Definition, Animals & Plants." Study.com, https://study.com/learn/lesson/pelgiac-zone-facts-animals.html#:~:text=The%20pelagic%20zone%20includes%20all%20ocean%20waters%20away%20from%20land.Epipelagic%20zone.
11. Coral Digest. "Macroalgal Beds." Coral Digest, https://www.coraldigest.org/index.php/MacroalgalBeds#:~:text=and%20Sargassum%20muticum.-,Role,beneficial%20roles%20in%20shallow%20estuaries.
12. National Oceanic and Atmospheric Administration (NOAA). "Mesophotic Coral Ecosystems." NOAA's National Ocean Service, https://oceanservice.noaa.gov/facts/mesophotic.html.
13. NOAA Coral Reef Conservation Program. "Coral Ecosystem Services Valuation Project." NOAA Coral Reef Information System, https://www.coris.noaa.gov/activities/coral_esv_project/welcome.html.
14. National Oceanic and Atmospheric Administration (NOAA). "Coral Reef Ecosystems." NOAA Education Resources, https://www.noaa.gov/education/resource-collections/marine-life/coral-reef-ecosystems#:~:text=Benefits%20of%20coral%20reef%20ecosystems,food%2C%20income%2C%20and%20protection.
15. Oceana Europe. "The Importance of Sharks." Oceana Europe, https://europe.oceana.org/importance-sharks-0/.
16. Big Ocean Managers. "Papahānaumokuākea Marine National Monument." Big Ocean Managers, https://bigoceanmanagers.org/pmnm.
17. One Earth. "Why Sharks Are Essential for Healthy Oceans." One Earth, https://www.oneearth.org/why-sharks-are-essential-for-healthy-oceans/#:~:text=As%20apex%20predators%2C%20they%20stand,the%20health%20of%20marine%20habitats.
18. Papahānaumokuākea Marine National Monument. "Research Studies." Papahānaumokuākea Marine National Monument, https://www.papahanaumokuakea.gov/research/studies.html.
19. National Oceanic and Atmospheric Administration (2023, January 28). What are Mesophotic Coral Ecosystems? National Ocean Service. https://oceanservice.noaa.gov/facts/mesophotic.html
20. National Marine Sanctuaries (n.d.) Proposed Papahānaumokuākea National Marine Sanctuary https://sanctuaries.noaa.gov/papahanaumokuakea/
21. Papahānaumokuākea Marine National Monument (2021, November 19). Proposed Papahānaumokuākea National Marine Sanctuary. https://www.papahanaumokuakea.gov/sanctuary-designation/

May 7, 2024

Nicole LeBoeuf, Assistant Administrator
for Ocean Services and Coastal Zone Management
National Ocean Service
National Oceanic and Atmospheric Administration

Dear Ms. LeBoeuf:

On behalf of the Hawaii Longline Association (HLA), thank you for the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the Proposed Papahānaumokuākea National Marine Sanctuary.

HLA is composed of the Hawaii-based longline fleet and other members, including the iconic Honolulu Fish Auction (United Fishing Agency). The Hawaii-based longline fleet is the largest food producer in the State of Hawaii and the fleet's landings represent around 85% of the volume and value of commercially landed seafood in Hawaii. Hawaii's commercial fishing and seafood industry has been estimated by the US Department of Commerce to annually generate around $867 million in sales impacts, $269 million in income impacts, $392 million in value-added impacts, and 9,900 full-and part-time jobs.[1] The fleet is subject to an extraordinarily comprehensive and rigorous regulatory regime encompassing federal and state laws and international fisheries treaties. The Hawaii-based longline fleet is among the most comprehensively regulated and highly monitored commercial fisheries in the world.

Prior to the establishment of the Papahānaumokuākea Monument Expansion Area (MEA), Hawaii-based longline vessels targeted tuna and billfish in pelagic waters of the US Exclusive Economic Zone around the Northwestern Hawaiian Islands (NWHI) from 50 nm to 200 nm and the adjacent high seas. HLA members and others affiliated with the Hawaii longline fishery, which are composed mostly of people from underserved and underrepresented communities, continue to experience direct, indirect, and cumulative impacts from the designation of the MEA.

The most direct impact to the fleet is the loss of fishing grounds (historical and future). Substantial portions of the U.S. EEZ in Pacific Islands Region are already closed to commercial fishing, and significantly more were closed with the MEA designation. EEZ closures means that Hawaii longline vessels must fish outside the EEZ, where they compete with large-scale, subsidized foreign industrial fisheries that are not subject to any of the extensive federal

[1] National Marine Fisheries Service. 2018. Fisheries Economics of the United States, 2016. U.S. Dept. of Commerce, NOAA Tech. Memo. NMFS-F/SPO-187a, 243 p National Marine Fisheries Service. 2018. Fisheries Economics of the United States, 2016. U.S. Dept. of Commerce, NOAA Tech. Memo. NMFS-F/SPO-187a, 243 p

environmental regulations to which the Hawaii fleet is subject. This loss of fishing grounds has significant disproportionate effects on individual vessel owners/operators/crew that historically fished, and had competitive advantages in, the area. Those vessels are forced to leave their known fishing grounds and compete in other waters (including against foreign fisheries). Displacing the fleet out of U.S. waters to the high seas also results in indirect impacts associated with greater travel distances from port, such as much higher trip expenses, more burning of fuel (and associated GHG emissions), and increased safety at sea concerns. Finally, significant cumulative effects have resulted from the loss of fishing grounds within US waters in combination with a strict Federal management and monitoring regime, elimination of US waters to fishing by the expansion of the Pacific Remote Islands Marine National Monument in 2014, competition on the high seas from subsidized foreign fleets, and foreseeable high seas fishing closures as part the United Nation's newly adopted Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ).

None of these significant impacts to the Hawaii-based longline fleet, Hawaii seafood consumers, or Hawaii's food self-sufficiency have been properly analyzed. The MEA was designated under the Antiquities Act of 1906 without any review under the National Environmental Protection Act (NEPA) or any meaningful opportunities for public comment. There were no alternatives analyzed with respect to the MEA and no analysis to ensure that the area designated is consistent with the Antiquities Act requirement to be the "the smallest area compatible with the proper care and management of the objects to be protected."

The DEIS identifies that NOAA's preferred alternative is to overlay a National Marine Sanctuary over Papahānaumokuākea monuments, State of Hawaii waters from 0-3 nm, and all federal waters from 3-200 nm (an area twice the size of Texas). The DEIS further indicates that because the proposed action would be an overlay of monument designations that are already closed to commercial fishing, there is no analysis on impacts to fisheries and no differences among the alternatives in terms of impacts to fisheries. In short, the end-result is that massive closures of the U.S. EEZ to commercial fishing have been accomplished with no NEPA review of the consequences, including no identification or analysis of the significant, adverse socio-economic effects on members of the fleet from underserved and underrepresented communities. Moreover, because the environmental impacts from No Action versus Action Alternatives 1-3 are the same, this begs the question, "is a Sanctuary designation necessary?" HLA is not convinced by the DEIS analysis that a sanctuary overlay is necessary for the conservation and management of natural resources in the area. Nor has any such case been made in the DEIS's purpose and need statement or elsewhere in the DEIS.

The DEIS is not legally sufficient, among other reasons, because the analysis does not properly distinguish among, and analyze, impacts to environmental resources resulting from the No Action Alternative and each of the Action Alternatives. The DEIS is also woefully deficient in its analysis of cumulative impacts. The DEIS should analyze the cumulative impacts to Hawaii longline fishery participants from the alternatives, including the Pacific Remote Islands monument expansion in 2014, the foreseeable future impacts of the proposal to further expand

the fishing closures in the Pacific Remote Islands area via a Sanctuary designation, and reasonably foreseeable future impacts of high seas fishing closures under the auspices of the UN BBNJ convention. The effects of the monument expansion in particular result from a "past" action that, when combined with the effects of the action, cause "collectively significant actions taking place over a period of time." 40 CFR 1508.1(g)(3).

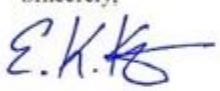
As a result of the designations of the Pacific Remote Islands monument in 2009, its expansion in 2014, and the MEA in 2016, no fishing vessels of the United States have been subjected to more closure of EEZ waters than the Hawaii-based longline fleet. As described above, these closures didn't occur through normal rule making processes established by Congress, but rather, relied on a political abuse of an obscure statute to eliminate legitimate federally managed activity and permanently reserve huge areas of land and sea. Now, and after the fact, it seems the administration is proposing use of the National Marine Sanctuaries Act to cover its tracks in the NWHI and the PRI, thereby limiting legal challenges to the monument designations. Being fishers, we know when things smell 'fishy' whereby these Sanctuary proposals reek of bureaucratic overreach.

The Hawaii longline fishery produces high quality seafood for local consumption and seafood markets in the United States – approximately 70-80% of our landings are consumed in Hawaii and the other 20-30% of landings are sold in USA mainland retail and foodservice markets. Currently, the United States is experiencing a huge seafood trade deficit, with large amounts of imported seafood believed to be from illegal, unregulated, unreported foreign fisheries. Well-managed fisheries like the Hawaii longline fishery are compatible with environmental and cultural resource protection and there needs to be a balance among these important considerations. Seafood is a healthy food choice, and its sustainable harvests produces less carbon emissions per pound versus farm raised meat production in the US agriculture industry – with the latter provided over $20 billion per year in Congressionally appropriated subsidies.

Currently, fishermen, seafood producers and processors across the country are facing unprecedented conditions with extreme costs and poor market prices largely in part from vast amounts of subsidized foreign imported seafood into the United States. We humbly implore NOAA to focus on protecting American fisheries, the waterfront and support services jobs they support, and the contribution of our well-managed fisheries to the Nation's food supply, rather than an adding unnecessary layers of bureaucracy over existing federally managed waters.

Based on the comments above, HLA supports NOAA either taking no action or, alternatively, preparing a new, legally sufficient DEIS for public review and comment.

Sincerely,



Eric K. Kingma, Ph.D.
Executive Director

May 7, 2024

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

Re: NOAA–NOS–2021–0114

Dear Superintendent Roberts,

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our more than 1.6 million members and supporters nationwide, we write to express our strong support for designating Papahānaumokuākea Marine National Monument (Papahānaumokuākea or PMNM) as a national marine sanctuary and applaud the National Oceanic and Atmospheric Administration (NOAA) for leading the designation process for this globally important ocean area.

Healthy oceans and coral reef ecosystems are incredibly important to the future of our planet. A billion people, including tens of millions of Americans, rely on viable, healthy oceans for nourishment and their livelihood. Federal protections for our nation's marine treasures help preserve biodiversity, ensure the availability of educational and research opportunities, build resilience against the impacts of climate change and ocean acidification, and strengthen the deeply embedded connections between our communities and the oceans. Protecting marine areas is increasingly important because our oceans are becoming degraded due to a multitude of factors, including overfishing, pollution, warming seas, coral bleaching, and ocean acidification.

PMNM is the largest contiguous conservation area in the United States, one of the world's largest marine protected areas, and is larger than all the country's national parks combined. Part of the Hawaiian Archipelago in the Pacific Ocean, PMNM conserves some of our country's most prized underwater resources of natural, cultural, and historic significance. It is recognized as the only mixed UNESCO World Heritage Site in the United States, meaning it has both natural and historic and cultural significance with its unique Northwestern Hawaiian Island ecosystem and Native Hawaiian history, culture, and heritage.[1]

This remote ocean region has been a focus of conservation efforts dating back to 1903 when President Theodore Roosevelt sent the U.S. Navy to Midway Atoll to prevent seabirds from being

[1] *World Heritage List: Papahānaumokuākea*, UNITED NATIONS EDUC., SCI. & CULTURAL ORG., http://whc.unesco.org/en/list/1326/ (last visited May 7, 2024).

killed for feathers and eggs.[2] In the 120 years since President Roosevelt first took action, multiple presidents – Republicans and Democrats – and the State of Hawai'i have increased the protections in this area. Indeed, Presidents Theodore Roosevelt, Franklin Roosevelt, Ronald Reagan, Bill Clinton, George W. Bush, Barack Obama, and now Joe Biden—along with the State of Hawai'i—have seen fit to protect PMNM.[3]

In 2006, President Bush became the first president to preserve an area in the ocean of this significance by designating the Northwestern Hawaiian Islands Marine National Monument through the Antiquities Act, which set aside 140,000 square miles of islands, atolls, and surrounding ocean. President Bush subsequently renamed the monument Papahānaumokuākea Marine National Monument, a Native Hawaiian name reflecting its historical and cultural significance.[4] The name Papahānaumokuākea "commemorates the union of two Hawaiian ancestors – Papahānaumoku and Wākea – who gave rise to the Hawaiian Archipelago, the taro plant, and the Hawaiian people."[5] In 2016, President Obama expanded PMNM to 582,578 square miles, making it one of the world's largest marine protected areas.[6]

Protecting Papahānaumokuākea is one of the most broadly supported and bipartisan conservation successes in our country with extensive public input from stakeholders across decades. NOAA's proposal to designate Papahānaumokuākea as a national marine sanctuary compliments the existing conservation efforts and adds protections and management tools afforded under the National Marine Sanctuary Act.

NPCA strongly supports Alternative 1 – NOAA's proposal and preferred sanctuary boundary – which would ensure the strongest and most extensive protections.

The Proposed Action Alternative 1 encompasses approximately 582,570 square miles, is the only alternative that overlaps with the current boundaries of PMNM, and contains the objects of natural and scientific importance as well as historical and cultural importance highlighted in President Obama's Proclamation 9478.

Papahānaumokuākea is home to vibrant and extensive coral reef systems that are "truly the rainforests of the sea."[7] PMNM is home to more than 7,000 marine species, with a quarter of those endemic to the archipelago.[8] One of those is the endangered Hawaiian monk seal, which has an

---

[2] *About Papahānaumokuākea*, PAPAHĀNAUMOKUĀKEA MARINE NAT'L MONUMENT, http://www.papahanaumokuakea.gov/new-about/ (last visited May 7, 2024).
[3] *Timeline of Protections*, PAPAHĀNAUMOKUĀKEA MARINE NAT'L MONUMENT, http://www.papahanaumokuakea.gov/pdf/timeline.pdf (last visited May 7, 2024).
[4] Establishment of the Northwestern Hawaiian Islands Marine National Monument, Proclamation No. 8031, 71 Fed. Reg. 36443 (June 15, 2006); Amending Proclamation 8031 of June 15, 2006, To Read, "Establishment of the Papahānaumokuākea Marine National Monument," Proclamation No. 8112, 72 Fed. Reg. 10031 (Feb. 28, 2007).
[5] *About Papahānaumokuākea*, PAPAHĀNAUMOKUĀKEA MARINE NAT'L MONUMENT, http://www.papahanaumokuakea.gov/new-about/ (last visited May 7, 2024).
[6] Papahānaumokuākea Marine National Monument Expansion, Proclamation No. 9478, 81 Fed. Reg. 60227 (August 26, 2016).
[7] *About Papahānaumokuākea*, PAPAHĀNAUMOKUĀKEA MARINE NAT'L MONUMENT, https://www.papahanaumokuakea.gov/about/ (last visited May 7, 2024).
[8] Proclamation 8031, 71 Fed. Reg. at 36443.

estimated population of 1,100 remaining with the majority of them living in PMNM.[9] Ninety percent of all Hawaiian green sea turtles come to shore and lay their eggs at French Frigate Shoals, the largest atoll in the Northwestern Hawaiian Islands.[10] They migrate to the Main Hawaiian Islands to feed in the shallow, near-shore waters and bask on land, including at national parks such as Pu'uhonua o Hōnaunau National Historical Park. In addition to the Hawaiian green sea turtles, four other species of sea turtles, including endangered leatherbacks and hawksbills, migrate and forage through the monument. There are three endangered whales at PMNM: blue, humpback, and false killer. The monument also provides nesting and foraging habitat for more than 14 million birds, making it the largest tropical rookery in the world.[11]

PMNM plays an important role in understanding marine habitats that are relatively undisturbed. PMNM is the site of scientific and monitoring activities that are aimed at exploring, mapping and better understanding PMNM's unique ecosystem. Coral reef research and surveys in shallow and deep-water regions are helping scientists understand diversity and abundance of marine life and foraging and migration patterns. Scientific research and monitoring activities have also yielded some of the most extensive databases of seabirds in the world. Research with multibeam sonar and satellite technology is helping scientists understand deep-sea regions that are largely unexplored yet are believed to be highly biodiverse places. The scientific and research efforts within PMNM are participated in by multiple agencies and stakeholders, including the University of Hawai'i and the Hawai'i Department of Land and Natural Resources.[12]

The expansion area added to PMNM in 2016, which is included in the Agency Preferred Alternative 1, contains many significant features of historic and scientific interest.[13] The expansion area includes more than 75 seamounts, and a non-volcanic ridge extending towards the Johnson Atoll. These features combine to provide habitat for species including sponges, other invertebrates, fish, and colonies of ancient corals. Seamount communities in the expansion area, largely undisturbed, provide the opportunity to discover species previously unknown, with possible implications for research and medicine. Moreover, it is now known that many species that the 2006 proclamation creating PMNM cited as objects to be protected inhabit ranges going well beyond the original boundaries. For example, it is estimated that monk seals travel 80 miles to forage, and birds nesting on atolls journey within a 200-mile range to forage. The expansion provides a larger protected area for animals to forage, reproduce, and raise their young—and will provide broader scientific research and understanding of PMNM's interconnected ecosystem; therefore, NPCA supports Alternative 1's proposed sanctuary boundaries that include the 2016 expansion area.

PMNM has strong cultural and historical connections as well. It is home to sacred places significant to Native Hawaiians, who were traditionally skilled mariners and use the area for

---

[9] *Hawaiian Monk Seals Return Home*, PAPAHĀNAUMOKUĀKEA MARINE NAT'L MONUMENT, https://www.papahanaumokuakea.gov/news/monk_seal_return.html (last visited May 6, 2024).
[10] *Virtual Visit*, PAPAHĀNAUMOKUĀKEA MARINE NAT'L MONUMENT, https://www.papahanaumokuakea.gov/visit/ffs.html (last visited May 6, 2024).
[11] *UNESCO World Heritage Inscription*, PAPAHĀNAUMOKUĀKEA MARINE NAT'L MONUMENT, http://www.papahanaumokuakea.gov/wheritage/rookery.html (last visited May 6, 2024).
[12] *Research & Monitoring*, PAPAHĀNAUMOKUĀKEA MARINE NAT'L MONUMENT, http://www.papahanaumokuakea.gov/research/ (last visited May 7, 2024).
[13] Proclamation 9478, 81 Fed. Reg. at 60227–29.

voyaging and wayfinding by natural elements. Archeological artifacts have been found on islands within PMNM, evidencing the Native Hawaiian's historical, cultural, and religious connections with the protected area. The historical religious sites found on these islands indicate a link to Polynesian culture and history. Indeed, the historical and cultural significance of PMNM is such that Native Hawaiian practices are permitted within the monument's boundaries.[14]

PMNM is home to objects of historical significance related to World War II that are interpreted at national park sites like War in the Pacific National Historical Park. The naval portion of the Battle of Midway, a major turning point in World War II just six months after the attack on Pearl Harbor, took place in the vicinity of Midway Atoll, within the expanded PMNM. Important historical artifacts from the Battle of Midway remain in PMNM, serving as reminders of World War II and the sacrifices made by American military personnel. Still within the area are the wreckage of the USS Yorktown, as well as, presumably, the unlocated wreckage of four sunk Japanese carriers and hundreds of downed aircraft. These artifacts serve as a lasting reminder of the more than 3,000 personnel who lost their lives in this battle.[15]

NPCA strongly supports the proposed rule's continued prohibition of commercial extraction to ensure the conservation of the scientific and historic objects recognized in the presidential proclamations from Presidents Bush and Obama. Deep sea mining is banned, which reduces negative impacts from sound and chemical pollution and debris. Commercial fishing is also banned, which helps minimize harmful longline fishing impacts to sharks, marine mammals, sea turtles, and birds. Human-generated marine debris from fishing nets and gear and plastics is a major form of pollution at PMNM. Fishing equipment entanglement greatly threatens wildlife, such as the Hawaiian monk seal, sea turtles, marine mammals, birds, and coral reefs. In 2023 alone, the Papahānaumokuākea Marine Debris Project removed 106 tons of marine debris in two expeditions. On one of the expeditions, the project team found seven live green sea turtles entangled in ghost nets that they were able to rescue.[16]

NPCA supports the continued management of Papahānaumokuākea as a highly protected marine protected area (MPA), which is one of the most effective tools for improving ocean ecosystems and threatened fish stocks. Highly protected MPAs are managed to allow for minimal or no extractive and other damaging practices, such as fishing, mining, and oil and gas development. They have the capacity to address severe declines in fish populations, leading to a reduction in fishing mortality that can increase the abundance of spawning fish, providing insurance against recruitment failure and maintaining or enhancing yields in fished areas. An additional benefit of highly protected MPAs is that they provide valuable baseline information about the health of marine resources. These marine reserves can be valuable for the study of unaltered ecological processes and serve as important baselines or control areas for harvested populations of fish. Thus, maintaining and strengthening marine protections at PMNM will ensure robust, sustainable

---

[14] *See, e.g., Question & Answers*, PAPAHĀNAUMOKUĀKEA MARINE NAT'L MONUMENT, http://www.papahanaumokuakea.gov/about/faq.html; *Cultural History of the Northwestern Hawaiian Islands*, PAPAHĀNAUMOKUĀKEA MARINE NAT'L MONUMENT, http://www.papahanaumokuakea.gov/heritage/history.html.

[15] Proclamation 9478, 71 Fed. Reg. at 60229.

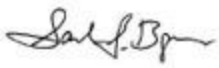
[16] Papahānaumokuākea Marine Debris Project. Team Removes 126,000 lb (63 tons) of Marine Debris from Papahānaumokuākea Marine National Monument Seven Green Sea Turtles Also Rescued. (Sept. 28, 2023) https://www.pmdphawaii.org/press-releases (last visited May 7, 2024).

marine populations that not only benefit the ecological health of monument waters, but the larger Hawaiian Archipelago, including the national parks located there.

Papahānaumokuākea safeguards a rich and dynamic reef ecosystem that supports a vast array of terrestrial or marine species, and it further protects objects of significance related to Native Hawaiian culture and World War II. We appreciate the opportunity to comment on the proposed rule and urge NOAA and the Office of National Marine Sanctuaries to move swiftly with the designation of Papahānaumokuākea as a national marine sanctuary, as outlined in the Agency Preferred Alternative 1.

Thank you for your consideration of these comments.

Sincerely,



Sarah Barmeyer
Deputy Vice President, Conservation Programs

May 7, 2024

Mr. Eric Roberts, Superintendent
Papahānaumokuākea Marine National Monument
NOAA/ONMS
1845 Wasp Blvd., Bldg. 176
Honolulu, HI 96818

Re: PMNM-Sanctuary Designation, Docket NOAA-NOS-2021-0114

Dear Mr. Roberts,

I am writing to you today as someone who has been deeply involved with the protection of what is now the Papahānaumokuākea Marine National Monument and UNESCO World Heritage Site for the past 26 years. I first engaged when I was an employee of the Hawai'i Department of Land and Natural Resources, became the second person hired when the NWHI Coral Reef Ecosystem Reserve (Reserve) was established back in 2000, managed the Reserve while simultaneously leading the first 5 year-long effort to establish a National Marine Sanctuary in the area, and then became the founding NOAA Superintendent of the Monument when it was established in 2006, a role in which I served for 9 years. Since then, I have remained involved as a member of the Native Hawaiian Cultural Working Group.

Given my deep experience with the advocacy, establishment, and day-to-day management of this extraordinary ocean area, I am writing to express my support, with reservations, for the establishment of a National Marine Sanctuary. As a longtime advocate for the establishment of a Sanctuary, I want to be clear that while I believe that an overlay of a Sanctuary could provide significant benefits to the durable long-term management of Papahānaumokuākea, I have some concerns about the current proposal and have provided specific recommendations which I believe would address them.

In brief, Sanctuary Designation could provide significant benefits for Papahānaumokuākea by:

> **Addressing the weakness of the Antiquities Act to secure durable, place-based protections** beyond those afforded to the area by E.O. 13174 and E.O.13196, the State of Hawai'i Marine Refuge, and existing regulations and protections offered by the existing Midway and Hawaiian Islands USFWS Wildlife Refuges. Although Papahānaumokuākea was able to dodge efforts by the Trump Administration to weaken or eliminate protections, the ability for the Monument to be repealed by future Administrations remains. The overlay of a National Marine Sanctuary which mirrored and strengthened protections of the current Monument could ensure that even if the Monument was eliminated or weakened in the future, strong protections would remain. Without such an overlay, if the Monument was to be repealed, although the Reserve and State Marine Refuge would remain, the size of the protected area within marine

waters would be significantly diminished and vulnerable once again to potential exploitation.

Supplementing, complementing, and strengthening the regulatory framework for the area, including the establishment of a civil penalty schedule under the National Marine Sanctuaries Act as Amended which would add an additional layer of penalties to violators. In addition, fines received through the issuance of civil penalties could then be collected and used directly for the co-management of the area, something that does not exist currently.

Concerns remain, however about:

The lack of management cohesion across the entire boundary of the Monument/potential Sanctuary area. It is unfortunate that the USFWS is not a cooperating agency on the proposal and that it is stated that the Office of Hawaiian Affairs cannot be a co-trustee or co-manager under the current proposal. The 7 management bodies of the Monument Management Board have been working together since 2006 therefore every effort should be made to include all agencies in the management of any future National Marine Sanctuary in the area. The idea for an overlay of a National Marine Sanctuary across the entire marine area has been a motivation since the early effort to create a Sanctuary and several agreements were reached back then, including having the USFWS as a cooperating agency in the proposal.

The inclusion of non-commercial fishing in the Monument Expansion Area (MEA). Except for sustenance fishing defined as, "fishing for bottomfish or pelagic species in which all catch is consumed within the monument, and that is incidental to an activity permitted under this proclamation" no commercial or non-commercial fishing should be allowed anywhere in the proposed Sanctuary. Although commercial fishing is no longer permitted with the Monument boundaries, the allowance, by permit, of non-commercial fishing should never have been introduced as a potential regulated activity in the Monument Expansion Area.

Specifically, the draft management plan states that, "Consistent with existing management of this area, the access restriction and proposed prohibitions would not apply to the following activities:...Non-commercial fishing in the area of the proposed sanctuary that overlaps with the MEA, the OSZ, authorized under Magnuson-Stevens Fishery Conservation and Management Act regulations is exempt from prohibitions 7–14, provided that no sale of harvested fish occurs[.]"

Non-commercial fishing is inconsistent with the original protections defined by Proclamation 8031 which states that "[e]xcept as otherwise provided in this proclamation, the Secretaries shall prohibit any person from conducting or causing to be conducted within the monument the following activities:...Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging; or attempting to remove,

move, take, harvest, possess, injure, disturb, or damage any living or nonliving monument resource..."

Such an activity, even regulated, would be difficult to allow in a way that also meets the ten findings of Proclamation 8031 required for the issuance of permits. In addition, allowing for such permitted activities under a different management body (ie fishery management council) provides a significant management burden, and unnecessarily complicates enforcement within the Monument. Providing adequate support for and enforcement of such activities would increase the cost of both management and enforcement, particularly when compared to any potential benefit such an activity would provide.

Recommendations:

As you finalize the proposal for Sanctuary Designation based on public comment, I encourage you to adhere to the following principles:

- Honor that the Reserve and Monument were established to recognize the inextricable link between nature and culture and protect the tangible and intangible natural, cultural and historical values of the area.
- The final proposal must uphold the management integrity of the existing Reserve, Monument, State Marine Refuge and USFWS refuges and all current management structures that exist. Any final regulations should not reduce or diminish the strong protections that are currently in place and look for ways to close gaps and strengthen levels of protection.
- Levels of protection should be consistent throughout the boundaries of the Sanctuary. Sanctuary designation provides the opportunity to correct the discrepancies between the original monument and the Monument Expansion Area. The non-transparent compromise that was struck in 2006 should be changed through designation. Unfortunately, the current preferred alternative in the draft EIS does the opposite and instead codifies this unwarranted compromise.
- In no way should any definition, change in management structure, or regulation diminish protections or leave from for the potential that commercial fishing in any form (barter, trade) can occur in the future. That would be an abomination of the decades of protection that has been in place and the commitment of the Biden Administration to strong ocean governance.
- Harmonize Sanctuary and Monument management. While under NMSA, only waters can be contained within a Sanctuary, the co-management of the Sanctuary should harmonize with that of the current Monument. Understanding that the Monument co-trustees are responsible for management of the islands and fast lands contained within the boundaries, the co-management and trustees should be consistent. Additionally, Sanctuary management should not become an added administrative burden for the agencies, nor require duplicative management or decision-making structures. The

Monument Management Board could continue to operate as the overall management structure for both the Monument and Sanctuary.

My specific recommendations focus on the continued allowance of non-commercial fishing in the Monument Expansion Area and the consideration of new terms such as "customary exchange":

1. Do not allow for any change in fishing definitions to allow for "customary exchange" or any other term that could unwittingly or intentionally leave room for expanded fishing in the Monument/proposed Sanctuary. See above.
2. Remove the ability for recreational fishing in the MEA/OMZ. Since a Sanctuary can strengthen protection, use this as an opportunity to demonstrate that the NMSA is not a weak law to protect the ocean but that is actually has the legal authority and ability to also provide strong protection. The problem is not with the Act itself; it is with how the Act has been implemented.
3. Remove the word 'empower' as related to Native Hawaiians. This use of the term is out of sync with the standards set forth by the Biden Administration for in terms of equity and justice. Please update the document to align with the various guidance documents that have been produced.
4. RAC should transition to the SAC, ensuring continuity with the Reserve. Any proposed changes to composition should be proposed with the opportunity for public review and input and should only be considered if they supplement, complement or strengthen their ability to advise Sanctuary co-managers and inform the Monument co-trustees. The establishment of a SAC should not limit the engagement or ability to provide advice across the management agencies that the RAC currently enjoys. It should also engage Friends groups from the state and federal refuges and other NGOs that are currently supporting activities within the Monument. It is an opportunity to galvanize support and strengthen intergenerational engagement with Papahānaumokuākea.

The cultural working group will provide recommendations as well, nearly all of which are consistent with these. I have also signed and endorse this shared letter as the comments are aligned with those contained herein.

Please know that my comments provided here are not intended in any way to criticize the hard work and effort of those who have been working on the proposal. I clearly remember the significant level of effort that goes into it, and I sincerely appreciate the sincere intention to strengthen and make more durable safeguards for the protection of Papahānaumokuākea. The opportunity to do that is here. My comments are intended to provide specific recommendations on how to improve the currently described Preferred Alternative in hopes that the final proposal and regulations, however well intended, do not open up the area to increased harm to due compromises that I do not believe need to be made.

If such compromises, like the one put into place when the Monument was expanded which reduced protection of the expanded area from fishing are included or remain, I do not believe a Sanctuary should be approved.

Simply put, the draft is close but still opens the area up to unwarranted and unnecessary exploitation. Any cost-benefit analysis would clearly show that these internal agency compromises are not worth the added management or enforcement costs required to allow for them.

This is the opportunity to do better - and do what Aunty Laura Thompson (one of the founding Reserve Advisory Council members) implored us all to do - establish a management regime truly worthy of the area and future generations. It is indisputably documented and established that Papahānaumokuākea deserves the highest levels of protection for its cultural and ecological significance to the planet and humanity.

Let's please do the right thing.

Mahalo for the opportunity to comment, please feel free to contact me at any time at aulaniwilhelm@gmail.com.

'Aulani Wilhelm
Founding and former NOAA Superintendent,
Papahānaumokuākea Marine National Monument & UNSCO World Heritage Site

13 S Dixie Highway

Coral Gables, FL 33146

05/07/2024

sent to NOAA via www.regulations.gov

Re: Proposed Papahānaumokuākea National Marine Sanctuary, #2024-03820

Dear Eric Roberts,

I agree completely with the designation of certain marine portions of Papahānaumokuākea National Monument as a National Marine Protected Sanctuary. This area is important biologically, culturally, economically, and historically. Adding further protections to this area will help to preserve it for future generations to come. I have a personal interest in this rulemaking because I am a marine biology student with a special interest in environmental policy and Hawaiian culture and history. Therefore, I believe this ruling is especially important because it protects many of these aspects.

Ecological Significance of Papahānaumokuākea Marine National Monument

The Papahānaumokuākea Marine National Monument is home to over 7,000 species, many of which are found nowhere else in the world. These species include whales, seabirds, fish, and sharks. Additionally, it is also home to several endangered species, such as the green sea turtle and the Hawaiian monk seal. About ¼ of these species are only endemic to Hawaii and found nowhere else on Earth (PEW). Due to the large area of the proposed sanctuary, these numerous species' habitats have the capability to be entirely protected.

Maintaining a large and diverse number of species in an area is critical for maintaining biodiversity. This biodiversity has untold positive effects, both on the ecosystem and on human populations. In marine food chains, different species compose different levels, from the energy-producing phytoplankton all the way up through the top

predators, such as tuna and sharks. Without the large amount of biodiversity needed to maintain this food chain, the various ecosystems found throughout the Papahānaumokuākea Marine Protected Sanctuary could be vulnerable to collapse. Since each level of the food chain depends on the others for support, the higher the number of species means the more stable the environment becomes. For example, the coral that composes reefs promotes a huge amount of biodiversity across many different levels of the food chain. It provides small fish, crabs, and other sea life with a place to live and hide from predators and larger fish, rays, and sharks with a source of food (NOAA). Therefore, the coral, and all the species that depend on it during their lifecycle, would benefit greatly from the Marine Protected Sanctuary.

Social Significance of the Papahānaumokuākea Marine Protected Sanctuary

The Papahānaumokuākea Marine Protected Sanctuary is important for social reasons as well. The area is sacred to Native Hawaiians because it is an important location in cultural creation and settlement stories. Retaining this connection that Native Hawaiians have to their home is especially important because of the Hawaiian colonization that occurred in the late 1800s. During this period, Native Hawaiians suffered a decrease in population size due to outbreaks of diseases, pressure to convert from their religion, being forced off their land, and being forbidden from speaking their own language (Haunani-Kay). The proposed sanctuary would allow Native Hawaiians to connect with their heritage and still be able to call Hawai'i their home.

In addition, this area has other cultural significance. The proposed sanctuary includes the location of the battle of Midway, which has great historical importance due to its relevance in WWII. Protecting this area would allow people from all cultures to be able to learn about the significance of the battle. In addition, there are many military aircraft and boats, foreign vessels, and Native Hawaiian fishing boats from 18th, 19th, and 20th centuries sunk in this area. Designating this area as a protected sanctuary will help to protect these important historical vessels for years to come, giving future generations tangible ways to learn about the past.

Economic Significance of Papahānaumokuākea Marine Protected Sanctuary

The proposed sanctuary is also economically important because the animals and habitats are essential for tourism. Whether it's tourists attending chartered fishing trips, dive trips, boat tours, or any of the many available opportunities in Hawaii, tourism serves as a major source of income for the Hawaiian Islands. Therefore, protecting these environments, reefs, fishing stocks, and the wider Hawaiian natural world are important for maintaining this major source of income.

Additionally, the fish species that live in this area serve as an important source of local food, unlike many other goods that must be imported because Hawaii is so far removed from other land masses. The proposed protected area will help to further reduce overfishing and protect the current populations so that these communities of fish are still able to thrive.

In conclusion, this suggested protected Marine Sanctuary would benefit the local and extended communities in many ways, including biologically, socially, and economically. A beneficial addition would be an in-depth study of each species that lives in the protected area to ensure that their entire habitat is protected. This way, each population is at a lowered risk of going extinct and the protected area is as effective as possible. Lastly, another suggestion is the inclusion of Native Hawaiians in all stages of effecting this rule, including drafting, revising, and implementing. This will give them a way to reclaim their land, as well as help the proposed sanctuary fully succeed.

Overall, this added protection is a great step in preserving and protecting biodiversity, which in turn will aid many aspects of human life in the Hawaiian Islands and worldwide. Thank you for your consideration of this and other public comments.

Footnote- Works Cited

"Coral Reef Ecosystems." *National Oceanic and Atmospheric Administration*, 2019, www.noaa.gov/education/resource-collections/marine-life/coral-reef-ecosystems#:~:text=Benefits%20of%20coral%20reef%20ecosystems,food%2C%20income%2C%20and%20protection.

Haunani-Kay, Trask. "The Struggle for Hawaiian Sovereignty - Introduction." *Cultural Survival*, www.culturalsurvival.org/publications/cultural-survival-quarterly/struggle-hawaiian-sovereignty-introduction. Accessed 7 May 2024.

"Papahānaumokuākea Marine National Monument." *The Pew Charitable Trusts*, The Pew Charitable Trusts, 24 May 2016, www.pewtrusts.org/en/research-and-analysis/fact-sheets/2016/05/papahanaumokuakea-marine-national-monument.

I am writing to voice my support for the designation of marine portions of Papahānaumokuākea Marine National Monument and the Monument Expansion Area (collectively called the Monument) as a national marine sanctuary. The proposed sanctuary area extends 1,200 miles across the northwestern region of the Hawaiian archipelago, starting approximately 140 miles from the main Hawaiian Islands, and roughly 3,000 miles from the nearest continental land mass. This vast ecosystem is one of the largest wild, pristine marine protected areas in the world, encompassing 582,578 square miles of the Pacific Ocean. The monument protects traditional Hawaiian habitation sites, heiau (temples), ko'a (fishing grounds and shrines), culturally significant species such as sharks, sea turtles, and other 'aumākua (ancestral family gods), and the flight paths and foraging habitat of seabirds essential to traditional navigators during ocean voyaging by canoe. The addition of the national marine sanctuary would provide important regulatory and management tools to strengthen existing protections for Papahānaumokuākea ecosystems, wildlife, and cultural and maritime heritage resources.

I urge that NOAA act swiftly to designate the new sanctuary by finalizing and approving the associated draft environmental impact statement (EIS) (Alternative 1) and draft sanctuary management plan that are currently out for public comment. Specifically, this proposed action and National Marine Sanctuary Designation would:

- Maximize benefits for the largest proposed sanctuary of the three alternatives that NOAA is evaluating.
- Protect this coral reef ecosystem that is a global marine biodiversity hotspot, providing essential habitats for rare species such as the threatened green sea turtle and the endangered Hawaiian monk seal, the Hawaiian humpback whale, sharks, millions of seabirds, and others. Many species in the area are found nowhere else in the world.
- Provide comprehensive and coordinated management of the marine areas of Papahānaumokuākea to protect nationally significant biological, cultural, and historical resources.
- Enhance management of the proposed sanctuary by having a Native Hawaiian program specialist on staU and the sanctuary advisory council including Native Hawaiian seats, and outreach to the Native Hawaiian Community.

Thank you for doing all that you can to ensure maximum protections for this national Hawaiian treasure for fish, wildlife, Pacific Island communities, and those who love this area, now and into the future.

Comments for Papahanaumokuakea proposed Marine Sanctuary
from Alisha Shanti Chauhan | Environmental Consultant, Educator & Liaison -Indigenous Ecological Knowledge

Papahanaumokuakea and its marine waters is one of the last places on the planet that is pristine, with so many opportunities to preserve and regenerate marine wildlife- if the strongest possible protection regulations are put into place.

These enhanced regulatory protections would entail greater regulations, strict permitting, monitoring, enforcement and protections for Papahanaumokuakea waters and marine waters than what the draft Proposal currently entails.

Enhanced regulations, including strict regulations, permitting, monitoring, enforcement of the marine waters of this area for the highest possible protections can lead to the Papahanaumokuakea proposed Marine Sanctuary becoming an important global model for how we conduct stewardship for pristine ecological marine waters, with all endemic species (as this is one of the only marine environments on the planet with solely endemic wildlife species) for perpetuating regeneration of marine life in direct sanctuary waters as well as neighboring marine waters.

For example, a 2022 study on yellowfin tuna, from Science journal has shown that protected areas have increased nearby (non-protected waters) catch rates - showing that the effects of protection ripple into marine waters further than the marine protected area itself.

As well, there is a current global initiative through the United Nations for protection of 30% of the planet's ocean/marine ecosystems by the year 2030. Currently, only 3% of the planet's ocean/marine waters/ecosystems are protected through regulations, including no fish zones. Papahanaumokuakea proposed Marine Sanctuary can be an important global model for joining this initiative if the strongest possible protections are put into place. The health of the Ocean is the health of humanity, especially at this critical moment for the planet, with the climate crisis and otherwise. The Ocean provides many ecosystem services, and bigger areas of marine waters are needed to be fully protected from any negative and damaging human impact, to help in better preserving and protecting and regenerating Papahanaumokuakea waters and wildlife for a better future in the Hawaiian islands archipelago chain, and globally for generations to come.

At one time, the entire Hawaiian chain of islands was as pristine as the Papahanaumokuakea marine waters. Let this opportunity to create strengthened protections be an example of how we can put into place protections holistically and wholeheartedly to steward this area and its surrounding waters for future generations. And these protections need to be put into place with a strong and sufficient attempt to collaborate with, and in conjunction with Native Hawaiian public engagement and public engagement in addition to the proposed Native Hawaiian advisory council. This would

need to allow for the protection documentation for the marine sanctuary to be a living document with ongoing feedback from especially the Native Hawaiian public and elders.

Enhanced protections for the strongest possible protection of Papahanaumokuakea marine sanctuary include a request for:

Maintaining at least the preferred sanctuary boundary area - maximum sanctuary area alternative 1 at 582, 570 square miles.

Strict monitoring & enforcement on marine debris, fishing line, fishing gear to eliminate harm and entanglement of endangered marine life in proposed marine protected area, including no longline fishing.

Strict regulations, monitoring and enforcement for no non-commercial fishing and no sustenance or subsistence fishing (as shown to be exempted on page 10 - I oppose this) in the marine protected area to eliminate entanglement/harm of marine life in this protected area and surrounding marine waters.
For example, at the Marine Institute Maui Ocean Center the sea turtle hospital takes in patients that are treated for entanglement. 80% of these patients are treated because of entanglement due to fishing practices and current local fishing practices that do not retrieve fishing gear once it enters or breaks in the ocean waters. Endangered sea turtle patients are treated from Maui Nui and Island of Hawai'i marine waters and this statistic shows that fishing in the waters affects marine life anywhere as there are no jurisdictions for marine life and the gear, and broken line etc. that entangles them.

Statistics are not yet available for other marine keystone species; however, visual observation confirms that local waters fishing of any sort, commercial or non-commercial even sustenance fishing if not conducted in traditional sustainable Native Hawaiian practice (with traditional non-polluting tools), affects keystone species like mano (sharks) and cetaceans and coral through gear such as hooks, line etc.
No exemptions for marine mining activities. No exemptions for US armed forces and/or military activity or other human impact damaging activities including no submarine activity. Studies have shown that submarine activity is damaging to reefs, and marine life. No exemptions for mining/deep sea mining of any sort at a distance from the protected area as the effects of mining ripple and destroy unique deep sea ecosystems and habitats that took millions of years to form. Page 10 shows exemptions for US armed forces activity and I oppose this as for example, US armed forces activity has shown to negatively impact corals and cetaceans with RIMPAC activity off the shore of Kaua'i, especially in 2014, with 50% of the coral reef bleached within the 2 months of this activity occurring.

Maintain access for sacred cultural practices that are not in any way affecting ecosystems including integrating Mai Ka Po Mai practices.

Create extra protection regulations, monitoring & enforcement for keystone marine life like mano (sharks), corals, cetaceans, etc. Keystone species bring major balance to unique endemic ecosystems, especially sharks and as a fish, enhanced protections are needed to monitor and enforce against any fishing, including tagging, catch and release, type of research.
No unnecessary or harmful to life (in any way, including tagging, biopsy, or catch and release) type of scientific research.
Enhanced education and awareness of Papahanaumokuakea marine waters and the proposed National Marine Sanctuary is needed to the public especially on the Hawaiian islands and to Native Hawaiians, as well as nationally.

Encourage reporting transparently to the public of any kind of activity, permitted or not that is occurring on a biannual basis. With this reporting, public engagement, especially with Native Hawaiians and elders should occur for a continued reassessment of the regulatory and proposed protections document (including regulations, permitting, monitoring needs and enforcement) to have a 'living' protections document or ongoing assessed document with feedback considerations from the public and Native Hawaiians for the Papahanaumokuakea marine sanctuary.
Ensure that permitted activities and monitoring and enforcement activities, if conducted by vessels, to be conducted by traditional and, or electronic vessels, to eliminate noise pollution of any sort to marine life. Noise pollution and fast speeds negatively impact and harm marine life, especially to cetaceans and their intercommunication.
On page 2, 'sustainable use' 16 U.S.C 1431 b4 to require specific definition as to what sustainable use means as to provide enhanced protections for pristine marine waters exempt from a human footprint requires the agency to not allow 'use of the waters or marine ecosystems' of any sort.
On page 5 of the document, 'activities subject to regulation' wording 'as may be necessary' to be changed to incorporate the processes where this can occur 'on an ongoing basis'. 6 of the proposed document to protect Papahanaumokuakea, the co-management of the sanctuary and State of Hawai'i must involve continued public engagement processes as well as including Native Hawaiian elders. Where it is said that 'may' develop a MOA, this language needs to change to 'will' develop a MOA.

Public Comment Period & Continued Public Engagement:
The public and especially Native Hawaiians - as their traditional ecological knowledge is extremely important to protection and regeneration of marine life for generations to come - need more time to integrate this proposal and provide comments.
A sufficient and sustained public education and engagement period has not been conducted and comments are especially difficult for elders to convey by electronic submission. Especially at this time on Maui, where some elders are from the island of Niihau closer to the proposed protected marine area. The wisdom of the Native Hawaiian elders combined with the modern protections are important to be acknowledged and strongly supported and also deemed at least sufficient by the Native Hawaiian community and the public through engagement and a strong feedback process.

NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE
RESERVE ADVISORY COUNCIL

Non-Government (Voting)
Douglas Fetterly
Citizen-At-Large
Linda Paul
Conservation
Robin Baird
Conservation
Samuel M. 'Ohukani'ōhi'a Gon, III
Conservation
Bonnie Kahapea-Tanner
Education
Solomon Pili Kaho'ohalahala
Native Hawaiian Elder
Pelika Andrade
Native Hawaiian
Kainalu Steward
Native Hawaiian
Thorne Abbott
Ocean Related Tourism
Rick Hoo
Recreational Fishing
Mark Hixon
Research
Don Schug
Research
Hauʻoli Kāne
Research

Government (Non-Voting)
Eric Roberts
Papahānaumokuākea MNM
Kim Hum
HIHW National Marine Sanctuary
Malia Chow
NMFS - PIRO
Brandon Jim ON
NMFS - OLE
Kealoha Pisciotta
Office of Hawaiian Affairs
Jared Underwood
USFWS - Refuges
Dan Polhemus
USFWS - Ecological Services
Brian Neilson
DLNR - DAR
Cynthia Vanderlip
DLNR - DOFAW
Joshua DeMello
WESPAC
Emily Hauck
US Navy
Maile Norman
US Coast Guard
Peter Thomas
Marine Mammal Commission

John Armor, Director
NOAA - Office of National Marine Sanctuaries
1305 East-West Highway
Silver Spring, MD 20910

c/o Eric Roberts, Superintendent
Papahānaumokuākea Marine National Monument
NOAA/DKJRC/NOS/ONMS/PMNM
1845 Wasp Boulevard, Building 176
Honolulu, HI 96818

Re: RAC comments on the Draft EIS and Management Plan for the proposed National Marine Sanctuary for the marine areas of Papahānaumokuākea, the Northwestern Hawaiian Islands

May 6, 2024

Aloha mai Director Armor,

After careful review of the Draft EIS and Management Plan for the proposed sanctuary, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (RAC) offers the enclosed comments and recommendations. These comments and recommendations were drafted by the RAC's Comment Writing Team, with input from the Research Subcommittee, and were thoroughly discussed and approved by the full RAC at its May 6th meeting.

The RAC previously indicated its support for proceeding with the sanctuary designation process, and we wish to reaffirm that we endorse the designation of a National Marine Sanctuary in the Northwestern Hawaiian Islands. Among the sanctuary boundary alternatives analyzed in the Draft EIS, the RAC supports the preferred alternative (#1), which includes all waters of the existing monument and monument expansion area.

The RAC's specific recommendations on the framework and content for the Final EIS, Management Plan, and regulations are as follows:

1. Replace the Acronyms "MEA" and "OSZ" with Full Text: "Monument Expansion Area" and "Outer Sanctuary Zone"

2. Innocent Passage

Although the United States has not yet ratified the United Nations Convention on the Law of the Sea of 10 December 1982, it recognizes and follows it as customary international law. Of particular concern to the RAC are those activities that take place in the Northwestern Hawaiian Islands under claims of innocent passage. (See *inter alia* UNCLOS Articles 17 to 32.) The RAC urges ONMS to ensure that all activities in the proposed national marine sanctuary in the Northwestern Hawaiian Islands fully comply with UNCLOS and all other applicable international treaties.

3. Socioeconomic Analysis

The RAC requests additional research and information about the social, cultural, and economic impacts of the proposed sanctuary for Native Hawaiian communities and residents of Hawai'i. We find there is a lack of data to help inform our decisions, particularly regarding the potential effects of the inclusion of Middle Bank in the proposed sanctuary on the traditional practices and livelihoods of local fishers.

4. Glossary of Acronyms and Terms

We suggest adding a glossary to the Draft Management Plan. Although a list of Abbreviations and Acronyms are included on page vi of the Draft EIS, it is less accessible to anyone who is reviewing the management plan alone.

5. The RAC did not Reach Consensus on Consideration of a Boundary Alternative that Encompasses all of Middle Bank in the Final EIS

The RAC did not reach consensus that the final EIS either fully analyze the biological/ecological, economic, social, and cultural impacts of a sanctuary boundary alternative that encompasses all of Middle Bank or provide a detailed explanation of why this alternative is inconsistent with the stated purpose and need of sanctuary designation and the NMSA. Thus, no RAC recommendation to do so has been made.

The RAC's Research Subcommittee assembled a literature review outlining biological/ecological resources important to the proposed sanctuary that could potentially be at risk due to commercial fishing activity at Middle Bank. To preserve this record of conservation concerns in a form useful to NOAA, the literature review is included as an attachment to this letter.

In summary, among the sanctuary boundary alternatives analyzed in the Draft EIS, the RAC supports the preferred alternative (#1), which includes all waters of the existing Monument and Monument Expansion Area. In addition, the RAC approved comments regarding acronyms, innocent passage, a socioeconomic analysis, and glossary. However, the RAC did not reach consensus that the final EIS either fully analyze the biological/ecological, economic, social, and cultural impacts of a sanctuary boundary alternative that encompasses all of Middle Bank or provide a detailed explanation of why this alternative is inconsistent with the stated purpose and need of sanctuary designation and the NMSA. Thus, no RAC recommendation to do so has been made.

The RAC is an advisory body to the Reserve/NOAA Monument superintendent. The opinions and findings of this document do not necessarily reflect the position of the Reserve, the Monument, or the National Oceanic and Atmospheric Administration.

Mahalo for the opportunity to provide this additional input on a sanctuary designation for Papahānaumokuākea Marine National Monument. Do not hesitate to contact us if you have questions.

Sincerely,

Linda M. B. Paul

Linda Paul, Chair

Northwestern Hawaiian Islands hui, Pua'āinahau Foundation
Hawai'i Wildlife Fund, Malu 'Aina, Life of the Land,
Hālau Nā Mamo o Pu'uanahulu, Malama Makua

Concerns regarding the Proposed PMNM Sanctuary Designation for the Northwestern Hawaiian Islands

Nicole LeBoeuf, Assistant Administrator
for Ocean Services and Coastal Zone Management
National Ocean Service
National Oceanic and Atmospheric Administration
RE: Proposed Papahānaumokuākea National Marine Sanctuary
NOAA-NOS-2021-0114

Aloha,

We are writing to express strong concerns about plans to overlay a weak Department of Commerce "Sanctuary" over the strongly protected waters of the Northwestern Hawaiian Islands, including the NWHI Coral Reef Ecosystem Reserve, the NWHI State Refuge, USFWS Refuges, and the Papahānaumokuākea Monument.

This is a dangerous move which could deeply harm the NWHI, spreading commercial exploitation and opening new fisheries throughout this sacred and fragile pu'uhonua. This approach is not legal, given the mandatory requirement that any proposed sanctuary – IF one is designated – must build on (complement and supplement) the strong protections of the NWHI Reserve as defined by Executive Orders 13178 and 13196, which this proposed sanctuary fails to do.

We note that during the previous failed NWHI Sanctuary designation attempt, the State of Hawai'i demanded that a proposed Sanctuary must match the stringent State NWHI Refuge requirements and protections where all access and all activities are automatically prohibited by default except for a short list of regulated activities that must meet a "do no harm" standard; no recreational or commercial fishing, commercial use; public hearings mandatory on all permit applications, no multiple-year permits allowed, bans for permit violators. The proposed sanctuary fails to do so.

The NWHI Reserve and State NWHI Refuge - with the overlay of Monument Co-Trustee Management - represent the strongest protections which must be replicated in any proposed new NWHI designation.

1. The Northwestern Hawaiian Islands are NOT FOR SALE. They are not for commercial gain, commercial use, "development", or extraction proposed in the Sanctuary. Commercial use is prohibited in State Refuge waters. The strongest protections - as strong as those of the Reserve and State Refuge - must be provided for the entire NWHI pu'uhonua.

2. As is required in the NWHI Reserve and NWHI State Refuge, ALL activities must be

AUTOMATICALLY PROHIBITED throughout the NWHI, including in the Monument Expansion Area, and in any other proposed protected area such as a Sanctuary. The Commerce Sanctuary proposes to reverse this precautionary principle and to AUTOMATICALLY ALLOW all activities except for those on a specific list of prohibitions developed by the Department of Commerce – with the Department of Commerce exempted from these "prohibitions" - including exploring for oil, gas, minerals; using poisons, explosives; releasing introduced species, anchoring on coral, waste dumping, drilling, dredging, harvesting, injuring damaging resources, etc. This reversal of the automatic prohibitions required in the Reserve and State Refuge represents an enormous threat and is an extraordinary violation of the mandatory requirement to build on - complement and supplement - strong Reserve protections.

3. All rules and prohibitions in the NWHI must apply EQUALLY to ALL parties as is mandatory in the NWHI Reserve and State Refuge. The proposed Sanctuary language, however, includes an astonishing loophole exempts all Department of Commerce agencies – including the National Marine Fisheries Service - from any permit requirements and prohibitions, including the highly damaging activities listed above, if they label their activities as "research." This is a vast weakening of existing protections. No agency, including the Department of Commerce, should be exempt from permitting requirements or prohibitions, other than Coast Guard in the case of emergency.

4. The proposed sanctuary opens the door to long-prohibited fisheries in the NWHI. NO commercial, "Non-commercial", "sustenance" or recreational fishing should be allowed in the NWHI. No new fisheries of any kind should be opened in the NWHI. This is a pu'uhonua, a public trust and – in the case of any weakening of Reserve or Monument protections by Presidential action - the proposed introduction of fisheries throughout the NWHI represents a reversal of existing protections.

5. Regulations, penalties, and strong enforcement for the EXISTING protections of NWHI waters to 50 nm (NWHI Reserve) must be provided NOW. NOAA has refused to issue these regulations for the past TWENTY FOUR YEARS. Stop stalling, issue the regulations and enforce these pu'uhonua protections!

6. Regulations must be issued to strengthen the shockingly weak Monument Expansion Area (MEA) protections to - at a minimum - the level of existing strong State Refuge and NWHI Reserve protections. This can be done NOW. NOAA has failed to do this for the past EIGHT YEARS. Stop stalling and issue and enforce strong MEA regulations.

7. The MEA – given its fundamental weakness compared to Reserve and State Refuge protections – must be zoned separately from the Reserve and Monument so as never to spread its loopholes and weakness to the neighboring protected areas.

8. As is required in the State NWHI Refuge, public hearings MUST be held on all NWHI permit applications instead of the secretive NOAA permitting process proposed for the Sanctuary. In addition, there must be a PERMANENT PUBLIC RECORD of all permits granted.

9. AIS (Automatic Information Service) vessel monitoring – inexpensive, publicly available and necessary for enforcement – must be implemented for safety and enforcement NOW. Implement satellite vessel monitoring. NOAA's refusal to take simple monitoring measures for the past 24 years has given the green light to poachers and violators.

10. Maintain the existing Co-Trustee management structure – joint management by the Office of Hawaiian Affairs, US Fish and Wildlife Service, the State of Hawai`i and the Department of Commerce/NOAA. This co-management structure provides checks and balances because it features agencies dedicated specifically to NWHI biodiversity preservation (USFWS) and cultural rights and practices (OHA), unlike the commercially-oriented Department of Commerce. Do not overlay the co-managed protected areas with a layer of "Commerce management" which - should a President weaken Reserve or Monument protections - could come into effect throughout the entire NWHI – eliminating the current system of checks and balances which has prevented the ecosystem harm that occurred under Department of Commerce auspices prior to designation of the Reserve and State Refuge.

11. Federal funding should be distributed equally amongst all Co-Trustees.

12. Independent cumulative impact assessments of permits are urgently needed and must be made part of the permanent public record. NOAA has failed to publish cumulative impact assessments – including of NOAA's thousands of permittees, tens of thousands of "person- days" in the NWHI, shipwreck, oil spill, and other damage for the PAST 24 YEARS. A terrible track record.

13. The Sanctuary Draft Environmental Impact Assessment (DEIS) is legally flawed and fails to analyze, among other things, the above impacts and the impact - should a President weaken the Reserve or Monument - of overlaying strong Reserve, State Refuge, and Monument protections with a far weaker Sanctuary, riddled with loopholes. The DEIS also fails to analyze the potential impact of issuing and enforcing regulations under existing authorities and, instead of providing the required range of meaningful *management* alternatives, merely provides boundary alternatives under the same management paradigm with the Department of Commerce as the regulatory authority.

We strongly support the goal of providing the strongest possible protections for the Northwestern Hawaiian Islands (NWHI).

The current Sanctuary proposal fails to utilize the strongest existing protections (Reserve and State Refuge language) **and represents a direct threat to the sacred and fragile NWHI pu'uhonua.**

Presidential Action and NWHI Protections

We note that it is possible that protections created by Presidential Executive Orders or proclamations could be weakened by the action of a future President. A President cannot rescind a monument but can alter or reduce or expand its protections.

If a future President decided to weaken Reserve or Monument protections, leaving behind a weak NWHI Sanctuary riddled with loopholes, opening up industrial fishing and commercial activities while eliminating the checks and balances of Co-Trustee management that currently includes agencies dedicated to protecting Kanaka Maoli rights (Office of Hawaiian Affairs) and biodiversity preservation (the U.S. Fish and Wildlife Service), this **shocking reversal of 24 years of protections would have devastating impacts on the NWHI ecosystem.**

Any proposed new NWHI measures must utilize the strongest of the protective language found in the NWHI Coral Reef Ecosystem Reserve, State Refuge, and the Monument and apply the strongest protections throughout the region.

The proposed Commerce Sanctuary fails to follow the law (complement and supplement Reserve protections).

No proposed Sanctuary should overlay Reserve protections with a layer of weak rules, loopholes and commercial exploitation.

No proposed Sanctuary should overlay USFWS Refuges or the State Refuge. The State rejected the violations and loopholes proposed in NOAA's previous (failed) Sanctuary designation attempt and demanded that Commerce must match the stringent state Refuge protective requirements if a Sanctuary is to be established. The proposed Sanctuary, however, fails do so and, instead, represents a grave threat to the sacred and fragile NWHI pu'uhonua.

We urge that the existing NWHI requirements - including as described above - be implemented now, without delay, under existing rules and management structures.

Mahalo nui loa.

On behalf of the NWHI hui: Kumu Hula Victoria Holt Takamine, Isaac "Paka" Harp,

Stephanie Fried, Dave Raney and Cha Smith

Lynette Cruz
Malama Makua

Hannah Bernard
Hawai'i Wildlife Fund

Narrissa P. Spies (Brown), PhD

Jessica Wooley
Former RAC Member

William G. Gilmartin Former:
Chair of Hawaiian Monk Seal Recovery Team, Leader of NMFS Monk Seal Recovery Program, Member of NWHI Coral Reef Ecosystem Reserve Advisory Council

Jim Albertini and Stephen Paulmier
Malu 'Aina Center for Non-violent Education and Action

William Sonny Ching
Hālau Nā Mamo o Pu'uanahulu
Nā Kumu Hula - William Sonny Ching & Lōpaka Igarta DeVera
Pua'āinahau Foundation

The Keawekane-Stafford 'Ohana
Kainoa, Camille, Kealaula, Kainoaokana'iaupuni, Kili'apuokuakini

Henry Curtis
Life of the Land

Preston Kuilipule

David Schlesinger | Project Developer

Healani Sonoda-Pale

Tammy, Jacob and Cherish Harp

James Long

Miwa Tamanaha

Ohana o Manuel, Nana & Michael Manuel

Ashley K. Obrey

Attachments

Annex I: NWHI hui, *Source Material and Documentation of Concerns Regarding the Proposed Papahānaumokuākea National Marine Sanctuary*,2024

Annex II. **Strongly worded letters from the State of Hawaii, Department of Land and Natural Resources to NOAA/NOS, sharply criticizing the loopholes and weak protections proposed NOAA's previous (failed) 2006 sanctuary designation effort**. These letters document NOAA's previous attempt to override State decision-making processes and introduce destructive commercial Sanctuary activities, illegal in State waters which threatened the protected waters of the State NWHI Marine Refuge, and are remarkably similar to the Sanctuary measures currently being proposed.

These detailed letters reflect the **State's strong commitment to exercising its jurisdictional rights to protect state Refuge waters** despite attempts by NOAA undermine the State's authority, to override protective measures for the NWHI and – in essence – to bully state officials into withdrawing their requirements.

The first letter was sent by the Chair of DLNR to the NOS representative, ʻAulani Wilhelm, on March 24, 2006. Despite receiving, in reply, a request that "*the State of Hawai`i not render further comment on the proposed Sanctuary regulations*", on April 17, 2006, the State sent a lengthy follow-up letter an continued to insist on jurisdictional rights and strong NWHI projections. We attach these letters which reflect NOAA Sanctuary efforts to weaken NWHI protections remarkably similar to those occurring during the current designation attempt in the hope that the State of Hawai'i and OHA will likewise continue to protect NWHI waters and stand strongly against destructive proposals or bullying by Department of Commerce agencies.

Northwestern Hawaiian Islands hui

Source Material and Documentation of Concerns Regarding the Proposed Papahānaumokuākea National Marine Sanctuary

For more information: NWHIhui.wordpress.com

May 6, 2024

Please submit edits, comments, and corrections to NWHIhui99@pm.me

We strongly support the goal of providing the strongest possible protections for the Northwestern Hawaiian Islands (NWHI).

The current Sanctuary proposal fails to provide these protections.

If a future President decided to weaken Reserve or Monument protections, leaving behind a weak NWHI Sanctuary riddled with loopholes, opening up industrial fishing and commercial activities while eliminating the checks and balances of Co-Trustee management that currently includes agencies dedicated to protecting Kanaka Maoli rights (Office of Hawaiian Affairs) and biodiversity preservation (the U.S. Fish and Wildlife Service), this **shocking reversal of 24 years of protections will have devastating impacts on the NWHI ecosystem.**

The current Sanctuary proposal fails to utilize the strongest existing protections (Reserve and State Refuge language) **and represents a direct threat to the sacred and fragile NWHI pu'uhonua.**

The NWHI Coral Reef Ecosystem Reserve ("NWHI Reserve"), the NWHI State Refuge, the Papahānaumokuākea Marine National Monument and the U.S. Fish and Wildlife Refuges currently provide strong protections for the natural and cultural resources of the Papahānaumokuākea, including a ban on commercial fishing and recreational fishing other than at Midway Atoll.

The proposed Commerce Sanctuary fails to follow the law (complement and supplement Reserve protections), and proposes overlay Reserve, State Refuge and Monument protections with a layer of weak rules, loopholes and commercial exploitation.

We urge that the **existing NWHI requirements - including as described below - be implemented now in the Reserve, Monument and Monument Expansion Area, without delay, under existing rules and management structures**.

This document provides a brief overview of existing protections and the history of their establishment (necessary to understand the baseline of protections that must be "complemented and supplemented" by any proposed Sanctuary or other new designation) and flaws in the proposed Sanctuary Draft Environmental Impact Assessment, Draft Sanctuary Management Plan and Sanctuary Federal Register Notice.

Table of Contents

EXISTING STRONG PROTECTIONS 4

⇒ THE NWHI CORAL REEF ECOSYSTEM RESERVE 4

- *Reserve Executive Orders are in effect and place legal requirements on any Sanctuary.* 4

- *It is important to note that NOAA has refused to issue Reserve regulations to facilitate enforcement of Reseve protections for the past 24 years.* 4

⇒ THE HAWAI`I STATE NORTHWESTERN HAWAIIAN ISLANDS MARINE REFUGE 4

⇒ PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT 5

WEAK PROTECTIONS, LOOPHOLES AND THE INTRODUCTION OF ACTIVITIES ILLEGAL ELSEWHERE IN THE NWHI 6

2016 MONUMENT EXPANSION AREA (MEA) 6

- *MEA: High impact fisheries and no meaningful enforcement.* 6
- *MEA: Shocking No-Permit No-Approval-Needed Loophole for Department of Commerce* 7
- *Failure to issue MEA regulations* 7

POTENTIAL IMPACT OF PRESIDENTIAL ACTION TO WEAKEN EXISTING PROTECTIONS 7

CONCERNS ABOUT THE PROPOSED SANCTUARY 8

1. INTRODUCTION OF FISHERIES PROHIBITED IN THE RESERVE, STATE REFUGE AND MONUMENT 8
2. FAILURE TO MEET THE SUPPLEMENT AND COMPLEMENT REQUIREMENT 9
3. SUMMARY OF HE STRONGEST NWHI PROTECTIONS WHICH MUST APPLY IN NEW DESIGNATION THAT CLAIMS TO "PROTECT" THE NWHI 9
   a. *Access is automatically prohibited* 10
   b. *All activities are automatically prohibited* 10
   c. *Prohibited activities must be definitively and completely prohibited,* 10
   d. *All prohibitions must apply equally to all federal agencies* 10
   e. *Commercial exploitation must be prohibited in this public trust resource.* 10
   f. *Checks and balances on NWHI management must be provided by Co-Trustees, specifically including those focused on biodiversity preservation and cultural practices – USFWS and OHA.* 10
   g. *Access permits must be subject to public hearings as in the State Refuge* 11
   h. *Mandatory anti-corruption structure and composition of Advisory Council.* 11

SANCTUARY LOOPHOLES, REVERSALS OF EXISTING PROTECTIONS 11

1. FAILURE TO MANDATE PRECAUTIONARY REQUIREMENTS 11
   a. *Automatically allows all activities* 11
   b. *Fails to COMPLETELY prohibit ANY activities in the Sanctuary.* 11
   c. *Introduces and allows "Development" (R&D) in the NWHI* 12
   d. *Increasing vessel traffic, "tourism association" links and commercialization of the NWHI - "Special Use Permits"* 12

   Weak Sanctuary "Special Use" rules. 14
2. PUBLIC HEARINGS FOR PERMITS 14
3. CHECKS AND BALANCES: RETAIN THE SAME CO-MANAGERS AS IN THE PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT 14
4. FAILURE TO CLOSE MEA LOOPHOLES AND STRENGTHEN WEAK LANGUAGE - FURTHER WEAKENING THE LANGUAGE AND SPREADING IT THROUGH THE SANCTUARY. 14
5. WEAK VESSEL REPORTING REQUIREMENTS 15
6. OTHER ISSUES 15
   a. *Enormous NWHI vessel traffic, lack of monitoring (AIS, etc.) and unenforced Areas to Be Avoided (ABTA).* 15
   b. *NOAA refusal to issue and enforce Reserve regulations for 24 years; MEA regulations for 8 years.* 17
   c. *Failure to implement cumulative impact assessments.* 18

LEGALLY FLAWED SANCTUARY DEIS. 18

1. **DEIS** FAILS TO PROVIDE MEANINGFUL MANAGEMENT ALTERNATIVES 18
2. **DEIS** FAILS TO ANALYZE THE IMPACTS OF ACTIONS PREDICTABLE AS A RESULT OF PERMITTED ACTIVITIES 18
3. **DEIS** FAILS TO PROPERLY ANALYZE THE "NO ACTION" ALTERNATIVE, FAILS TO COMPARE THE RANGE OF LEGAL TOOLS AND LEGISLATION AVAILABLE UNDER EXISTING PROTECTIONS 19

Public support for strong NWHI protections

The Northwestern Hawaiian Islands (NWHI) are the most isolated archipelago on earth. Stretching over 1200 miles northwest of Kaua`i, these fragile atolls and shoals encompass tremendous biodiversity, including some of the world's oldest living coral colonies. Of great significance in Kānaka Maoli (Native Hawaiian) culture and history, ancient `oli and mele (chants and songs) tell of the fire goddess Pele and her family traversing the NWHI and of their special distinction as ancestral homelands and sacred sites.

The NWHI are the primary breeding and foraging grounds for the Hawaiian monk seal, Hawaiian populations of the threatened green sea turtle, almost the entire world populations of Laysan albatross, the black-footed albatross, the Laysan duck, and numerous other threatened and endangered species. These islands and atolls form the largest tropical seabird rookery under U.S. jurisdiction.

The NWHI, however, have not been entirely protected by their isolation. When now-prohibited fisheries operated in the NWHI under Department of Commerce management - NOAA, NMFS and the Western Pacific Regional Fishery Management Council (Wespac) - spiny lobsters suffered severe reductions in populations, the mean weight of the `ula`ula koa`e (onaga or red snapper) was reduced and the critically endangered Hawaiian monk seal was pushed to the brink of extinction. The current move to eliminate Co-Trustee management and reinstate Department of Commerce authority threatens to bring back the levels of damage that occurred previously in the NWHI under Commerce management.

The massive outpouring of public support in response to Commerce mismanagement of the NWHI was expressed in over 100 public meetings and over 110,000 letters, faxes and emails sent to federal and state officials. As a result, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve was established by Executive Order in 2000, strengthened by Executive Order in 2001 which established a limited entry Reserve managed through a permit system with strict criteria and required that any proposed Sanctuary must "complement and supplement" – **build on, increase and enhance**– these existing protections. The Executive Orders are still in force.

As a result of continued public support, the establishment of the Reserve was followed by the establishment of the State of Hawai'i NWHI Refuge in 2005, and the Papahānaumokuākea Marine National Monument in 2006.

The NWHI Coral Reef Ecosystem Reserve ("NWHI Reserve"), the NWHI State Refuge, the Papahānaumokuākea Marine National Monument and the U.S. Fish and Wildlife Refuges currently provide strongest protections for the natural and cultural resources of the NWHI, including a ban on commercial fishing and recreational fishing other than at Midway Atoll and checks-and-balances management by four Co-Trustee agencies, including those dedicated to protecting Kanaka Maoli (Native Hawaiian) cultural practices and rights (the Office of Hawaiian Affairs - OHA) and biodiversity preservation (U.S. Fish and Wildlife Service - USFWS).

Any new NWHI designation must meet or exceed the strongest protections that currently exist in the NWHI. These protections– by law -- include the NWHI Executive Order Reserve protections – which provide the baseline or "floor" for any additional layer of protection.

However, instead of spreading, reinforcing, and complementing and supplementing the strongest protections - found in the Reserve – as required by law - and the State Refuge, the proposed Commerce "sanctuary" eliminates Co-Trustee management by the Office of Hawaiian Affairs and the U.S. Fish and Wildlife Service and attempts to spread loopholes, open up industrial fishing and commercial activities, and institute a secretive permitting process from which the Department of Commerce exempts itself.

Presidential Action

It is possible that action by a future President may weaken the strong protections established by Executive Order or presidential proclamation. If that were to occur, the proposed Sanctuary plan -- to overlay existing strong protections with a layer of loopholes, a weakened management structure without Co-Trustee status for

OHA and the U.S. Fish and Wildlife Service, and weak rules that reverse existing protections - is likely to have a devastating impact on the Northwestern Hawaiian Islands.

Given that the NWHI have some of the strongest protection rules and requirements on the planet, it is important to be familiar with these requirements.

Existing Strong Protections

A. The strongest existing protections are found in the NWHI Coral Reef Ecosystem Reserve, the Hawai`i State NWHI Marine Refuge, and the Papahānaumokuākea Marine National Monument

⇒ The NWHI Coral Reef Ecosystem Reserve ("NWHI Reserve"), established by Presidential Executive Orders 13178 (2000) & 13196 (2001).

- Was established for a sole purpose: comprehensive, strong, and lasting protection of the NWHI "in their natural character" and provided the first ever Federal recognition of Kanaka Maoli cultural practice and access rights;
- All activities are automatically prohibited, except a short list of allowed activities.
- All rules apply equally to federal agencies, including the Department of Commerce.
- Only allows "appropriate" research and assessment, education, public awareness/ public appreciation "to the extent consistent with the primary purpose of the Reserve" – i.e., protection of the NWHI in their natural character.
- No commercial fishing (fishing was capped at existing levels, then later ended by buyout)
- No recreational fishing outside of Midway
- Sets up the NWHI Reserve Advisory Council (RAC) with strict anti-corruption, anti-self-dealing requirements, and with federal agencies as non-voting members.
- Requires that the NWHI RAC - with its specific anti-corruption composition – must serve as the Advisory Council (SAC) for any NWHI Sanctuary - should one be established.

- Reserve Executive Orders are in effect and place legal requirements on any Sanctuary.

Most importantly, the Executive Orders which established the NWHI Reserve **are still in effect today** and mandate that any Sanctuary – should one be designated – must build on ("complement and supplement") mandatory Reserve requirements. A Sanctuary cannot introduce loopholes and weaker protections as is the case in the currently proposed Sanctuary, or propose a structure for a Sanctuary Advisory Council that differs in any way from the structure of the Reserve Advisory Council.

- It is important to note that NOAA has refused to issue Reserve regulations to facilitate enforcement of Reseve protections for the past 24 years.

⇒ The Hawai`i State Northwestern Hawaiian Islands Marine Refuge **(§13-60.5-1 to §13-60.5-7)**

- Requires permits for entry to the Refuge
- Rules apply equally to everyone, including government agencies.
- Activities must be non-commercial; NWHI resources are "public trust"

- Do No Harm requirement: "a person shall only enter the refuge to engage in activities that do no harm and do not degrade the coral reef ecosystem"
- Requires public hearings on all permits
- Bans multi-year permits
- Only allows "appropriate" scientific research under a "do no harm" requirement
- Calls for enforcement and surveillance to ensure that activities "do not degrade the resources or diminish the natural character of the marine refuge."
- Bans vessel discharge in the Refuge
- Bans commercial use of anything harvested or extracted from the area
- Provides penalties and institutes bans for permit violators
- Allows cancellation of permits based on results of cumulative impact assessment

During the previous (failed) attempt by NOAA to establish a Sanctuary to overlay existing NWHI protections in 2006, the State objected to the weak terms and loopholes introduced by the proposed Sanctuary language – far weaker than existing protections. The State insisted that any Sanctuary must utilize the language of the strong State Refuge rules and stringent permitting guidelines as the basis for any proposed Sanctuary operations. The State informed NOAA that that, for all NWHI activities (outside of Midway):

> "• The **activity must be non-commercial** and will not involve the sale of any organism, by product, or material collected;
>
> • Resources and samples are a **public trust**, not to be used for sale, patent, bioassay, or bio-prospecting, or for obtaining patents or intellectual property rights;
>
> • The activity must have **demonstrable benefits** to the preservation and management of the NWHI ecosystem;
>
> • The activity must **do no harm** to the ecological or biological systems, sites or resources of the NWHI, or by virtue of the mode of transport to be employed for access;
>
> • The activity must have **demonstrable benefits** to the cultural and spiritual relationship of Native Hawaiians to the NWHI ecosystem and support the perpetuation of traditional knowledge and ancestral connections of the Native Hawaiians to the NWHI."

The 2024 proposed Sanctuary fails to meet these benchmarks.

⇒ Papahānaumokuākea Marine National Monument **(Presidential proclamations 8031 and 8112)**

In 2006, as a result of public outcry over NOAA's earlier proposed weak Sanctuary language and loopholes, the White House blocked NOAA's first Sanctuary designation effort and, instead, established the Monument to overlay, reinforce, and protect the NWHI Reserve, the State NWHI Refuge, and USFWS NWHI Refuges. The Monument instituted a crucial system of checks and balances by requiring joint management by Monument Co-Trustee agencies including the Office of Hawaiian Affairs and the US. Fish and Wildlife Service, removing sole authority from the Department of Commerce - which had previously "managed" the NWHI (outside of USFWS refuges), allowing the overfishing of spiny lobster, bottomfish declines and harm to the critically endangered monk seal population.

Monument requirements include:

- Continuation of all existing protections, including the Reserve Executive Orders which still remain in effect

- Joint management by four Co-Trustee agencies including those dedicated to cultural rights and biodiversity preservation: The Office of Hawaiian Affairs (OHA), the ecologically-oriented US Fish and Wildlife Service (Department of Interior), the State of Hawai'i (DLNR) and NOAA (Department of Commerce).[1]
- An order for NOAA to immediately implement long-delayed Vessel Monitoring Systems for enforcement purposes.
- A ban on commercial fishing and bioprospecting
- Prohibitions apply equally to federal agencies including NOAA/Commerce

Weak protections, loopholes and the introduction of activities illegal elsewhere in the NWHI

2016 Monument Expansion Area (MEA).

In 2006, the Monument Expansion Area was established in waters from the 50 nm border of NWHI Reserve and Monument out to 200 nm. Unfortunately, MEA rules represented an extraordinary reversal of protections found elsewhere in the NWHI, proposed a range of activities that are illegal in the Reserve, State Refuge or Monument and instituted astonishing loopholes, waiving permit requirements and prohibitions on harmful activities by the Departments of Commerce and Interior, and proposed the commercialization of the NWHI. Fortunately, management must be shared between the Departments and Interior which allows Interior to serve as a brake on some of the commercial excesses of the Department of Commerce.[2]

Instead of meeting the legal requirement to utilize the strongest NWHI protections, NOAA now proposes to enlarge and spread these loopholes throughout its "Sanctuary" instead of complementing and supplementing the mandatory strong Reserve protections and maintaining consistency with existing protections.

This MEA region of extraordinary biodiversity includes **75 seamounts, biodiversity** hotspots in the open ocean which provide habitat for deep-sea sponges, other invertebrates, fish, **and colonies of corals thousands of years old.** It contains major **monk seal feeding grounds** - monk seals may forage 80 miles from breeding grounds and dive to depths of almost 2,000 feet while feeding. **Albatrosses and Great Frigatebirds** rely on the area during chick-brooding periods, when their foraging is focused within 200 miles of the nesting colonies and provides a foraging and migration path for **five species of protected / endangered sea turtles. Twenty-four species of whales and dolphins**, including some under Endangered Species Act use the Expansion Area.

- MEA: High impact fisheries and no meaningful enforcement.

  In the MEA, if both the Secretaries of Commerce and Interior agree, a fishery can be set up in the Expansion Area which borders the highly protected Reserve and Monument waters! Given Interior's EQUAL and JOINT management role, a Commerce fishery has not yet been set up. **Such fishing is totally illegal in every other area of the NWHI!** (Reserve, State Refuge, Monument).

  The proposed Commerce Sanctuary, however, eliminates Interior's joint fishery decision-making role, and proposes to allow fisheries – regulated solely by Commerce - in the NWHI.

---

[1] The December 8, 2006 Memorandum of Agreement (MOA) by the Secretaries of Commerce and Interior and the Governor of Hawai'i provided the Co-Trustee structure for coordinated administration of all the Federal and State lands and waters within the boundaries of the Monument. The MOA established the institutional arrangements for managing the Monument, including representation of Native Hawaiian interests by the Office of Hawaiian Affairs on the Monument Management Board. https://www.papahanaumokuakea.gov/new-about/management/

[2] "The Secretaries of Commerce and the Interior(Secretaries) shall share management responsibility for the Monument Expansion." Presidential Proclamation - Papahanaumokuakea Marine National Monument Expansion", pg. 5. https://nwhihui.wordpress.com/wp-content/uploads/2021/06/obama-monument-expansion-proclamation.pdf

Given NOAA's refusal to carry out meaningful monitoring or enforcement in the NWHI, allowing Commerce-linked fishing in the MEA or in any Sanctuary is an open door to facilitate poaching in neighboring Monument, Reserve and Refuges.

- MEA: Shocking No-Permit No-Approval-Needed Loophole for Department of Commerce **"exploration" and "research" – a reversal of Reserve, State Refuge and Monument protections which apply EQUALLY to ALL parties.**

  In addition to research activities that are regulated (by permit), the MEA allows unlimited UNREGULATED no-holds-barred, no-permit-needed "exploration or research" by or for all Department of Commerce agencies (including NMFS) and the Department of Interior to be exempted from *all* prohibitions. Their actions may take place without comment or oversight by any other agency or co-manager and without any disclosure.

  It is important to note that **"Research" permits granted in NOAA Sanctuaries** have included **bioprospecting** (illegal in the Reserve, State Refuge, Monument), **high-impact mass marine resource harvesting, and high impact commercial ecotourism**. In the highly commercialized loophole riddled Hawaiian Islands Humpback Whale Sanctuary, the lack of strong rules and enforcement results in vessel collisions which injure and kill dolphins, whales and calves including recent whale and dolphin deaths in 2024.[3] In the past the harassment, injury or death of cetaceans has been associated with NOAA Sanctuary "research permits" granted for out-of-control commercial tourism activities re-branded as "whale research" and enormous loopholes in the "protection" language.

  In the MEA this massive loophole can be found:

  > *«The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.»* MEA Presidential Proclamation

- Failure to issue MEA regulations: NOAA has refused – for the past eight years – to work with co-Trustees to issue regulations for the MEA, including regulations which would bring MEA language up to the level of Reserve, State Refuge and Monument protections.

The sanctuary proposes to lower the bar, instead of using strong protective language, spreading MEA loopholes throughout the region, opening up the NWHI to commercial and extractive activities, while failing to require oversight or *guidance of NWHI Co-Trustees.*

Potential impact of Presidential Action to weaken existing protections

The NWHI Reserve and State NWHI Refuge - with the overlay of Monument Co-Trustee Management - represent the strongest NWHI protections which must be replicated in any proposed new designation.

[3] https://www.hawaiinewsnow.com/2024/02/24/humpback-whale-calf-injured-waters-off-maui-after-officials-say-it-was-hit-by-ship/;https://spectrumlocalnews.com/hi/hawaii/news/2024/03/13/dolphin-whale-killed-vessel-strikes-;https://mauinow.com/2024/02/23/whale-calf-injury-off-ma%CA%BBalaea-maui-is-likely-from-a-vessel-strike-boaters-urged-to-keep-distance/;

It is possible that protections created by Presidential Executive Orders or proclamations can also be weakened by a Presidential action. A President cannot rescind a monument but can alter or reduce or expand its protections.

In theory, a well-framed National Marine Sanctuary - if it utilizes the strongest existing protections (Reserve and State Refuge language) and maintains formally structured Co-Trustee management authority (including OHA and USFWS) - in theory, this could provide a backup layer of protection in the event of Presidential weakening of the Reserve or Monument, leaving strong Sanctuary rules in place to maintain the existing highest level of protections.

The current Sanctuary proposal fails to match the existing strong protections, fails to follow the law (complement and supplement Reserve protections) and, instead, reflects a direct threat to the sacred and fragile NWHI pu'uhonua.

In the event of Presidential action – such a poorly-framed National Marine Sanctuary which fails to replicate the existing strong protections currently found in the Reserve, State Refuge and Monument and which promotes extractive and commercial activities currently prohibited throughout the Monument, Reserve, and State Refuge – such a Sanctuary would open up the fragile NWHI ecosystem to harmful commercial exploitation, and reverse 24 years of protections with devastating impacts on the ecosystem.

No sanctuary should overlay Reserve protections with a layer of weak rules, loopholes and commercial exploitation.

No sanctuary should overlay USFWS Refuges or the State Refuge.

The State rejected the violations and loopholes proposed in NOAA's previous (failed) Sanctuary designation attempt and demanded that Commerce must match the stringent state Refuge protective requirements if a Sanctuary is to be established. The proposed Sanctuary, however, fails do so and, instead, represents a grave threat to the sacred and fragile NWHI pu`uhonua.

Any proposed new NWHI measures must utilize the strongest protective language found in the NWHI Coral Reef Ecosystem Reserve, State Refuge and the Monument and apply the strongest protections throughout the region.

We support the provision of the strongest possible protections for the Northwestern Hawaiian Islands.

The draft Sanctuary proposal fails to provide protections as strong as those of the strongest Reserve, State Refuge, and Monument protections, fails to provide the checks and balances of the existing Co-Management structure of the Monument and fails to include an enforceable ban on commercial, non-commercial, sustenance and recreational fishing within Sanctuary boundaries and presents a legally flawed DEIS.

Concerns about the proposed Sanctuary

1. Introduction of fisheries prohibited in the Reserve, State Refuge and Monument

For example, under a Sanctuary, Section 304 5. of the National Marine Sanctuaries Act (NMSA) affords the Western Pacific Regional Fishery Council, *aka* Wespac, the opportunity to propose fishery regulations which could allow commercial fishing – or industrial scale "non-commercial" fishing - within the sanctuary boundaries. Thus, designation of the Papahānaumokuākea National Marine Sanctuary could have the direct result of creating new high-impact and currently prohibited fisheries within Sanctuary (and the co-terminus Monument and Reserve) boundaries.

2. Failure to meet the Supplement and Complement Requirement

Any Sanctuary must, by law, build on and strengthen (supplement and complement) the strong protections of the NWHI Reserve Executive Orders (13178 and 13196) and should reflect the strongest existing NWHI protections.

The Sanctuary Federal Register notice proposes merely to "*supplement* the existing provisions for the Management of the Monument" (Fed. Reg. Vol 98.#2.1.C.2) but not – as is mandatory - to supplement *and complement* existing *NWHI Reserve provisions*.

The Sanctuary proposal states that, under the NMSA, the proposed Sanctuary "supplements and complements State and local laws." (Fed. Reg. V.89.#2. V.D. 2024)

However, during the failed 2006 Sanctuary designation effort, the State clarified that complementing and supplementing State Refuge rules means that any sanctuary must:

- ban commercial activities; prohibit the use of public trust resources " for sale, patent, bioassay, or bio-prospecting, or for obtaining patents or intellectual property rights";
- require that any activity "must have demonstrable benefits to the preservation and management of the NWHI ecosystem" and "to the cultural and spiritual relationship of Native Hawaiians to the NWHI ecosystem and support the perpetuation of traditional knowledge and ancestral connections of the Native Hawaiians to the NWHI."[4]
- require that an "activity must do no harm to the ecological or biological systems, sites or resources of the NWHI" including "by virtue of the mode of transport to be employed for access."

The proposed Sanctuary fails to meet the "complement and supplement" requirement of the Reserve EOs and does not complement and supplement the State Refuge.

In the event of Presidential action to weaken the Reserve or Monument, the failure of a Sanctuary to supplement and complement existing protections by including the strongest existing protective measures will weaken NWHI protections and is likely to cause great environmental and cultural harm to this fragile region.

3. Summary of he strongest NWHI protections which must apply in new designation that claims to "protect" the NWHI

include the following:

1. **A Precautionary Approach where:**

[4] State Refuge §13-60.5-1 to §13-60.5-7 and letter from Chair of DLNR to NOS, April 17, 2006. https://nwhihui.wordpress.com/wp-content/uploads/2021/06/dlnr-ltr-to-nos-re-draft-sanct-plan-violations.pdf

a. Access is automatically prohibited unless permission has been granted **by the Co-Trustees** (as per Monument Proclamation 8031, pg. 36444) with "an entry permit program for the area that will cause no harm" (State Refuge §13-60.5-1 to §13-60.5-7).

b. All activities are automatically prohibited, except for a short list of activities allowed only to the extent they are consistent with the primary goal of conservation of the resources in their natural state as per NWHI Reserve (EO 13178), "**do no harm**," and involve no commercial extraction (State Refuge §13-60.5-1 to §13-60.5-7).

c. Prohibited activities must be definitively and completely prohibited, with no exceptions for any agency (other than emergency access).

The Monument definitively prohibits "exploring for, developing, producing oil, gas, minerals;" using "poisoning, electrical charges, explosives"; releasing introduced species; anchoring on living or dead coral, etc. There are no exceptions to these prohibitions which cannot be "regulated" or violated by the Department of Commerce or other federal agency. (Fed. Register. Vol 71. No.122, Sec.7.2006)

d. All prohibitions must apply equally to all federal agencies, including the Department of Commerce, as per Reserve, Monument and Refuge rules where the sole exemptions to rules are for emergency Coast Guard access.

e. Commercial exploitation must be prohibited in this public trust resource. The Northwestern Hawaiian Islands are NOT FOR SALE. They are not for the commercial gain, commercial use, "development", or extraction proposed in the Sanctuary. The State Refuge (§13-60.5-1 to §13-60.5-7) prohibits commercial use of anything harvested or extracted from the area and during the last Sanctuary designation attempt (2006), called for a ban on commercial use in the proposed Sanctuary.[5] The strongest protections - as strong as those of the Reserve and State Refuge - must be provided for the entire NWHI pu'uhonua.

f. Checks and balances on NWHI management must be provided by Co-Trustees, specifically including those focused on biodiversity preservation and cultural practices – USFWS and OHA.

The Papahānaumokuākea National Marine Monument is managed by Co-Trustees - the Secretary of Commerce through NOAA, the Secretary of the Interior through the U.S. Fish and Wildlife Service which focuses on biodiversity preservation, and the State of Hawai'i through the Department of Land and Natural Resources, and Office of Hawaiian Affairs. Any new designation must include those entities as Co-Managers.

[5] Letter from Chair of DLNR to NOS, April 17, 2006. https://nwhihui.wordpress.com/wp-content/uploads/2021/06/dlnr-ltr-to-nos-re-draft-sanct-plan-violations.pdf

g. Access permits must be subject to public hearings as in the State Refuge. (State Refuge §13-60.5-1 to §13-60.5-7). The State DLNR successfully filed an OIP request in support of a 45-day public comment and review period for NWHI Refuge permits.[6]

h. Mandatory anti-corruption structure and composition of Advisory Council. The NWHI CRE Reserve Advisory Council (per EO 13178) has a mandatory *specific* structure requiring strict anti-corruption and conflict-of-interest rules . EO 13178 requires that the RAC as specifically structured to avoid self-dealing must serve as the advisory council for any Sanctuary (Sanctuary Advisory Council) or SAC, should one be established. The structure of the RAC/SAC cannot be altered.

Sanctuary loopholes, reversals of existing protections

1. Failure to mandate precautionary requirements

The proposed Sanctuary **reverses or vastly weakens the existing precautionary requirements** of Reserve, State Refuge, and Monument, including the above requirements, and proposes to:

a. Automatically allows all activities except for a list of "regulated" activities under Department of Commerce decision-making authority – a reversal of Reserve, State Refuge and Monument protections. The Sanctuary institutes enormous barriers to prohibiting or regulating additional activities not already on the list: "*If an activity is not listed it may not be regulated, except on an emergency basis*" – the only way to add prohibitions is onerous: "*by the same procedures by which the original Sanctuary designation was made.*" Fed. Reg V89#42. Sec2.Art1. pg15275 and Art IV, Sec 1.

This language represents a reversal of existing protections and is direct threat to NWHI resources - especially in the case of any Presidential alteration of Monument or Reserve protections.

b. Fails to COMPLETELY prohibit ANY activities in the Sanctuary – this is the reverse of Monument, Reserve and State Refuge protections, a staggering weakening of NWHI protections.

The Reserve and State Refuge completely prohibit activities by default except for those on a short list of regulated activities and apply the rules equally to Federal agencies, including those under the Department of Commerce. The Monument prohibits all access by default. The Monument Federal Register notice (V71.122pg 34446) provides a clear list of completely prohibited activities - *prohibited without exception* other than emergency or military use. Prohibitions include a range of highly damaging activities including exploring for oil, gas, minerals, using poisons, electrical charges, explosives, introducing species, anchoring on coral, etc. The Monument Proclamation provides a separate list of other "regulated" activities that may be allowed by permit with Co-Trustee permission.

[5] Letter from Chair of DLNR to Hawai'i Office of Information Practices, January 26, 2007, OIP letter concurring with the State's request: https://nwhihui.files.wordpress.com/2021/06/dlnr-ltr-to-oip-re-nwhi-transparency-1-07.pdf and https://nwhihui.files.wordpress.com/2021/06/oip-nwhi-dlnr-transparency-opinion.pdf

By contrast, the Sanctuary Federal Register Notice (V89.#42, pg. 15276, Art. IV, Section 1.) provides lists of *all highly* damaging activities as "regulated" activities …"which means that the Secretary of Commerce can regulate" – i.e. allow - activities, including those that are completely prohibited in the Monument, Reserve and State Refuge – including exploring for, developing or producing oil, gas or minerals, anchoring on coral, using poisons or explosives etc.

The DEIS (pg. 26-27) lists prohibited activities but states that *"the proposed [Sanctuary] prohibitions"* i.e. exploring for, developing, producing oil, gas, minerals, using poisons, explosives, introducing new species, anchoring on coral – these prohibitions *would not apply to… "non-commercial fishing in the Outer Sanctuary Zone" and "scientific exploration or research activities by or for the Secretary of Commerce"* or the Secretary of Interior, thus creating a separate class of individuals and agencies not subject to any prohibitions while also creating enormous loopholes in protections, allowing highly damaging activities which can cause the destruction of NWHI environmental and cultural resources.

The Sanctuary proposes (**Section 922.244,(f)**) to exempt the Secretary of Commerce or the Secretary of the Interior from the need to obtain a permit for scientific exploration or research activities within the Outer Sanctuary Zone (OSC) and indicates that the prohibitions "shall not restrict scientific exploration or research activities by or for the Secretary of Commerce or the Secretary of the Interior when the activity occurs within the OSZ

e. Introduces and allows "Development" (R&D) in the NWHI: The Sanctuary Federal Register notice proposes to allow "scientific research **and development** by Federal agencies." Fed Reg V 89.#42,Art V. Section 1.22."Development" is not a permitted activity in the Reserve, or State Refuge.

d. Increasing vessel traffic, "tourism association" links and commercialization of the NWHI - "Special Use Permits"

Citing NMSA, the Sanctuary proposes to facilitate "**all public and private uses of the resources**" to the extent compatible with resource protection. (Fed Reg V.89#42 Sec1 pg15273). It authorizes NOAA (alone) to unilaterally issue "Special Use Permits" to "promote public use" of the NWHI. (Fed Reg V.89#2, pg. 15282)

Most sanctuaries - including the Hawaiian Humpback Whale Sanctuary - feature significant harm to protected species and habitats (including dolphin, whale, and calf injuries and deaths caused by commercial operators) as a result of extensive "public and private use" that NOAA has "judged compatible" with protection.

Facilitating "all public and private uses of the resources", and NOAA's proposed collection of fees for "Special Use Permits" "at the fair market value of the use of the resource", including to "promote public use" and commercial use of the remote, largely uninhabited and inaccessible NWHI represents an enormous reversal of the "bring the place to the people, not the people to the place" precautionary approach of the Reserve and State Refuge protections. Even the Monument does not allow NOAA to sell Special Use Permits.

The Draft Sanctuary Management plan, or DSMP (pg. 161 of the DEIS), proposes developing and maintaining "economic partnerships" with "tourism associations" and businesses. While this perhaps reflects commercial goals of the Department of Commerce, this reverses the existing protective approach to the NWHI. In addition, it is most decidedly not a goal of the State Refuge and reverses the State call to ban commercial use. Increased commercial use and traffic poses a direct threat to the resource.

Special Use Permits do not exist in the NWHI Reserve or State Refuge which only allow sharply limited and clearly defined types of access. These are the strongest protections which must be reflected in any new designation.

The Monument introduced the category of commercial "Special Ocean Use" permits – but these can *only* be issued with the agreement of *both* the Secretaries of Interior and Commerce (checks and balances). The Monument requires a focus on "bringing the place to the people, not the people to the place."

Alarmingly, however, Special Use Permits have made up the third largest group of permits issued, after Research and Management permits.

As is the case with all other Monument permits, the Monument places ten conditions on the issuance of any Special Ocean Use permits and requires that:

> The Secretaries may not issue any permit unless the Secretaries find:
>
> a. The activity can be conducted with adequate safeguards for the resources and ecological integrity of the monument;
>
> b. The activity will be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance monument resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects;
>
> c. There is no practicable alternative to conducting the activity within the monument;
>
> d. The end value of the activity outweighs its adverse impacts on monument resources, qualities, and ecological integrity;
>
> e. The duration of the activity is no longer than necessary to achieve its stated purpose;
>
> f. The applicant is qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;
>
> g. The applicant has adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;
>
> h. The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to their impacts to monument resources, qualities, and ecological integrity;
>
> i. The applicant's vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of this proclamation; and
>
> j. There are no other factors that would make the issuance of a permit or the activity inappropriate.

Weak Sanctuary "Special Use" rules

Unfortunately, the proposed Sanctuary is not only far weaker than the State Refuge and Reserve, it is also substantially weaker than the ten Monument requirements, and only proposes four requirements found in Section 310 of the NMSA for Special Use Permits (Fed. Reg V89.#42, pg15282):

> (1) activities must be compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;
> (2) SUPs shall not authorize the conduct of any activity for a period of more than five years unless otherwise renewed;
> (3) activities carried out under the SUP must be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and
> (4) permittees are required to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the SUP

2. Public hearings for permits

⇒ As is required in the State NWHI Refuge, public hearings MUST be held on all NWHI permit applications instead of the secretive NOAA permitting process proposed for the Sanctuary. In addition, there must be a PERMANENT PUBLIC RECORD of all permits granted.

3. Checks and balances: Retain the same Co-Managers as in the Papahānaumokuākea Marine National Monument The proposed designation, as per Federal Register / Vol.89.No 42, lists only the Secretary of Commerce as the regulatory authority for issuing permits (Article IV, 1) and states that "collaborative management" with the State would occur under a "framework" established by NOAA (Art.V III D), **placing the state in a subordinate position**. U.S. Fish and Wildlife Service and the Office of Hawaiian Affairs are missing from any sanctuary co-management position.

4. Failure to close MEA loopholes and strengthen weak language - further weakening the language and spreading it through the Sanctuary. The proposed sanctuary fails to overlay the weak and loophole-riddled Monument Expansion Area (Proclamation 9478) with the strong protections found in the Reserve, State Refuge and Monument, to complement and supplement these protections. There are many examples of MEA language that must be strengthened in order to match Reserve protections as required by Reserve Executive Orders. The proposed Sanctuary appears to use weak MEA language, further weaken it and enlarge loopholes and then apply this weakened language in the proposed Sanctuary – this is the OPPOSITE of supplementing and complementing the strongest NWHI protections and reflects a failure to comply with legal requirements to supplement and complement Reserve rules. For example, instead of closing the extraordinary loophole introduced by the MEA Proclamation exempting the Secretaries of Commerce and Interior from permit requirements, the sanctuary proposes, instead to perpetuate these regulations in the OSZ, The Sanctuary Federal Register notice, V89.#42 pg. 15282, states:

> "'Presidential Proclamation 9478 stipulates that the prohibitions required by the proclamation "shall not restrict scientific exploration or research activities by or for the Secretaries and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.' NOAA is proposing to exempt these activities within the OSZ to be consistent with Presidential Proclamation 9478."

5. Weak vessel reporting requirements. The Sanctuary proposes to exempt vessels with permits or vessels "conducting non-commercial fishing" from sanctuary ship reporting requirements. (Fed Reg. Vol 89. #2, pg. 15278)

6. Other Issues

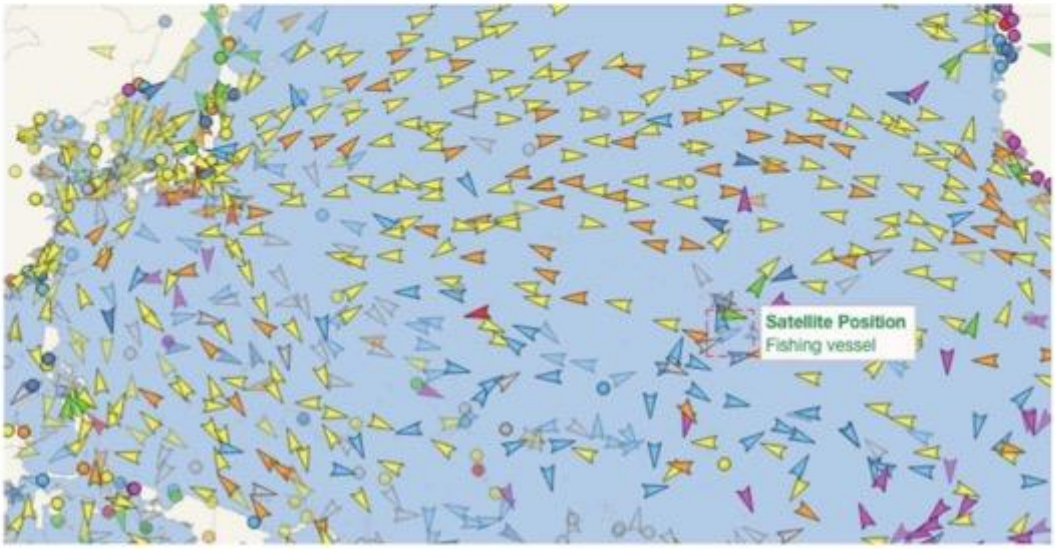
    a. Enormous NWHI vessel traffic, lack of monitoring (AIS, etc.) and unenforced Areas to Be Avoided (ABTA)

The DEIS (pg. 85-86) indicates an enormous amount of large vessel traffic through the Monument – a yearly *reported* average of 200 vessels per year, 65% of which are "freighters and tankers…over 600 feet in length." A one-year study by NOAA using easily available public Automatic Information System (AIS) data found that this reported traffic may actually be underreported "by as much as 50%" and that during the year of the study, 17 vessels transited through the Areas to Be Avoided without interruption, including 12 cargo vessels, 3 tankers, a research vessel and a tug. In 2021 "fishing vessels" were "used for conservation and management and research". Thousands of shipping containers were lost in the vicinity of the NWHI in 2020 and 2021. Despite the ease of access and lack of expense of AIS tracking, it appears that NOAA has refused to implement this as part of routine monitoring and enforcement measures, having only done a "one year study" using AIS instead of having AIS screens prominently visible in NOAA Monument offices where anyone, at any time, can observe NWHI traffic.

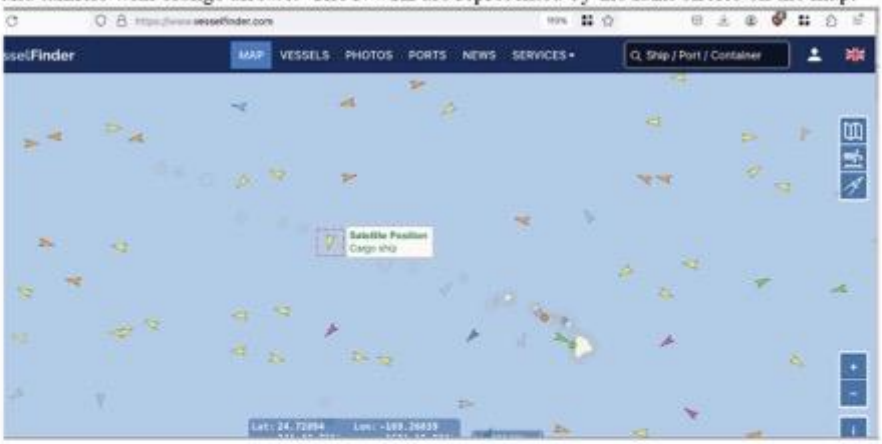
The Sanctuary proposal indicates that, while fragile Areas To Be Avoided (ATBA) by vessels in near shallow reefs "can be mandatory", most are voluntary. (Fed Reg. Vol 89. #2, pg. 15278)

Easily accessible FREE AIS tracking for the NWHI shows the enormous amount of vessel traffic between California and Japan. The fishing vessel is in the area of Oahu. A paid annual subscription of less than $1000 provides the name of the vessel and other characteristics. This is simple, publicly available information provided by a range of companies (vesselfinder.com, marinetraffic.com, marinevesseltraffic.com, myshiptracking.com, etc.). Vessels engaging in illegal activities will often turn off their AIS transmitters, with the signal disappearing upon entry to a closed area and reappearing after leaving a closed area. All vessels over 300 tons are required to use AIS and, in fact, as the price of AIS systems has come down, most long distance ocean vessels including larger fishing vessels and sailboats use AIS for safety reasons.

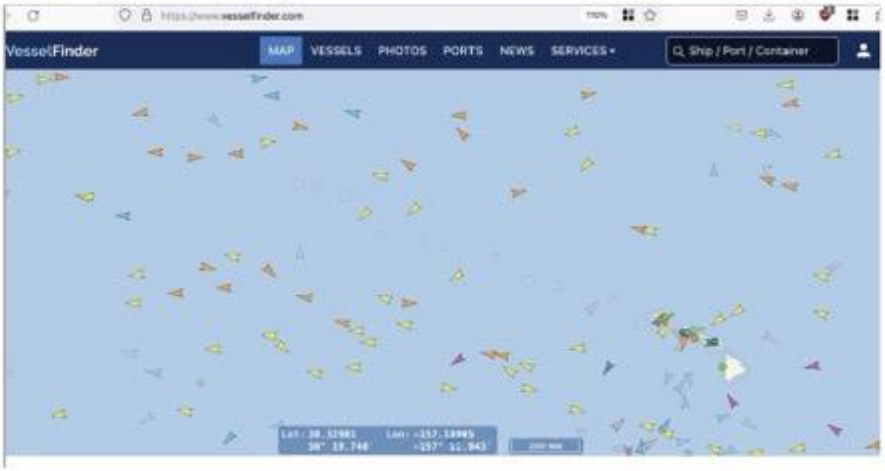
The image below shows a free online AIS feed of vessel traffic between the US West Coast and Asia. The fishing vessel marked on the map appears to be in or near Honolulu with the NWHI in the "blank spot" to the NW of the vessel.



The two images below are centered on the NWHI and show cargo vessels travelling through the NWHI Reserve and Monument. Cargo vessels are marked with yellow arrows, fishing vessels with blue arrows and tankers with orange arrows. The NWHI are represented by the faint circles on the map.



16



⇒ AIS (Automatic Information Service) vessel monitoring – inexpensive, publicly available and necessary for enforcement – must be implemented for safety and enforcement NOW. NOAA could also implement satellite eye-in-the-sky vessel monitoring. NOAA's refusal to take simple monitoring measures for the past 24 years has given the green light to poachers and violators.

b. NOAA refusal to issue and enforce Reserve regulations for 24 years; MEA regulations for 8 years.

We note that, per Federal Register Notice Vol 69#199[7], NOAA has had authority since 2000 to issue and enforce regulations in waters to 50 nm (NWHI Reserve) yet has refused to do so for the past 24 years.

⇒ We urge that regulations for the EXISTING protections of NWHI waters to 50 nm (NWHI Reserve) must be issued NOW. These regulations are based on stronger rules than an NMSA sanctuary. They should be issued immediately and can be used as the basis for additional regulations for any other new designation. Stop stalling, issue the regulations and enforce these pu'uhonua protections!

We note that, since 2016, NOAA has had the ability to work with co-managers to issue strongly protective regulations for 50 – 200 nm to strengthen MEA protections up to the level that would complement and supplement Reserve and State Refuge protections. Yet they have not done so.

⇒ Regulations must be issued to strengthen the shockingly weak Monument Expansion Area (MEA) protections to - at a minimum - the level of existing strong State Refuge and NWHI Reserve protections. This can be done NOW. NOAA has failed to do this for the past EIGHT YEARS. Stop stalling and issue and enforce strong MEA regulations.

⇒ We note that these strengthened regulations are based on stronger Co-Trustee authority than in an NMSA Sanctuary under the Department of Commerce.

[7] https://nwhihui.files.wordpress.com/2021/06/2-fed-reg-nos-self-implementing-no-regs-2004-10-15.pdf

c. Failure to implement cumulative impact assessments

Independent cumulative impact assessments of permits are urgently needed and must be made part of the permanent public record. The NWHI hui has repeatedly called for cumulative impact assessments to be conducted and released prior to any sanctuary designation effort. NOAA research despite repeated requests over a 24 year period, NOAA has failed to publish cumulative impact assessments – including of NOAA's thousands of permittees, tens of thousands of "person-days" in the NWHI, shipwreck, oil spill, and other damage -a terrible track record with no accountability.

⇒ Cumulative impact assessments must be made public, now.
⇒ If NOAA has failed to carry out such assessments, they must be carried out immediately.
⇒ A penalty schedule must be established for the failure to implement and publish cumulative impact assessments since, without such assessments, there is no way that ecosystem management can reliably be implemented.

Legally Flawed Sanctuary DEIS.

We note that the National Environmental Policy Act (NEPA) requires a DEIS to provide:

- An analysis of meaningful management alternatives
- An analysis of impacts of all actions predictable as a result of permitted activities
- A proper analysis of the "no action" alternative versus other management alternatives

1. DEIS fails to provide meaningful management alternatives

The "No Action" alternative of using existing protections has a management structure of four co-Trustees (OHA, Interior, State, Commerce). The DEIS only proposes ONE management alternative to this structure - a management alternative where the Department of Commerce is the permitting authority, eliminating OHA and Interior, and placing the State in a subordinate position. The three alternatives provided differ only in their boundaries – these are not *management* alternatives; they are simply *boundary* alternatives using the same management model.

The DEIS fails to provide a range of different management alternatives such as those:

- With USFWS, OHA, State as equal co-Managers
- Bringing MEA protections up to the level of Reserve and State Refuge
- Management where all activities are prohibited except for a short list of permitted activities to the extent compatible with the primary purpose of protection (complement and supplement)
- Management where all prohibitions apply equally to Department of Commerce instead of exempting Commerce "research" from all prohibitions and permit requirements

2. DEIS fails to analyze the impacts of actions predictable as a result of permitted activities

including the impacts of:

- "Non-commercial" fishing that is proposed for the Sanctuary.
- Failing to use the "everything prohibited" (except a short do-no-harm list) precautionary requirements of the Reserve, State Refuge and Monument with and "all activities are allowed" except a list of prohibited activities, from which Commerce "research" is exempt ;
- Exempting Commerce "research" from the prohibitions on exploring for oil, gas, minerals, using poisons, explosives, releasing introduced species, anchoring on coral, drilling, dredging, harvesting, injuring damaging resources, waste dumping, etc.

- Creating of a class of federal employees/agencies that are exempted from prohibitions, unlike in the Reserve, Refuge, and Monument
- Proposing "research and development" by "any federal agency" as a regulated activity (per Federal Register Notice)– given that "development" is not a regulated or allowed use in Reserve, State Refuge or Monument.
- The impact – in the case of Presidential weakening of Reserve or Monument – of overlaying and thereby replacing strong Reserve and Monument rules with far weaker and loophole-riddled Sanctuary rules

3. **DEIS fails to properly analyze the "no action" alternative, fails to compare the range of legal tools and legislation available under existing protections**

including the impact of

- issuing and enforcing regulations in the Reserve
- issuing and enforcing regulations to close the extraordinary loopholes in the MEA, bringing the MEA up to the protection standard of Reserve, State Refuge, Monument;
- the enhancement of USFW enforcement authority
- the use of easily available technology - such as AIS– for monitoring and enforcement
- conducting cumulative impact assessments, including of NOAA activities which make up the primary impact on the resource

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT MASUDA
DEPUTY DIRECTOR

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

March 24, 2006

Ms. Aulani Wilhelm
Acting Reserve Manager
Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve
6600 Kalanianaole Highway, Suite 301
Honolulu, Hawaii 96825

Dear Ms. Wilhelm:

SUBJECT: State of Hawaii Comments on the Draft of the Proposed Sanctuary Regulations for the Northwestern Hawaiian Islands (NWHI)

Thank you for the opportunity to provide comments on the proposed Sanctuary regulations. Our comments are included herein for your consideration.

General Comments:

Overall the proposed regulations are directly in line with our position. We are happy to see that the key issues that have been raised by the State are included for consideration.

In the background section, there is reference to a Memorandum of Understanding (MOU) that was developed by the Interagency Ecosystem Task Force in 1995. It applies a geographic framework under which ecological boundaries are defined and states that the Department of Commerce and the Department of Interior are committed to working with the State of Hawaii utilizing an ecosystem approach. While we agree with the need to manage the NWHI using an ecosystem-based approach, we have not seen the MOU that is described as the basis for this approach and would like to have a clear understanding of the previous efforts.

There needs to be a new section added to the preamble that outlines and clearly states that these regulations in no way supersede or trump regulations already in place under the authorities of the jurisdictional partners, the State of Hawaii and the U.S. Fish and Wildlife Service (USFWS). The overall premise of these regulations should be that they are consistent with other applicable laws and authorities.

As you are aware, the State of Hawaii has recently created a State Marine Refuge in all State waters from 0 - 3 miles around all the islands and atolls of the NWHI, except Midway Atoll National Wildlife Refuge (Midway). Our regulations require that all entries into State waters require an access permit that is granted by the Board of Land and Natural Resources. We have established a permit review committee to review these permits and asked that all jurisdictional partners be a part of this review process. A key consideration for our review is that biological and cultural resource considerations are of equal importance.
The proposed general procedures for submitting and reviewing permits under the Sanctuary designation are different, both in terms of the criteria or findings used to access and review permits and who has the authority to grant the permits.

While most of the findings for the Sanctuary review of permits are very similar, some of our permit guidelines are more specific. We need to resolve this.
It appears that, at least for the short term, the best we will be able to hope for is a permit application that is the same for all agencies with a parallel review and approval process.

Specific Comments:

1. PREAMBLE:

   Page 31, Paragraph 2 states that the only documented small businesses operating in the NWHI are eight federally permitted commercial bottomfish fishermen.
   While these are the only federally permitted fishermen, there was a small fleet comprised of a few boats that fished for tuna, called the ikashibi fleet, that also operated in the NWHI in the past. We would like to see some mention of these fishermen in the summary of impacts.

2. DEFINITIONS:

   a. Under the Definitions section, **there are no definitions for research, education, and several other classes of permits. It would help to have these definitions also included to ensure consistency.**

   b. "**Attract or attracting** means luring or attempting to lure a living resource by any means, except the mere presence of human beings (e.g. swimmers, divers, boaters)." It is difficult to determine why this definition is included here or what activities it might pertain to, except perhaps for commercial purposes, such as extreme sports

(swimming with sharks, swimming with dolphins, etc.). Any activity that involved attracting wildlife would be in potential conflict with State rules that seek to ensure "...conservation and natural character for present and future generations," as well as the non-commercial requirement of the permitting guidelines and the requirement to show benefit to the ecosystem. Although the Executive Order (EO) allows "chumming material or bait" for "authorized fishing operations" in Section (b) (4), these rules would potentially allow it for any use.
It should be explained why this definition is in the proposed rules and to which activities it applies.

c. **Ecological Reserve** is a category of protected area not included in the original EO. At issue is whether the Ecological Reserves for the Sanctuary supplement or complement the Reserve Protection Areas granted permanent protection by the original EO.
The purpose of the Ecological Reserve category should be clarified, and maps should be provided.

d. **The Native Hawaiian Practices** definition needs to be tightened. The last sentence should read: "This may include, but is not limited to, the non-commercial use of Sanctuary resources for direct personal consumption while in the Sanctuary and may be subject to limits on harvest."

Native Hawaiian practices as indicated on Page 40 means "... cultural activities for the purposes of perpetuating traditional knowledge, caring for and protecting the environment, and strengthening cultural and spiritual connections to the NWHI that have demonstrable benefits to the Native Hawaiian community. This may include, but is not limited to, the non-commercial use of Sanctuary resources for direct personal consumption while in the Sanctuary."

State rules specify that, "it is unlawful for any person ... to take for the purpose of sale or sell marine life taken from the refuge," therefore, language pertaining to the ban on commercial extraction should be added to this definition. The State's permitting guidelines require that activities "must be non-commercial and will not involve the sale of any organism, byproduct, or material collected." In addition, the definition of Native Hawaiian Subsistence Uses provided by the National Oceanic & Atmospheric Administration (NOAA) in the September 2004 draft Sanctuary regulations (Page B-3 of "Advice and Recommendations on the Development of Draft Fishing Regulations Under the NMSA, Section 304(a)5)," September, 2004) included the following statement, "It does not include the sale of any marine resources." This has been removed from the current document. The original EO in Section 4(c) allows only for "Culturally significant, noncommercial subsistence, cultural, and religious uses by Native Hawaiians" and states that these uses should be

allowed within the Reserve, consistent with applicable law and the long-term conservation and protection of Reserve resources."
To eliminate any potential conflicts with State rules and the original EO, it is suggested that the phrase, "This does not include commercial activities or the sale of any marine resources" be added to this definition.

c. **Special Ocean Use** means an activity or use "...engaged in to generate revenue or profits for one or more persons associated with the activity, and does not destroy, cause the loss of, or injure Sanctuary resources." Page 23 indicates that this could include commercial photography, commercial dive operations, and/or commercial wildlife viewing tours. Page 49 indicates that it could include "sport fishing." In fact, it could include any for-profit activity and no non-profit activities. It is also noted on Page 24 that the Sanctuary may collect a fee representing "the fair market value of the use of the Sanctuary resource."

Potentially, such permits could be issued throughout the archipelago for any sort of commercial activity. State rules only allow three use categories: a) Research/Education, b) Native Hawaiian, and c) Non-extractive purposes undertaken to further the knowledge of resources or which provides for enhanced resources protection or resource management. The Special Ocean Use permit category should indicate that this permit type is "initially restricted to Midway alone, and only if the activity has been identified as a compatible use through a USFWS compatibility determination" as indicated on Page 23, at the bottom of the second full paragraph.

f. **Sport Fishing** is defined as "payment of a fee to engage in non-commercial fishing activity in the Sanctuary." **Recreational Fishing**, by contrast, is defined as fishing "conducted for personal enjoyment, no fee for service." It is difficult to understand why this distinction is necessary, except perhaps to regulate activities at Midway.
It should be clarified as to why it is necessary to have separate definitions for "sport" versus "recreational" fishing in this document.

If there is a need to keep the definitions separate, the **Sport Fishing definition should be rewritten.** How can a payment of a fee to engage in fishing activities NOT be considered commercial?
Instead of the definition proposed, we suggest, "payment of a fee to engage in a vessel-based fishing activity using hook and line techniques, in the Sanctuary, where the catch is not for sale or barter."

g. Under the definition of **Sustenance Fishing** include "fishing for bottomfish or pelagic species **outside of the SPAs**, in which all the catch is consumed within the Sanctuary ..."

h. **Midway Special Management Area** (SMA) defines an area within the sanctuary, and overlaying Midway. Midway is not part of the Reserve established by the EO, so the Midway SMA would be a supplement to the Reserve.
It should be clarified as to whether or not this designation would allow or encourage activities presently considered by the USFWS to be incompatible with the purposes of Midway.

i. **Ocean-based Ecotourism** is defined as "fee for service activities" to include visiting the Sanctuary for "study, enjoyment, or volunteer assistance for purposes of conservation and management." The inclusion of "enjoyment" as a sufficient criterion for an activity to qualify as ocean-based tourism would appear to allow any ocean-based visit, such as that provided by cruise ships, to qualify, as "ecotourism" as long as people enjoyed the trip.
It is suggested that the word "enjoyment" allows an overly broad interpretation of ocean-based ecotourism, and should be deleted from this definition.

3. REGULATIONS

a. **Prohibited Activities:**

1) There are a number of philosophical inconsistencies with State rules in Section 922.203, regarding prohibited or otherwise regulated activities. The State stipulates a prohibition on "any activity that is not authorized by this chapter" i.e., in State waters, everything is prohibited unless specifically permitted (in State's case science/education, Native Hawaiian, non-extractive conservation, etc.). By contrast, the proposed NWHI Sanctuary language allows any activity to occur unless explicitly prohibited.
To resolve this philosophical conflict, there is a need to modify the introductory language in this section to indicate that "any activity not authorized below is prohibited." The number and type of activities to be permitted should then be reduced to be consistent with allowable uses in State waters, as clarified by the State's recently issued permitting guidelines. Permitted activities should be limited to those permitted by the State in State waters, as described in the State rules and permitting guidelines.

2) Under **Section (a) (1) (i)**, the wording should read "as provided in paragraphs (e) through (g) NOT (d).

3) **"Anchoring or having a vessel anchored on any living coral."** State rules prohibit "engaging in any activity, including the anchoring of a vessel that can or does result in damaging or destroying coral." This differs from the original EO, which prohibits anchoring on any living or dead coral "when

visibility is such that the seabed can be seen." The proposed Sanctuary language is more permissive by only prohibiting anchoring on live coral, but is less permissive by not limiting the prohibition to only areas where the seabed is visible. How one would know whether or not the anchor is on live coral when the seabed is not visible (or when the seabed consists of live coral interspersed with dead coral) is not clear.
The rule regarding anchoring on coral should be reworded to be consistent with the stricter State rules.

b. **Regulated Activities (allowable):**

Section (c) (6) (i) and (ii) Regulated Activities lists certain discharges that would be allowed outside of SPAs, including "bilge water" and "... any other pollutant discharge from the operation of a marine propulsion system, shipboard maneuvering system, crew habitability system, or from a protective, preservative, or absorptive application to the hull of the vessel." This proposal significantly expands the categories of exemptions beyond those contained in the original EO, and the exemption of "any pollutant" associated with the various "systems" listed, including a "crew habitability system," which seems quite broad. As research traffic levels broaden, it will be important to ensure that dumping of pollutants inside protected areas does not increase.

It is suggested to include on the list of prohibited activities which may not be allowed by permit, "discharging or depositing" except for (From EO 13196, Sec 4) "fish parts (i.e., chumming material or bait) used in and during authorized fishing operations (if any); biodegradable effluent incident to vessel use and generated by a marine sanitation device in accordance with Section 312 of the Federal Water Pollution Control Act; water generated by routine vessel operations, excluding oily wastes from bilge pumping; cooling water from vessels or engine exhaust."

c. **Permitted Activities:**

1) **Commercial fishers** also appear exempted from the paragraph (c) restrictions on anchoring.
The State suggests that a "no harm to coral'" language be applied to fishers.

2) **Section 922.204 Permitting procedures and criteria** gives the Director (the Director of the National Marine Sanctuary Program or designee) wide latitude in the issuance of permits, limited only by the purposes and policies of the National Marine Sanctuary Act (NMSA) and the Goals and Objectives of the Sanctuary, and the requirement to make certain findings as a condition of granting a permit. Presumably the more restrictive of this combination

would apply. The State's permit process requires a "do no harm," precautionary approach, based on resource conservation, public comment on all permits, and consideration of the applicant's history of prior violations. The language in this document ("sole discretion" of Director) does not specify any method of ensuring preservation of ecological integrity, and allows the Director issue a permit if he or she considers that it furthers educational value or assists conservation or allows recreational activities, special ocean use, sport fishing, recreational fishing. There appears to be no requirement for public notice, other than for Special Ocean Use permits, for any category of activity not previously identified as subject to the special use permit section of the NMSA for public notice. There also appears to be no requirement for an advisory panel of ecosystem scientists, public comments, or other means for public participation in the granting of the permits. The Director may issue a permit at "his or her sole discretion." Provisions for the above do not appear to be required under the regulations.
These rules differ greatly from those used by the State of Hawaii to evaluate and grant permits, and represent a potential conflict in regard to integrating management regimes.

3) **Permit Types:** The State of Hawaii allows only three permit types. The draft Sanctuary rules propose adding "recreational activities, special ocean use, sport fishing, recreational fishing," for a total of seven permit types. Thus, there is a large disparity in the number and type of permit types between the State and the Sanctuary. This will hinder efforts at co-management.
It is suggested that the Sanctuary reduce the number of permit types, or stipulate that certain permit types are restricted to Midway alone, and only if the activity has been identified as a compatible use through a USFWS compatibility determination.

4) **Findings:** This section places some constraints on the Director. However, instead of the state's "do no harm" standard, Section (c) (1) requires that the activity "can be conducted with adequate safeguards for the resources and ecological integrity of the Sanctuary" but does not require review panel of scientific experts. By contrast, the State rules stipulate a "do no harm" standard, a precautionary approach, conservation in natural character as the primary goal, and only allow three categories of access (see above). State permitting guidelines clarify the requirement that all activities are non-commercial and must have demonstrable benefits to preservation and management of ecosystem. The Sanctuary Goals and Objectives and the original EO also require long-term conservation in natural state and subjects all activities to consistency with that primary purpose.
The State suggests that this section utilize language in State permitting guidelines to replace "adequate safeguards" with:

- **"The activity must be non-commercial and will not involve the sale of any organism, byproduct, or material collected;"**
- **"Resources and samples are a public trust, not to be used for sale, patent, bioassay, or bio-prospecting, or for obtaining patents or intellectual property rights;"**
- **"The activity must have demonstrable benefits to the preservation and management of the NWHI ecosystem;"**
- **"The activity must do no harm to the ecological or biological systems, sites or resources of the NWHI, or by virtue of the mode of transport to be employed for access;"**
- **"The activity must have demonstrable benefits to the cultural and spiritual relationship of Native Hawaiians to the NWHI ecosystem;"**
- **"The activity must support the perpetuation of traditional knowledge and ancestral connections of the Native Hawaiians to the NWHI."**

Section (c) (4) allows a finding that "the end value of the activity outweighs its adverse impacts on Sanctuary resources, qualities, and ecological integrity." This subsection could be a significant loophole subject to abuse. **The State recommends this phrase be deleted to avoid future conflicts in co-management.**

There needs to be a new section added to outline additional findings for research permits. At a minimum, the permits should detail the type of research to be undertaken, the numbers, species, sizes and amounts of organisms to be collected, stresses that the activity is non-commercial and that any products derived from the research are also not for sale, and require a report on the findings that can be used to perpetuate management activities. Many of these criteria and guidelines are outlined in the State's permit guidelines that are attached for you review and reference.

5) **Section (c) (4)** allows a finding that "the end value of the activity outweighs its adverse impacts on Sanctuary resources, qualities, and ecological integrity." This subsection could be a significant loophole subject to abuse. **The State recommends this phrase be deleted to avoid future conflicts in co-management.**

6) **Section (e) (1)** would seem to indicate that Native Hawaiians alone are subjected to a "no commercial activity" requirement. **The State believes that the "no commercial use" requirement must be applied across the board to most permit types, except for the Midway permit (in accordance with USFW) and any temporary permitted commercial fishing prior to phase out.**

Additional findings for Native Hawaiians should also include an additional finding that requests the description of the types of organisms that may be collected for cultural and traditional uses and indicates that the collections or consumption of some species may be severely limited, or not allowed.

7) **Additional requirements for sport fishing permits:** Sport fishing would be limited to the Midway SMA, and would require a feasibility study as well as a finding that the Director of USFWS had determined the activity to be compatible with the purposes of Midway. The latter requirement also applies to sustenance fishing at Midway.
The State would note that these regulations do not require concurrence of the Director of the USFWS at Midway, and suggests this be corrected to allow for a properly co-managed Sanctuary.

8) **Additional requirements and criteria for Special Ocean Use permits need to be carefully and critically re-thought. If, as stated in the Preamble, the Special Ocean Use permit requires a feasibility study prior to allowing a pilot project to be considered, then this is not clearly outlined in this section. In the Preamble, it is further stated that NOAA will provide public notice for any "new categories of activities" being considered under this authority. Again, the mechanism to do this is not clearly outlined under this additional requirements section.**

In the Preamble, Special Ocean Use implies any commercial activity such as commercial photography, commercial dive operations and commercial wildlife viewing. While some of these activities are not currently occurring in the Sanctuary, most, if not all, were in operation in the past at Midway. Are these activities therefore considered "new categories of activities" or would the "new" designation apply to only activities that occur in areas where they did not previously occur? **We would oppose the application of the additional requirements and criteria being applied to commercial photography, as this is an ongoing part of operations within the NWHI.** If the new requirements were applied, Jean Michele Cousteau would not have been able to film "Voyage to Kure," nor would we have the National Geographic book "Archipelago." The list goes on. We also have concerns about the application of this requirement and criteria to other uses that have traditionally occurred in Midway. Lastly, we have had commercial operations on private vessels (ham radio operators who volunteered their time) that have been of assistance previously at Kure Atoll, as recently as last summer.

While we understand the need to regulate and to limit the types and amounts of commercial ecotourism activity and other commercial ventures, this permit class, applied too broadly, will limit access to activities that help to bring "the place" to the people.

9) **Section 922.208 Certification of preexisting permitted activities** is made necessary by provisions of the NMSA exempting various activities with valid leases, permits, etc., issued prior to the effective date of the regulations. The Director is allowed to require a "certification of such preexisting leases, permits, etc., and to impose "conditions" on the certification as the Director deems reasonably necessary to achieve the "purposes" for which the Sanctuary was designated.
The State suggests that "goals and objectives" be substituted for the word "purposes" to avoid ambiguity.

There is an assumption made throughout the document that the only pre-existing permits are going to be for bottomfishing permit holders. Both the State and the USFWS are currently issuing permits. There is the potential that a permit holder could have a pre-existing permit issued by one of these agencies, and under these proposed regulations, also needs to apply for a certification under the Sanctuary.
There needs to be some provision to assess the total number and types of active permits at the time of designation and determine which are in need of certification. We would recommend that permit holders with less than four months on an active permit not be required to seek certification.

d. **Fisheries**

1) On **Page 14, Paragraph A,** the statement is made that NMSA requires a review and update, as necessary, of the Sanctuary management plans and regulations every five years. It should be noted that the NWHI Sanctuary would still be subject to the provisions of the original EO, in which the President established permanent protections. The five-year review should not be an opportunity for revisiting fisheries banned by the EO, such as the lobster and precious coral fisheries, or those to be phased out as part of the Sanctuary designation process, such as the bottomfish fishery.
This limitation on the 5-year review process should be acknowledged in writing within the document.

2) Language pertaining to sport fishing (Page 49) indicates that such permits for sport fishing may only be issued for Midway. However, apparently sport fishing may also occur under a "Special Ocean Use" permit which is not a

category currently limited to Midway. (See previous discussion in Section 2.)
The document should be clarified to indicate that sport fishing under a Special Ocean Use permit may occur only at Midway.

3) In the Definitions section, the term "Bottomfish Species" is over broadly defined. Earlier drafts of the Sanctuary regulations provided a short list of eight bottomfish species that are managed by the State as the basis for its restricted fishing areas; all of these species are true deep sea bottomfish. The new document returns to a long list, including certain coral reef dependent species that have previously been suggested for removal from the list of Bottomfish Management Unit Species; this appears to allow the Western Pacific Regional Fishery Management Council (WESPAC) to potentially manage additional taxa within the scope of the bottom fishery.
It is suggested that the list of Bottomfish Management Unit Species be revised to include only those eight that are recognized by the State of Hawaii as the basis for its bottomfish management plans.

4) The proposed total allowable catch (TAC) for bottomfish and pelagic species exceeds the current levels of fishing effort in the NWHI and, therefore, potentially allows an increase in fishing above current levels.
The State declines to propose an alternative TAC, but does suggest that total permits not be allowed to exceed the eight permits currently active (four in the Mau Zone and four in the Hoomalu Zone), which is less than the number proposed herein. As the fishery under this alternative will be phased out in five years, there is also no need to consider issuance of permits to Native Hawaiian bottomfishermen. The State also does not endorse the fishing regulations proposed by WESPAC, which exceed the bottomfish TAC proposed in these draft Sanctuary regulations (381,000 lbs./yr. proposed by WESPAC, versus 350,000 lbs./yr. proposed by Sanctuaries) and the maximum total number of bottomfish permits proposed herein (14 proposed by WESPAC versus 13 proposed herein). The State's position is to oppose any increase in fishing for any species above current levels.

Again, we appreciate the opportunity to comment on the proposed draft regulations and look forward to a continued partnership as we move forward into Sanctuary designation. If you have any questions on this document, please call me at (808) 587-0401.

Sincerely,

Peter T. Young, Chairperson
Board of Land and Natural Resources

Attachment

COPY

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Hoku

April 17, 2006

Ms. Aulani Wilhelm
Acting NWHI Reserve Manager
6600 Kalananianole Highway, Suite 300
Honolulu, Hawaii 96825

Dear Ms. Wilhelm:

Subject: Comments on Draft Regulations, Draft Environmental Impact Statement, and Management Plan for the Northwestern Hawaiian Islands National Marine Sanctuary

The following comments are provided by the State of Hawaii in regard to the draft Regulations, Environmental Impact Statement (DEIS), and Sanctuary Management Plan (SMP), all dated April 2006, for the Northwestern Islands (NWHI) National Marine Sanctuary. The comments are provided in three sections, related to each of the three documents listed above. Many of the comments listed initially under the Proposed Sanctuary Regulations also apply in whole or in part to both the DEIS and draft SMP.

PROPOSED SANCTUARY REGULATIONS

In the cover memo accompanying the current set of documents under review, it is requested that the State of Hawaii not render further comment on the proposed Sanctuary Regulations. The State acknowledges this request, however, we provide the following additional comments on the revised Sanctuary Regulations, with the note that many of the issues raised are also applicable to the DEIS and the SMP.

A. State Concerns Met

The State thanks the National Oceanic & Atmospheric Administration (NOAA) for responding to some of our concerns regarding the draft Regulations:

- Mentioning the historical presence of the ikashibi tuna fleet in one sentence in the Preamble.
- Inserting the phrase "or dead" into the prohibition on anchoring on "living coral," i.e., anchoring on live or dead coral.

- Clarifying that personal "recreational activities" and commercial sport fishing are confined solely to Midway Atoll. The new Regulations, however, appear to eliminate personal "recreational fishing" from confinement to Midway Atoll, allowing it to occur throughout the NWHI in conflict with State rules. In addition, these draft Regulations still allow a wide range of commercial activities (Special Ocean Uses) throughout the archipelago (922.204 (b) Permit Types (6).

- Language has been added clarifying the U.S. Fish and Wildlife Service's (USFWS) role and jurisdictional authority.

- Permit types have been reduced, but are significantly greater than the number issued by the State or the USFWS. Recreational activities have been combined with sport fishing and restricted to Midway Atoll.

B. Continuing State Concerns

In our letter of March 24, 2006, we pointed out inconsistencies between the proposed Sanctuary Regulations and State rules, and identified specific areas where we proposed changes. To facilitate the process of co-management, we are reiterating our concerns in specific areas, including:

Inconsistencies with State rules in Section 922.203, regarding prohibited or otherwise regulated activities.

The State rules stipulate that all activities are prohibited unless specifically permitted. By contrast, the proposed NWHI Sanctuary Regulations allow any activity to occur unless explicitly prohibited. We would note, however, that both the DEIS and the SMP utilize descriptive language indicating that, in the Sanctuary, "everything is prohibited, except that which is explicitly permitted," such as:

1. "The fundamental shift in the management regime in Alternative 2 [and 3] to an ecosystem-based management approach wherein all access is prohibited unless permitted..." (Pg. 4-71 in the DEIS).

2. "All classes of activities, except enforcement activities, emergency response, activities and exercises of the armed forces, and passage without interruption, would be prohibited within Sanctuary boundaries without a permit." (Pg. 4-71 in the DEIS).

3. "The Sanctuary, USFW and State of Hawaii Regulations prohibit all access (except for passage without interruption, activities carried out by the armed forces, law enforcement activities and emergency operations) in their respective NWHI jurisdictions unless the activity is specifically allowed by permit." (Pg. 165 in the SMP).

As in our earlier letter, the State urges that the Regulations be amended to be consistent with State rules, given that this would also be consistent with the DEIS and SMP descriptions of the proposed sanctuary permitting system as noted above.

In addition, the new draft Regulations exhibit more of a focus on the Native Hawaiians and the 'extensive' evidence of human activity on the islands.

The State would note that there is no doubt about the uses at Nihoa and Mokumanamana, but there is no physical evidence of pre-contact Hawaiian habitation or use on any other islands further to the northwest. Therefore, we recommend a deletion of the reference to "extensive" use on all islands, or note that this use was only extensive at Nihoa and Mokumanamana.

C. Permitting Process

1. The State continues to have concerns regarding the proposed NOAA permitting process, which differs greatly from that utilized by the State and which represents a potential conflict with State rules and permitting guidelines (see additional comments in this regard under the section on the SMP).
   The State does not endorse a process by which permits should be issued at the "sole discretion" of Sanctuary Director without public comment, or input by an advisory panel of agency representatives, including experts in invasive species control, marine conservation biology, and Native Hawaiian cultural resources.

2. There is a lack of definition for research, education and other classes of permits.
   The State recommends that improved definitions for these permit classes be provided, and made to match the State definitions as closely as possible.

3. The Special Ocean Use permits would appear to allow a wide range of commercial uses, including cruise ship stops and commercial diving, throughout the archipelago.
   The State wishes commercial uses, including cruise ship stops and commercial diving operations, to be primarily confined to the Midway Atoll SMA.

4. There is no public notice requirement other than for a subset of Special Ocean Use permits. Nor is there any process specified for public notice of pending permit applications, or on the action taken by the National Marine Sanctuary Programs (NMSP) to grant, deny, or issue permits with conditions.
   The State recommends that the permit guidelines be revised to provide for notification to the general public of pending permit applications and to make provision for a period of public comments for permits under review.

5. The Permitting Action Plan Appendix 2 describes a tiered permitting process with levels of permit classes (A, B, and C), and with general criteria for the permit coordinator to follow in deciding which level of review would be required for permits under consideration.

The State would note that there appears to be no independent review of the permit coordinator's decision to assign a permit to Class A, and review of Class B permits appears to occur solely within the NMSP chain of command. Referral of a permit to outside expert review is thus discretionary and not required, for Class A and B permits. As noted above, the State supports public comment and external review for all permits.

DRAFT SANCTUARY MANAGEMENT PLAN

Overall, the draft Management Plan has evolved over the past year into a document that provides some clarity on the management direction of the proposed NWHI Sanctuary. If, at the appropriate time, the Governor of the State of Hawaii agrees to include State waters in the Sanctuary, there will be a need for certain changes in regard to interagency coordination and the proposed permitting process.

A. Co-management

The proposed Management Plan states that "*collaboration between jurisdictional agencies and stakeholders is essential for establishing cross-jurisdictional management goals and developing and evaluating ecosystem-level plans*" (Pg. 64, lines 4–5).

However, the Permitting Action Plan does not fully reflect the policies and guidelines that have been developed for the State of Hawaii's NWHI Marine Refuge and the State Wildlife Sanctuary at Kure Atoll. In addition, no reference is made to the permitting process that has been developed for the State NWHI Marine Refuge. Furthermore, in examining this document, the State of Hawaii cannot locate any reference to co-management of the Sanctuary with the State. As a result, the State recommends adding the following to the Management Framework section, Mechanisms for Collaboration and Partnership (Pg. 67), after NOAA Coordination on Page 69:

Co-management

The sanctuary will be jointly managed by the sanctuary manager, the State of Hawaii co-manager, and other field staff through a cooperative Federal-State partnership similar to the Hawaiian Islands Humpback Whale National Marine Sanctuary. The sanctuary manager will receive national program guidance from the National Marine Sanctuary Program. Additionally, the State co-manager will receive guidance from the Hawaii Department of Land and Natural Resources.

The sanctuary and NOAA's National Marine Sanctuary Program will work cooperatively with the people of Hawaii to protect these important coral reef ecosystems. Grassroots support is vital to the success of marine sanctuaries. NOAA's partnership with the State, and with the people of Hawaii, will help to ensure that the vast coral reefs, ecosystems and resources of the Northwestern Hawaiian Islands are protected for present

and future generations.

Collaboration and Partnerships
In the list of jurisdictional authorities, Page 64, change line 34 to read: *State of Hawaii, Department of Land and Natural Resources*

International Partnerships
On Page 70, line 29, replace the words "working on" with "preparing" *an application to the U.S. National Park Service etc.*

On line 34, replace the word "help" with "provide global protection for" *the natural and cultural values etc.*

Native Hawaiian Community Involvement Action Plan
Strategy NHCI-1.1 proposes the establishment of a Native Hawaiian Sanctuary Advisory Council working group to *provide an opportunity for the Sanctuary to obtain advice and guidance from Native Hawaiian cultural experts, including kupuna (elders) and practitioners* (Pg. 230, lines 39–40). Will the role of this working group include evaluation of permit applications as advocated above?

B. Permits

The SMP provides for six permit types, whereas the State of Hawaii provides for three. This could lead to confusion for applicants and may cause problems when permits are assessed if the proposed activity is to take place in both Sanctuary and State waters. More discussion on permit types is required to ensure consistency in a co-managed sanctuary.

The Permitting Action Plan states the *"Interagency coordination for permitting and enforcement, which manages human uses in the Sanctuary, is becoming increasingly integrated and coordinated among jurisdictional agencies" (Pg. 170, line 5-6).* Although one Interagency Committee meeting has been held to discuss permitting, there has been little progress on integration and coordination.

Although this section of the plan lists the USFWS website on Page 170 (line 37), it does not mention the State of Hawaii, Department of Land and Natural Resources' website.

Appendix 2a, *Guidelines for Submitting Permit Applications* (Pg. 298) makes no reference to any State or USFWS permits that may be required in this part of the plan. There is reference to these permits in the Permitting Action Plan (Pg. 170), but a list of permits should also appear in the Guidelines (Appendix 2a). The main problem is that an applicant may not know what other permits are required.

Section G(2) *Copies of other permits* asks the applicant to include copies of other Federal, State and/or local permits issued for the permit requested, which assumes other

agencies have already issued their permit. This suggests that the applicant would secure a permit from one agency then try to secure a permit from another which could lead to problems if one agency issues a permit without consultation with another, possibly leading to conflicting views.

Appendix 2 (Pg. 298) of the SMP provides permit guidelines and application forms. These forms appear inadequate to enable the assessment of permit applications in a manner to ensure protection of the ecological integrity of the ecosystem.

If the Sanctuary is to be managed in a coordinated and integrated way, the most effective mechanism for issuing all permits (Federal, State, local) is for the relevant jurisdictional agencies to meet together to review and discuss permit applications to ensure a coordinated response to each application. This approach has been discussed and agreed to in earlier Interagency Committee meetings and is mentioned in the Collaboration and Partnership section of the plan (Interagency Committee, Pg. 68, lines 22-23). ...*The Interagency Committee will meet quarterly on all aspects of coordinated Sanctuary management, including review and development of policies, protocols, permits and other operational aspects of the Sanctuary.* However, this collaborative management approach has been lost or overlooked in the proposed Sanctuary permitting process.

The State recommends that:

- **The Permitting Action Plan mention DLNR's permit guidelines and add the State of Hawaii, DLNR website on Pg. 170, line 27.**

- **Appendix 2a of the Management Plan be revised to change Section G(2) to read:** ***other Federal, State and/or local permits may be required by the following Federal, State and local agencies depending on the proposed activity:*** **(provide a list of these jurisdictional agencies with specific permits required)**

- **Appendix 2b** ***Permit Application Form (p306)*** **be revised to provide an application form that requests information similar to the current State and USFWS application forms. Each jurisdiction also requests different information, which reflects their applicable statutes and regulations. The Sanctuary's application form would also require specific information that reflects its needs. An application form that provides more consistency in format will go a long way to facilitate co-management of the Sanctuary amongst jurisdictional agencies.**

C. Evaluation of Permit Requests

The plan states that "*depending on the type and location of the proposed activity, additional review may be required by partner jurisdictional agencies, additional NMSP program personnel, or outside experts.*" As many of the requested permit activities are likely to take place in State waters and/or USFWS jurisdictions, sharing all permit

requests with jurisdictional partners would strengthen collaboration, rather than leaving it to the discretion of the sanctuary permit coordinator. The State has now established a review process for Refuge permits that requests comments from all jurisdictional partners, which should be reciprocated by also requesting the State to review all Sanctuary permit applications.

The Native Hawaiian community involvement action plan (Pg. 228) states that "*the Constitution of the State of Hawai'i requires the state to care for Hawai'i's trust resources and recognizes the state's obligation to work for the betterment of Native Hawaiians* (line 35–36). It also states that "*it is imperative that the Native Hawaiian community be involved in the planning, management and operations of the Sanctuary*" (lines 38–39). However, the proposed Sanctuary permitting process does not provide for Native Hawaiian involvement in the evaluation of permits.

As part of the State's permitting process, Native Hawaiian cultural and resource management experts are requested to review and provide comments on all permit applications for activities within the State Refuge. In order to effectively co-manage the proposed Sanctuary, consistency in permit review processes is desirable.

The State recommends that this section of the Management Plan (Pg. 302) be changed to:

- **Provide for review of all permit requests by key jurisdictional partners, including the State of Hawaii.**
- **Provide for review of all permit requests by Native Hawaiian cultural and resource management experts.**

D. Consultations and Statutory Requirements

This section contains a list of a number of Federal statutes but no list of relevant State of Hawaii statutes/regulations.

The State recommends that this section of the Management Plan be changed to add the relevant State of Hawaii statutes and regulations such as Hawaii Administrative Rule, Chapter 13-60.5 to the list, along with the Federal statutes.

E. Budget

The State would note that the five-year budget for the proposed Sanctuary may not provide adequate funding for certain priority areas. For instance, the Protected Species Action Plan comprises only 1% of budget, and the Alien Species Action Plan (to prevent alien species introductions and monitor and control existing alien species in the Sanctuary) comprises only 3%. The latter area is particularly important as a threat to the ecological integrity of the sanctuary, and would seem to merit greater funding. For example, the aftermath of the *Casitas* shipwreck now requires substantial USFWS

commitment to monitoring for potential invasives where the ship's crew landed on shore *in extremis* without being able to undertake any alien species prevention protocols; other incidents of this type are all but inevitable in the future.

The State recommends that the proposed budget be rebalanced to allocate greater financial commitments to protected species, invasive alien species, vessel hazards, and enforcement.

DRAFT ENVIRONMENTAL IMPACT STATEMENT

A. General Comments

The DEIS reads well and there is a good and sound justification for most of the actions.

Many would/will argue that goal #7 objectives do not now accurately reflect most of the alternatives and should perhaps be revisited; especially given the statements on Page 1-12, lines 10-12.

Throughout the Executive Summary and in subsequent descriptions of the role on the NMFS, no mention is made of their pivotal role in managing marine mammals, especially the critically endangered Hawaiian monk seal.

The State recommends that this oversight be rectified.

It is also important to be inclusive throughout. The EO calls for not only consultation with the Federal agencies and the State of Hawaii, but also advice from the Western Pacific Regional Fishery Management Council (WPRFMC) and the Reserve Advisory Council (RAC). This is missed on Page ES-5, lines 30–35.

The State recommends that the section of the document noted above be amended to include consultation with the RAC and WPRFMC. We would note that the necessity to consult with the latter organization may be rendered moot if the decision is made to manage fisheries under the authority of the Sanctuaries program rather than under the Magnuson-Stevens Fishery Management Act (a course of action that we would note is implied in these documents).

The two key principles that are missing from the overall management approach are a precautionary approach to resource management and the need to maintain the biodiversity of all resources. Language similar to the precautionary approach is used to describe erring on the side of resource protection when uncertainty exists regarding potential impacts, but we are not sure this goes far enough in determining impacts.

The State has substantial concerns regarding the apparent absence of a precautionary approach for assessing permit impacts, particularly for Class B permits. It appears that a few phone calls or e-mails could suffice to obtain permit approval for activities with unknown impacts to the ecosystem, and which could

include extractive uses. We recommend, for all permits, a full external review by a committee of agency representatives. In addition, if there are "legal problems" with a permit applicant, such as a record of previous illegal activities, we recommend that this be taken seriously, potentially preventing access to these public trust resources.

While we acknowledge that a few of our comments were incorporated into the draft Regulations and are reflected in the alternatives, we are still concerned about the Special Ocean Uses criteria. The process to gain approval for commercial photography and/or documentaries seems overly difficult. At the same time, the process to gain approval for other commercial uses does not take into account the unique and fragile nature of some of the ecosystems of the NWHI.

As noted previously, the State does not support broad scale commercial activities (including commercial diving and cruise ship visits) in the NWHI, and further policy discussions are needed to define where appropriate Special Ocean Uses (other than photography or filming) should or should not occur.

B. Recreation and Ocean-based Ecotourism Activities

The SMP Ocean-based Ecotourism and Recreation Action Plan proposes to investigate ecotourism locations. According to the SMP, "The first areas that would be investigated include Midway Atoll, Kure Atoll and locations outside SPAs" which, from the maps provided, could include RPAs at Nihoa, Mokumanamana, and other places (Pg. 201). The DEIS provides the following useful descriptions of tourism and recreation in the NWHI:

There appears to be inconsistencies between the draft Regulations and what is discussed in this section of the SMP. The State desires that recreation and tourism in the proposed sanctuary be confined primarily to the Midway SMA. A principal concern is with the potential proliferation of ocean-based ecotourism to unsustainable levels in the NWHI, with consequent damage to resources (as has happened in the Galapagos Islands).

C. Pollution

In our letter of March 24, 2006, we underscored substantial concerns about the potential for sanctuary designation to lead to increased pollution levels as a result of: 1) increased vessel traffic, and 2) lowered pollution standards as proposed in the draft Regulations. We find the DEIS analysis of pollution sources (Pgs. 3-84 to 3-87) to be quite useful, underscoring the "multitude of wastes" produced by seagoing vessels, including cargo, fishing, cruise ships, research vessels, U.S. Coast Guard ships, and recreational vessels and underscoring the potential discharges from vessels including sewage, gray water, bilge water, hazardous wastes, and solid wastes. The DEIS notes that gray water can include nitrogen, phosphates, copper, lead, mercury, nickel, silver, zinc, oil, grease, metals, pesticides and medical wastes. It also notes that cruise ships, such as those which

have recently begun to visit Midway Atoll, "generate large volumes of waste and may have significant impacts on the marine environments they transit. Large cruise ships can generate as much as eleven million gallons (41,640,000 liters) of wastewater per day (NOAA 2003b). Solid wastes generated by cruise ships may be incinerated on the vessel and the ash discharged at sea, or the wastes may be disposed of or recycled at onshore facilities (USEPA 2000)." According to the DEIS, the USFWS bans the dumping of cruise ship waste in the Midway Refuge. The SMP also notes the presence of "NOAA vessels, Oscar Elton Sette, Hi'ialakai, Ka'imimoana and UH's R/V Kilo Moana and R/V Kaimikai-O-Kanaloa as well as chartered vessels for marine debris removal. These vessels are most active in the NWHI during the months of April through November. These vessels average 200 feet in length, weigh 2,300 tons, and carry 50 crew and researchers and other staff, and can generate several thousand gallons of sewage and gray water per day" (Pg. 147).

We agree with NOAA's assessment that "The most persistent and significant threat to water quality in the ROI (Region of Influence) is the vessels that transit the area. Vessel traffic presents the risk of a large oil spill or release of cargo that could greatly impair the marine water quality of the affected environment" (Pgs. 3–87).

The State wishes to underscore its deep concerns regarding the apparent relaxing in the draft Regulations of pollution standards currently in effect (as outlined in our letter of March 24, 2006). We also note with additional concern that, despite the importance of preventing hazards associated with vessel traffic, including the shipwreck of the *Casitas* last summer, the Vessel Hazards Action Plan appears to make up only 1% of the Sanctuary's proposed five-year budget.

D. Specific Comments

The State also offers the following specific comments on the DEIS:

1. On Page ES-4, lines 23-25, the sentence needs to be changed. The correct representation of the State's lead on World Heritage is found on Pages 1-5 and 1-6 lines 36 & 1-3.

2. On Page ES-6, line 5, the sentence should read "...In addition, a sanctuary can foster coordinated management AND RESEARCH, towards achieving a greater understanding of marine ecosystems of the NWHI."

3. On Page 1-4, lines 1–2, it should probably read Hawaiian genealogies through the Kumulipo (Hawaiian Creation Chant) identify the coral polyp as the first living creature to emerge from the sea.

4. In Table ES-3 under the Summary of potential resource impacts, the impact analysis recreational fishing is not accurate in Alternative 3.

Once again, the State of Hawaii thanks NOAA for the opportunity to comment on these documents and believes that this is a useful step toward attainment of a co-managed NWHI National Marine Sanctuary.

Sincerely,

Peter T. Young
Chairperson

cc Dan Polhemus
Athline Clark

Papahānaumokuākea
Native Hawaiian Cultural Working Group

May 7, 2024

Mr. Eric Roberts, Superintendent
Papahānaumokuākea Marine National Monument
NOAA/ONMS
1845 Wasp Blvd., Bldg. 176
Honolulu, HI 96818

Re: PMNM-Sanctuary Designation, Docket NOAA-NOS-2021-0114

Dear Mr. Roberts,

This letter is written testimony submitted by the Papahānaumokuākea Native Hawaiian Cultural Working Group (CWG) regarding the proposed Papahānamokuākea National Marine Sanctuary (PNMS). The CWG is a group of Native Hawaiians that have deep connections and historical ties to Papahānaumokuākea National Marine Monument (PMNM) through a living pilina (relationship) bound by genealogy, cultural protocols, and values building contemporary multi-disciplinary research and practice. Our group is made up of Native Hawaiian kūpuna (elders), researchers, scholars, cultural practitioners, educators, community members, former site managers, and marine advocates. Many of us have historical family ties and/or have first-hand knowledge of visiting these ancestral islands of our homeland. We have been actively engaged in caring for these islands and waters for the past 24 years as the Native Hawaiian community voice for the region giving advice to the Monument Management Board through the Monument Co-manager and Co-trustee, the Office of Hawaiian Affairs. Beginning in 2001, the CWG has represented the Native Hawaiian community voice for the Northwest Hawaiian Island (NWHI), giving advice, first to NOAA through the NWHI Coral Reef Ecosystem Reserve Advisory Council (RAC), and more recently through the Office of Hawaiian Affairs OHA as a Monument co-trustee.

We thank the Administration for continuing the designation process of the proposed Papahānaumokuākea National Marine Sanctuary and write to express our strong support for designating this sacred place that supports a diversity of life, including hundreds of native species and the largest extent of coral reefs in the archipelago as a national marine sanctuary. The proposed sanctuary would add additional protections to biodiversity hotspots, sacred sites, and productive marine habitats throughout the Hawaiian Archipelago. Sanctuary designation would also provide the opportunity to develop a comprehensive and cohesive set of regulations that maintains and enhances existing resource protection. **What follows in the subsequent pages are our recommendations, which should be read as the conditions of our support. The CWG hopes these issues can be addressed so we can fully support Sanctuary Designation without any reservations.** Mahalo nui for your careful consideration of our mana'o.

PAPAHĀNAUMOKUĀKEA NATIVE HAWAIIAN CULTURAL WORKING GROUP
EMAIL: HUIMANAMANA@GMAIL.COM

A. The CWG Supports Designation of the Papahānaumokuākea as a National Marine Sanctuary Through Alternative 1

1. Alternative 1 Boundaries and Need for Action

The CWG supports Alternative 1 for the designation of Papahānaumokuākea as a National Marine Sanctuary. Alternative 1 - the preferred alternative - would designate boundaries that are co-extensive with the marine portions of the PMNM. This alternative includes the deep-water resources of the monument expansion area including seamounts supporting rare oases of life in this primarily pelagic and deep-ocean environment, vulnerable shallow reef waters, maritime heritage resources, and a living cultural seascape (Re: World Heritage) that may be excluded from sanctuary protections under other alternatives. The region consists of small islands, islets, atolls, and a complex array of shallow coral reefs, deepwater slopes, banks, seamounts, and abyssal and pelagic oceanic environments. These systems support a diversity of life, including hundreds of distinct native species. Like the traditions noted within the Kumulipo, the corals form the foundation of an ecosystem that hosts a distinctive assemblage of marine mammals, fish, sea turtles, algae, and invertebrates.[1]

The proposed sanctuary acknowledges the past advocacy and discussions among a wide group of people, from fishers to Native Hawaiians and conservationists during the Monument expansion effort and does not expand the area's specific boundaries any further than what is currently in place under the Papahānaumokuākea Marine National Monument. The sanctuary would establish an additional layer of supplementary regulations over the existing boundaries of the Monument that would complement, maintain, and enhance existing resource protections. This boundary ensures the full extent of existing protections are complemented and enhanced, maximizing protections for cultural and natural resources, while also respecting the thoughtful stakeholder engagement process that defined the boundaries for the Monument.

The proposed rule also seeks to unify management of the area by reducing discrepancies and gaps in prohibitions, regulated activities, and permit criteria, providing clarity and comprehensive protection for the proposed sanctuary. We appreciate that the proposed sanctuary terms of designation, rule, and management plan keep existing protections, such as from deep-sea mining, or other extraction, in place as a baseline. Sanctuary designation would also strengthen the durability of these existing protections provided through the Monument, through

[1] For a more detailed description of Papahānaumokuākea and discussion of the importance of this region to Native Hawaiians, *see* MAI KA PŌ MAI: A NATIVE HAWAIIN GUIDANCE DOCUMENT FOR THE MANAGEMENT OF PAPAHĀNAUMOKUĀKEA.

the additional protections, tools, and resources available under the National Marine Sanctuaries Act (NMSA). **Because there is some risk that the existing protections afforded the Papahānaumokuākea National Marine Monument could be curtailed by a future President, the protections afforded via a sanctuary designation, even where duplicative of those applicable to the Monument, are necessary.**

2. *Permitting, Enforcement and Liability*

We support the proposed rule which enhances enforcement and addresses governance discrepancies and gaps, particularly the enhanced regulations and guidance to assess civil penalties for permit and regulatory violations as well as the increased ability to impose liability for damage to sanctuary resources.

The NMSA provides the Office of National Marine Sanctuaries (ONMS) authority for enacting emergency regulations, much clearer regulations and guidance for enacting civil penalties for permit and regulatory violations than what is currently available with the Monument proclamation alone and, the imposition of liability for damage to sanctuary resources.[2] Under the Act ONMS can implement immediate temporary regulations where necessary to prevent or minimize the loss or injury to a sanctuary resource. ONMS can also assess civil penalties for violations of provisions of the NMSA and regulations and permits issued pursuant to the NMSA.[3]

Historically, agencies like the US Coast Guard and NOAA Office of Law Enforcement have had difficulty enforcing monument proclamations as law when challenged. The NMSA is clear, and there is precedent for enforcement. As described in the DEIS, because of the lack of codified regulations, enforcement of domestic illegal fishing in the Monument Expansion Area (MEA) does not carry the same penalties and may only result in a warning to violators. Under Alternative 1, law enforcement would be strengthened in the MEA, or Outer Sanctuary Zone (OSZ), including the option to impose civil penalties throughout the Alternative 1 boundary areas.[4] Funds collected from penalties and response costs and damages are available to conduct restoration for damaged resources and comparable resources within the sanctuary.[5] Further, implementing NMSA regulations would not eliminate state regulations or preclude state enforcement instead of or in addition to the federal infractions.

---

[2] The Draft environmental Impact Statement (DEIS) identifies this authority as possibly the most significant difference between no action and sanctuary designation. DEIS at 98.
[3] 16 U.S.C. §§ 1443; 1434(d)); 1437(d).
[4] DEIS at 100.
[5] DEIS at 98.

3. Maintaining and Enhancing Protections from Development

Sanctuary designation would add to and complement existing protections for Papahānaumokuākea.[6] **One significant additional protection we appreciate and support the proposed addition of "any energy development activities" to the PMNM prohibition on exploring for, developing, or producing oil, gas, or minerals.[7] This addition will provide additional protections consistent with the underlying intent of the prohibition on oil, gas, and mineral development by accounting for technological advances in other forms of energy development.** In addition, by establishing consistency throughout Papahānaumokuākea, this prohibition will help advance the proposed sanctuary's draft goals and objectives by protecting sensitive marine ecosystems such as fragile coral reefs and deep-sea corals, benthic habitat, and seamounts. Prohibiting oil, gas, and mineral development reduces the risk of offshore spills that could significantly harm sanctuary resources. Deep seabed mining, oil and gas drilling, and other energy development activities, including renewable energy system installation, destroys fragile benthic habitat, releases sequestered carbon, and spreads sediment plumes that can suffocate both sensitive shallow and deep-sea coral reefs, which negatively impacts nursery and foraging habitat for fish, and reduces the ecosystem's overall resilience.

In addition, the CWG supports regulations, including the prohibition on altering the seabed by modification or placement of materials, except for scientific instruments, providing new protections for the limited and sensitive habitats of the OSZ including deep seabed, banks and seamounts in waters that are primarily pelagic overlying deep abyssal plains.[8] Access through permitting would allow managers to review methodologies and monitor permittees, protecting these resources. While minimal user contact with the seafloor occurs or is anticipated in the OSZ, these resources are rare and extremely vulnerable to disturbance. As such, these new regulations that provides direct, long-term, benefits to physical resources of the OSZ.

4. Programmatic Benefits

We also support designation of Papahānaumokuākea as a sanctuary because it will be eligible for additional public and non-profit sources of funding that could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget funding for research, citizen science, scientific and cultural education, community engagement, emergency response, and management. While co-trustee agencies provide staff

---

[6] See, e.g., State of Hawai'i, Notice of Intent Preparation Notice, p. 6 (Nov 2021), "It is important to note that the proposed action cannot, and will not, weaken the current protections or authorities in place within the Monument, whether marine or terrestrial, nor does it change or supersede any of the existing state and federal jurisdictions, regulations, or management structures of the Monument, as provided by the executive order and proclamations. Any regulations for a proposed sanctuary would be separate from, but supplementary and complementary to, existing prohibitions in the establishing executive order and proclamations."

[7] 89 Fed. Reg 42, 15290 (Mar 1, 2024) *see* § 922.244(a)(1).

[8] 89 Fed. Reg 42, 15290, *see* § 922.244.

and program support for the Monument, sanctuary designation would ensure access to additional ONMS resources, including national programs for conservation science, maritime heritage, climate change and education. The NMSA also authorizes non-profit organizations like the National Marine Sanctuary Foundation and friends groups to provide private funding for the sanctuary, and allows ONMS to apply for, accept, and use grants from other federal agencies, states, local governments, regional agencies, interstate agencies, foundations, or other persons.[9] Sanctuary education, outreach, and community engagement around the marine ecosystems, wildlife, and cultural heritage of Papahānaumokuākea can be a powerful force in building stewardship.

The Sanctuary Draft Management Plan identifies several funding priorities supported by the CWG including a Native Hawaiian cultural program to work closely with Native Hawaiian organizations and joint collaborative projects with Native Hawaiian organizations and others to enhance understanding and conservation of cultural values to advance sanctuary management. Another important priority identified is initiation of the design, build, and operation of a dedicated research vessel that would enable NOAA (and partners) would begin implementing site-specific research and monitoring activities with this vessel.[10]

******

The following comments include areas of concern and essential recommendations for changes or clarification to improve the final designation of the PNMS.

B. Sanctuary Management and Advice

1. Integration of Native Hawaiian Culture, Knowledge, and Practices

The CWG Appreciates and Supports Integrating Native Hawaiian Culture, Knowledge, and Practices into Papahānaumokuākea's Management. The proposed PNMS sanctuary management plan is influenced by Mai Ka Pō Mai, which was birthed by the Native Hawaiian community and represents our vision for how we should mālama this place. Through the support of OHA and NOAA, the CWG consulted with ʻŌiwi communities for more than a decade, which led to the creation of this historic management guidance document called Mai Ka Pō Mai. This document lays the foundational framework to guide the weaving of Kānaka ʻŌiwi (Native Hawaiian) knowledge systems, values, and practices into all aspects of the management of Papahānaumokuākea.

The Mai Ka Pō Mai introduces traditional concepts and cultural traditions into the management plan as a foundation for how the PNMS should be managed through a Native Hawaiian perspective. This is an example of the highest degree of integration of Hawaiian culture in any

[9] DEIS at 31.
[10] DEIS Appendix A at 167.

federal process. To see the guidance document institutionalized for the proposed Papahānaumokuākea sanctuary sends a clear message of support for our progress as a Native Hawaiian community and our relations with the federal government.

The draft management plan emphasizes the importance of weaving Kānaka ʻŌiwi knowledge systems, values, practices, and other knowledge systems and approaches in caring for this sacred biocultural seascape. It is vital to honor the unique contributions of ʻŌiwi knowledge systems through meaningful inclusivity and engagement of ʻŌiwi practitioners, researchers, and community members in multi-disciplinary research partnerships.

As indicated in the DEIS, the Monument's co-managers have emphasized Indigenous Knowledge in management, with a mission to ensure ecological integrity and achieve strong, long-term protection and perpetuation of Papahānaumokuākea's ecosystems, Native Hawaiian culture, and heritage resources for current and future generations. The basis for building a firm foundation to apply Indigenous Knowledge to management has been the development of strategies for the involvement of cultural practitioners in policy, management, education, and research. As stated in the DEIS, "the long-term planning needed to effectively apply Indigenous Knowledge to management hinges on empowering indigenous peoples within research, management, and policy who are well-positioned to work collaboratively from the agency to Native Hawaiian communities."[11]

The PMNM is currently managed under a 2008 Management Plan that is five volumes long,[12] however, it is yet to be updated to reflect the Expansion Proclamation of 2016 and the 2017 Memorandum of Agreement. The DEIS indicates that the core elements and framework for the Draft Sanctuary Management Plan were designed in coordination with the monument's co-trustees to ensure concurrence of plans between the proposed sanctuary and the overarching Monument. The core elements of this draft plan—vision, mission, principles, and goals—are the same as those developed by the co-trustees for the future monument management plan update. This approach seeks to ensure that when Monument management planning resumes, there is a foundation to build on that would not alter the Monument's co-management structure.[13]

The draft management plan also affirms that the PMNM co-trustees are collectively committed to realizing the mission of Papahānaumokuākea and highlights some of the advantages of cooperative management, as delineated in the 2017 Co-Trustee Memorandum of Agreement, including a joint management plan, joint permitting system, and resource sharing.[14] The draft plan further states that sanctuary management would supplement and complement, rather than supplant, the existing co-management regime of Papahānaumokuākea. **The CWG believes that for all of the above reasons, these management goals and integrating Native Hawaiian**

---

[11] DEIS at 75-76.
[12] https://www.papahanaumokuakea.gov/new-about/management/ This link outlines the current management arrangements and includes the 2008 Plan.
[13] DEIS at 30.
[14] DEIS Appendix A at 147.

Culture, Knowledge, and Practices into Papahānaumokuākea's Management would be improved with the following additional actions.

2. The Office of Hawaiian Affairs Should be Designated a Co-Manager of the Sanctuary

In 2016, through many discussions among Native Hawaiian leadership uplifting the vision of kūpuna leaders to protect and care for this special place in perpetuity, OHA became a PMNM co-trustee agency to, in part, elevate the CWG's collective voice and guidance to the Monument Management Board (MMB).

The proposed rule provides that NOAA's Office of National Marine Sanctuaries will have primary responsibility for managing the sanctuary. However, as the sanctuary includes State waters, NOAA has determined that it will co-manage PNMS with the State of Hawai'i. The rule also provides that the Office of ONMS may enter into a Memorandum of Agreement with the State regarding this collaboration that may address, but not be limited to, sanctuary resource protection, educational programs, permitting, research activities, development, and threats to sanctuary resources.

We recommend that NOAA elevate Native Hawaiian voices beyond sanctuary advisory bodies and into its formal co-management structure by making the Office of Hawaiian Affairs a co-manager of the sanctuary, mirroring the level of decision-making authority granted through the co-trusteeship that the Office of Hawaiian Affairs shares with the Department of Commerce, the Department of the Interior, and the State of Hawai'i for administering PMNM.

A 2006 Memorandum of Agreement MOA signed by the two secretaries and the Governor of Hawai'i directed that day-to-day management of the monument be conducted through the collaborative efforts of seven co--managing agencies: NOAA's Office of National Marine Sanctuaries and National Marine Fisheries Service, U.S. Fish and Wildlife Services Refuges Program and Ecological Services, the State of Hawai'i's Department of Land and Natural Resources' Division of Aquatic Resources and Division of Forestry and Wildlife, and the Office of Hawaiian Affairs.

Although one press account suggested that OHA could not be made a co-manager under the NMSA, we are unable to identify such limiting authority. It appears that state agencies have been made co-managers for other sanctuaries. For example, for the National Marine Sanctuary of American Samoa, the American Samoa Department of Commerce has been designated as a co-manager to assist NOAA with the administration of the sanctuary.[15] The CWG requests

[15] National Marine Sanctuary of American Samoa, Management Structure (Management structure | National Marine Sanctuary of American Samoa (noaa.gov). See also, 15 U.S.C. § 922.106 Management and enforcement. The National Oceanic and Atmospheric Administration (NOAA) has primary responsibility for the management of the Sanctuary pursuant to the Act. The American Samoa Department of Commerce (ASDOC) will assist NOAA in

similar representation in co-management be provided for Native Hawaiians through OHA. The CWG would support the Department of Interior's agencies and other state agencies being added as co-managers to provide complete consistency with the co-trusteeship of the PMNM.

3. The Reserve Advisory Council Should Continue as the Sanctuary Advisory Council

The sanctuary should retain the NWHI CRE Reserve Advisory Council (RAC), including the Native Hawaiian seats, as the Sanctuary Advisory Council (SAC) for the PMNS. It is not clear from the designation documents what role NOAA intends for the RAC if the PMNS is designated, so this role should be clarified in the FEIS and Sanctuary Management Plan.

On December 4, 2000, presidential Executive Order 13178 established the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (CRE Reserve), pursuant to the National Marine Sanctuaries Amendments Act of 2000.[16] Executive Order 13178 required the Secretary of Commerce to initiate the process to designate the CRE Reserve as a national marine sanctuary and that "in designating *and managing* the sanctuary, the Secretary shall consider the advice and recommendations of the Reserve Council established pursuant to paragraph (f) of this section." (emphasis added). Executive Order 13178, section 5.(f), directed the Secretary to establish the CRE Reserve Advisory Council (RAC) and dictated what constituencies and agencies are represented on the council. The RAC was duly established pursuant to section 315 of the NMSA, which authorizes the Secretary of Commerce to establish advisory councils to provide advice to the Secretary of Commerce regarding the designation and management of national marine sanctuaries. The RAC's charter is in accord with the NMSA and Executive Order 13178, stating the RAC "shall provide advice and recommendations to the Secretary regarding the management of the reserve portion of the monument, and the designation and *management of* a potential national marine sanctuary in the NWHI."[17] (emphasis added).

These legal authorities indicate an intent that the RAC continues ("becomes") as the SAC for the PNMS. The DEIS and proposed management plan do not clearly state this and, in fact, say little about NOAA's intention for the PNMS advisory council. For example, when addressing resource issues for implementing the sanctuary management plan, the DEIS states that "[i]f the proposed sanctuary designation takes effect, NOAA will maintain the essential, existing resources and actions for management, such as maintaining an administrative office and a sanctuary superintendent and *supporting the creation and operation of a Sanctuary Advisory Council*." [18] The RAC is already operating successfully within existing funding and has a carefully established makeup representative of diverse stakeholders, including important Native Hawaiian representation.

---

the administration of the Sanctuary, and act as the lead territorial agency, in conformance with the terms of designation, these regulations, and the terms and provisions of any grant or cooperative agreement.

[16] Pub. Law 106-513 (2000).

[17] *(emphasis added)* nwhi_crer_charter_renewal_signed_7_3_17.pdf (nmspapahanaumokuakea.blob.core.windows.net).

[18] DEIS Appendix A at 167.

Elsewhere, under the draft management plan's strategies for expanding partnerships and engagement, it states a sanctuary advisory council will be developed and maintained to "engage working groups, friends groups, and others to support sanctuary programs and initiatives; and continue other initiatives that allow sanctuary constituencies to be more involved in the sanctuary and enhance opportunities for long-term engagement."[19] This appears to be a significantly more limited role than currently fulfilled by the RAC or other SACs, and could compromise the voice of the Native Hawaiian community from its current opportunity to "provide advice and recommendations to the Secretary regarding the management . . . of the sanctuary."

The CWG supports the RAC continuing as the body providing management advice and recommendations the PNMS, as set forth in Executive Order 13178, effectively transitioning to the more broadly titled "Sanctuary Advisory Council" to reflect the fact PMNS under Alternative 1 would include the waters that are part of the CRE Reserve as well as the additional waters of the OSZ. The SAC's makeup as established in Executive Order 13178 has proven to provide effective representation of Hawaiian communities, its membership is well qualified to provide management advice for all of the marine waters that could be included in the PNMS, and the RAC has functioned effectively over its years. It would be efficient and reduce potential conflicts to have one advisory council for the sanctuary that includes the NWHI CRE Reserve, instead of two separate councils providing advice on Reserves resources.

C. Commercial and Non-Commercial Fishing

1. Process Concerns for the Development of Fishing Regulations

Over the years, the industrial fishing industry has been one of the significant threats to the health and well-being of this magnificent place and all its lifeforms. While the NMSA includes provisions allowing for commercial and recreational fishing in some sanctuaries, in this case the presidential proclamations establishing the PMNM greatly restrict all fishing, and any fisheries regulations implemented must be at least as protective as provided for in the proclamations. The proclamations specifically prohibit commercial and non-commercial fishing, except that Proclamation 9478 establishing the Papahānaumokuākea Marine National Expansion provides for limited non-commercial fishing subject to such terms and conditions as the Secretaries deem appropriate, "if such activity is consistent with the care and management of the objects within the Monument Expansion and is not prohibited."[20] We reiterate that because there is some risk that the protections afforded Papahānaumokuākea through its designation as a marine national

[19] DEIS Appendix A at 160.
[20] 81 Fed. Reg. 169, 60231 (Aug 31, 2016).

monument could be curtailed by a future President, the protections afforded via a sanctuary designation, even if duplicative of those applicable to the Monument, are necessary.[21]

NOAA indicates that applicable fishing regulations are being developed by the National Marine Fisheries Service and the Western Pacific Regional Fishery Management Council (WPRFMC or Wespac) in consultation with OMNS.[22] Because the applicable fishing rules are being developed under the Magnuson-Stevens Act outside of the Sanctuary designation process, **we request that this fisheries management process include the preparation of an Environmental Impact Statement with ample opportunities for public comment.** These regulations are controversial and the potential environmental impacts from even low levels of fishing could impact Papahānaumokuākea significantly, and these impacts have not been adequately evaluated in the DEIS prepared for the sanctuary designation process. **We also request that NOAA ensure that any fishing regulations developed are consistent with, and at minimum, at least as protective as, the monument proclamations.**

2. *Commercial Fishing*

We support the proposed rule's prohibition on commercial fishing and possessing commercial fishing gear except when stowed and not available for immediate use. This is consistent with the monument proclamations and addresses one of the biggest threats to Papahānaumokuākea.

3. *Non-Commercial Fishing*

We support the proposed rule's prohibition on non-commercial fishing and possessing non-commercial fishing gear except when stowed and not available for immediate use. This prohibition is consistent with the monument proclamations' prohibitions on removing or harvesting any living or non-living resource. Proclamation 9478 provides that non-commercial fishing may be allowed in the MEA as a regulated activity "provided that the fish harvested, either in whole or in part, cannot enter commerce through sale, barter, or trade, and that the resource is managed sustainably."[23]

Under the proposed rule, non-commercial fishing is defined as fishing that "includes, but is not limited to, sustenance, subsistence, traditional indigenous, and recreational fishing." Under the rule, the non-commercial fishing prohibition would not apply to non-commercial fishing activities in the OSZ that are authorized under the Magnuson-Stevens Act "provided that no sale of harvested fish occurs."[24] While the definition of non-commercial fishing is consistent with

---

[21] *See also* Letter from Marine Mammal Commission, DEIS appendix F at 297.
[22] DEIS at 11.
[23] 81 Fed. Reg. 169, 60232 (Aug 31, 2016).
[24] 89 Fed. Reg 42, 15290 (Mar 1, 2024).

Proclamation 9478, which does not explicitly define the term, the exception to the non-commercial fishing prohibition is not consistent because it only prohibits the "sale" of harvested fish and not also the "barter, or trade" of harvested fish. **The CWG opposes the change, removing the words "barter" and "trade" because it is inconsistent with Proclamation 9478's restrictions on non-commercial fishing. As described further below, allowing for barter or trade of harvested fish under this exception to the Monument's prohibitions could allow for harvested fish to enter commerce in contradiction to the terms of the Proclamation, posing a threat to the sustainable management of Papahānaumokuākea's resources, and would be inconsistent with the care and management of the objects within the MEA. The CWG recommends amending the proposed language to read "provided that no sale, barter, or trade of harvested fish occurs." In addition, similar to the "Research Fishing" proposal discussed below, any non-commercial fishing should also require discussion by PMNM and sanctuary co-managers and advisory bodies to determine if the proposed non-commercial fishing is consistent with the purposes and policies of the NMSA and the monument and sanctuary's protections, goals and objectives, and require a special use permit under 50 C.F.R. § 404.11.**

4. Development of Fishing Regulations

The development of proposed non-commercial fishing regulations for the OSZ – especially regarding how this fishing is defined, raises important issues and concerns for the CWG. In particular, we are concerned about how non-commercial fishing in the Monument might take the form of "Customary Exchange," a non-traditional form of fishing for Hawai'i, especially when considering the region of the Northwestern Hawaiian Islands. Additionally, we are concerned about use of the term "Research Fishing," another activity Wespac has sought to define as non-commercial fishing. We thank NOAA for rejecting Wespac's proposed regulations providing Native Hawaiian Subsistence Practices Fishing Permit applicants the ability to request limited cost recovery by selling their catch in the permit application process through a Statement of Need for cost recovery along with expected costs because it failed to fulfill the purposes and policies of the NMSA and the goals and objectives of the proposed sanctuary designation.[25]

First, the CWG unequivocally opposes any rules that would allow for large-scale extraction similar to what was proposed previously by Wespac, alarmingly, under the guise of native rights. Wespac proposed large-scale extraction from the Papahānaumokuākea MEA (350,000 lbs of bottomfish and 180,000 lbs of pelagic fish annually), with the recommendation that permittees be allowed to take home catch for "consumption, including community sharing, bartering, and trade" and to recover costs from these trips through the "sale of catch." We oppose Wespac's attempt to, yet again, push their industrial fishing interests forward at the expense of the health of Papahānaumokuākea. **We also oppose any sale, barter, or trade of any such large-scale extraction and the cost recovery proposed previously by Wespac for such trips.**

[25] DEIS at 22.

Customary Exchange is the practice used to describe the non-commercial trade of fish for other goods and services between community members in the Pacific Islands (Severance 2010). It is defined as the "non-market exchange of marine resources between fishermen and community residents… for goods, and/or services for cultural, social, or religious reasons... [It] may include cost recovery through monetary reimbursements and other means for actual trip expenses… that may be necessary to participate in fisheries in the western Pacific." (Leong 2021). Proponents of this idea often argue that it serves as a way for island peoples to maintain a sense of cultural continuity from their past into the present. Viewed as a form of traditional fishing, there are two areas from which this concept is codified in the Pacific: Rose Atoll Marine National Monument and the Marianas Trench Marine National Monument. In both of these situations, researchers have argued that traditional fishing practices historically occurred for personal, cultural, and community benefit. These practices led to the informal exchange of marine resources and various types of transactions that fit the customary exchange definition (Kotowicz & Richmond 2013).

Noting the use of Customary Exchange in those regions of the Pacific, we credit the Council's effort to include the needs of those areas' native communities. Concerning Papahānaumokuākea, the idea of Customary Exchange is an extractive process considered harmful and incompatible with the known traditions specific to this region–an area customarily deemed kapu or off-limits to fishing other than for the traditional practice of harpooning ulua or giant trevally from shore to be dried and shared with the aboriginal communities on Niʻihau and Kauaʻi.

Specifically, within the definition of Customary Exchange, the idea of cost recovery through monetary reimbursement is of particular concern. It was stated in Wespac's proposed language that it "shall not exceed the actual fishing trip expenses related to ice, bait, fuel, or food." While this definition is non-market, it still involves financial transactions that allow for potential, unscrupulous exploitation. According to 50 C.F.R. § 665.12, Commercial fishing means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter, or trade.

How the proposed language was written would also allow any Hawaiʻi resident to fish in this region. The Hawaiian historical record and oral histories suggest that this region was considered "ʻāina akua," or lands of our ancestral gods, which people only visited for essential traditions and spiritual purposes (Kikiloi 2010, 2012). Due to this remote region's deep spiritual significance and marginal nature, people visiting exercised a higher degree of restraint so as not to leave a lasting impact on the land and sea. Moreover, travel to this region was not motivated by the need to fish and bring back resources that could then be shared among home communities. Fishing in this region was noted to be a sustenance practice incidental to the primary purpose of these trips, which the kūpuna termed- holo moana (the practice and lifestyle of seafaring) (Maly 2003).

Concerning Wespac's proposed "Research Fishing," we note that there is already a permit category for research activities governed by the rules, regulations, and policies set forth by the Monument Management Board and the Findings of 50 C.F.R. § 404.11. **We recommend that any research activity, including those related to fishing, be discussed with PMNM and**

sanctuary co-managers and advisory bodies to determine if the activity meets the research needs of management. Under this structure, if any fishing is conducted under a research permit, any fish consumption must be done in conjunction with research or a Native Hawaiian Practices permit and be consumed in Papahānaumokuākea only.

With this in mind, **we support the current definition of sustenance fishing as a Native Hawaiian practice. It is a specific concept applied to the original PMNM boundary waters described as "… fishing for bottom or pelagic species in which all catch is consumed within the Monument, and that is incidental to an activity permitted under this part."**[26] This definition was developed through consultation and interviews with many of the kūpuna who had connections to the region, many of whom were early members of the CWG. In that spirit, it is the region's most appropriate form of non-commercial fishing. Under the sanctuary proposal, the Secretary may authorize sustenance fishing outside of any Special Preservation Area as a term or condition of any sanctuary permit. Sustenance Fishing is allowed incidental to an activity permitted under Proclamation 8031 and in regulations at 50 CFR part 404. Sustenance fishing was not explicitly identified in Proclamation 9478 but is allowable. **We support the proposal to manage this activity as a term or condition of a general or special use permit for the proposed sanctuary.** This will help provide consistency in management and permitting.

In closing, it is the CWG's position that the current definition of sustenance fishing is the closest to meeting Native Hawaiian traditions and values for this place. Recently, this position was reaffirmed in a Native Hawaiian community workshop organized with OHA in November 2021 (Papahānaumokuākea CWG 2021 NH Workshop 2021 Report). Of the 60 participants who represented different organizations and gave input at the workshop, all supported these ideas:

- Traditionally, this region was seen as ʻāina akua (lands of the ancestral gods). This defines a different relationship we need to maintain with this place.
- Any fishing that occurs there must be non-commercial and align with Native Hawaiian traditions for this specific region.
- The idea of Cultural Exchange is not appropriate for this specific region.
- The relationship with the ocean must be reciprocal with the place, and more focus should be on the symbolic "feeding" and making it abundant (hānai a ʻai) rather than extraction.
- It is appropriate for any fish caught through traditional fishing to be eaten in the place but it should not be brought back home.

In addition, we emphasize that any extraction of fish, including those caught for research, be led by Native Hawaiians conducting activities in Papahānaumokuākea, whether it occurs under

[26] 50 C.F.R §404.3.

the current permitting structure of a Native Hawaiian Practices permit or similar permitting system.

Kānaka ʻŌiwi voices have always shared how fragile these ecosystems are despite the appearance of abundant fish stocks. The rich legacy of protecting the Northwestern Hawaiian region has shaped conversations about Native Hawaiian fishing rights within the Sustainable Resources Group, the Reserve Advisory Council, as well as at numerous Native Hawaiian workshops over the years. On many of these occasions, it has been emphasized in spades that *"kuleana is a responsibility and a privilege, not a right."* And those same sentiments were accentuated during the workshop in 2021. This kuleana (privilege) is anchored in maintaining accountable and sustainable practices that uphold a balanced and thriving community. We affirm this approach as it most appropriately aligns with the genealogy of these ancestral islands.

****

We thank you for the opportunity to provide our comments to designate marine portions of Papahānaumokuākea Marine National Monument as Papahānaumokuākea National Marine Sanctuary to protect nationally significant biological, cultural, and historical resources and to manage this special place as part of the National Marine Sanctuary System. Over the years, the Hawaiian community, conservation groups, and the general public have been vocal and unified in support of the protection of this expansive part of our archipelago. We stand today once again in the protection of our home.

Please e-mail huimanamana@gmail.com if there are any questions regarding these comments.[27]

Sincerely,

Papahānaumokuākea Native Hawaiian Cultural Working Group (CWG)

Pelika Andrade,
Hui Manamana, Reserve Advisory Council

Dr. Kekuewa Kikiloi,
Hui Manamana

J. Hauʻoli Lorenzo-Elarco,
Hui Manamana, Chair of Nomenclature Subcommittee

Kaipulaumakaniolono Baker,

[27] These comments were prepared with the assistance of Roger Fleming, Director and Attorney, Blue Planet Strategies.

Hui Manamana, Chair of Hui ʻOhi Manu Subcommittee

Aulani Wilhelm

William Aila

Edward Halealoha Ayau

Naiʻa Lewis

Dr. Haunani Kane,
Reserve Advisory Council

Nakoa Goo,
Reserve Advisory Council

G. Umi Kai

Hinaikawaihiilei Keala

Dr. Kalei Nuʻuhiwa,
Chair of Permit Review Subcommittee

Dr. Lilikalā Kameʻeleihiwa

Bonnie Kahapea-Tanner,
Reserve Advisory Council

Kaleo Manuel

Makani Gregg

Brad Kaʻaleleo Wong

Solomon Kahoʻohalahala,
Reserve Advisory Council

Kēhau Springer

Kepoʻo Keliʻipaʻakaua

Cody Kapueolaʻākeanui Pata

Keoni Kuoha

PAPAHĀNAUMOKUĀKEA NATIVE HAWAIIAN CULTURAL WORKING GROUP
EMAIL: HUIMANAMANA@GMAIL.COM

Kanoelani Steward

H. Kalama'ehu Takahashi

Puakea Mo'okini-Oliveira

Pua Mae'elua

Na'alehu Anthony

Shad Kane

Alexander Alika Garcia

Kaimalino Andrade

Malanai Kane

C.M. Kaliko Baker

Maile Shannon

Momi Wheeler

Ho'oipo Bertelmann

Kapua Kawelo

Darrian Kahealani Muraoka

Kalama Chock

Kainaniokalihiwai Kahaunaele

Dr. Mehana Blaich Vaughan

Mehanaokala Hind

Kehaulani Kupihea

Ivy Haliimaile Andrade

Marques Hanalei Marzan

Presley Wann

Jamie Anne Kawailehua Makasobe

Dr. Noelani Puniwai

Malia K.H. Akutagawa

Kamakanioka'āina Paikai

Moani Heimuli

Keala Kanakaole

Noah J. Gomes

Kelley Uyeoka

Kainalu Steward

Pua'ala Pascua

Pā'anaakalā Tanaka

G. Ka'ehukai Goin

Ekolu Lindsey

Dr. G. Kalehua Krug

Dr. 'Alohi Nakachi

Mike Nakachi

Kaikea Nakachi

Kaliko Amona

Mahina Paishon

Dr. Kamana'opono M. Crabbe

Keala Kahuanui

A4 Papahānaumokuākea Final Statements

Hi my name is Riley and I go to Waialae Public Charter School. I think Papahānaumokuākea should be a national marine sanctuary so that the animals can be protected. Because it is home to over 7,000 species. Hopefully if it becomes a santuary, NOAA can strongly protect the endangered species that live there.
Aloha, my name is Odin and I go to Wai'alae Public Charter School. We have been learning about Papahānaumokuākea and we have been thinking if we should make it a national sanctuary. I think we should because over 6000+ species will be way more protected and approximately 2000 of them can only be found here and that shows why we need to protect it!
My name is Joshua Keoni Manlagnit and I am in the fifth grade. I go to Waialae Public Charter School, and my teacher is Mr. James Muneno. I believe that Papahānaumokuākea should become a sanctuary. It should become a sanctuary because it is the home of more than 7,000 species of animals, and ¼ of them are endemic. And protecting endemic species is important because they maintain the balance of our ecosystems, preserving biodiversity, and ensuring the sustainability of human populations. Another reason why Papahānaumokuākea should become a sanctuary is because climate change affects turtles by the temperature rising so more females are born, then there are less male turtles to fertilize the eggs, which results in lower turtle populations in Hawaii.
Aloha my name is Talis and I attend Waialae Public Charter School, and I'm in full support of making Papahānaumokuākea a national marine sanctuary. One reason I would like this to happen is that there are over 1,500 endemic species that live there, so if we don't protect it we will lose countless numbers of species, such as turtles, seals and sharks. So please protect Papahānaumokuākea as much as possible.
Aloha my name is Hanuola. I go to waialae elementary and I'm in 5th grade. I think Papahānaumokuākea should be a sanctuary because it can help the animals there and not decrease the number of animals there are at Papahānaumokuākea. Like the turtles when the temperature rises the turtles tend to have more female babies. Did you know there are 7000+ species? That biodiversity is why we have to make it a sanctuary.
Aloha, my name is Gracie, and I am in Mr. James class at Wai`alae Public Charter School. I am making this public comment in full support of Papahānaumokuākea becoming a Marine Sanctuary, as I believe it is important to protect the many biodiverse species in the area. Such as the Green Sea Turtle or Hawaiian Monk Seal, both of which are currently endangered. As well as almost 7,000 other species that live in the area.
Aloha, my name is Cassidy. I'm a student at Wai'alae Public Charter School, and my kumu is Mr. James. I want to help advocate for the Papahānaumokuākea sanctuary. My classmates and I just learned about how lots of organisms and species need to be kept safe. There are over 7000 species and approximately 2000 of them can be found nowhere else in the world. There are at least 14 million seabirds that nest here! And they can live up to 65 years because there is no property there and that's why we need to keep it as safe as possible. Scientists find new creatures in Papahānaumokuākea I think every year! My last reason is because some of the oldest organisms live here and that is why we need to keep it safe and have a better sanctuary than ever!
Hi my name is Jin and i go to Wai'alae Elementary Public Charter School and im in 5th grade,, And my teacher is mr. James muneno, We recently learned about Papahānaumokuākea, and about

keeping it saf. I think we should make Papahānaumokuākea a sanctuary because we can keep the 7,000 species that live there feel safe and stay safe. Also i think we should make Papahanaumokuakea a sanctuary so then more animals can be bred and that would be good because then if there's more animals it can keep the ecosystem more healthy. If more people try to make Papahanaumokuakea a protected sanctuary, lots of fish in general will have a great place to live, but if we allow too much fishing there, the water might get polluted by gasses and bad liquids.
Aloha, my inoa is Karlee. I attend Wai'alae Elementary Public Charter School. I fully support the decision to turn Papahānaumokuākea into a Sanctuary. I strongly believe if Papahānaumokuākea National Monument is turned into a sanctuary, the ecosystem will thrive for the best and the animals will be secured from harm. Protecting the kupuna islands by turning it into a sanctuary is a good idea because not only will it improve the health of our oceans, but it will also help to preserve our Hawaiian cultural connections to the place.
Hi my name is Welenson and I go to Wa'ialae Elementary Public Charter school and I'm a 5th grader and I think that Papahānaumokuākea should be a sanctuary. Because there are so many recently discovered species like the ghost octopus and more that are found nowhere else in the world. If we protect Papahānaumokuākea we will be able to discover more species. It's important to me because it helps us discover new species like the ghost octopus and if the island goes under the water because of sea level rising then some of the species won't have a home to live in like the turtle that lives there and the history of the place will be gone so that is why I think that papahanaumokuakea should be a sanctuary.
Aloha my name is Mari, I go to Wai`alae Elementary Public Charter School and I'm in 5th grade. I support Papahānaumokuākea in being a Sanctuary. There are a lot of rare species of animals and more we have never discovered before, and there are animals that are found nowhere else. The turtles like to lay their eggs on Lalo island and if we don't protect the turtles, sea-level rise and erosion, caused by climate change, could make all the turtles have to go higher to lay their eggs. This is why Papahānaumokuākea should be more protected and make it a sanctuary.
Aloha, my name is Malayna. I am in the 5th grade at Wai'alae Public Charter School. I have been learning about Papahānaumokuākea and I believe that it should become a sanctuary. Papahānaumokuākea is an important part of our ocean ecosystem because 95% of sea turtles lay their eggs there. It is also home to more that 7,000 different species and at least 1750 of those species cannot be found anywhere else in the world. Make Papahānaumokuākea a sanctuary so that these organisms can be protected. Thank you!
Hi my name is Kai. I'm in 5th grade and I go to Waialae Elementary School and I think we should protect Papahānaumokuākea and make it a sanctuary. Papahānaumokuākea is full of lots of native animals that are only living there. Making it a sanctuary can help all of these native and endangered animals stay alive.
Aloha my name is Veda and I'm a 5th grader at Waialae Elementary Public Charter School and I believe Papahānaumokuākea National Monument should become a Sanctuary too. Now I have many reasons on why Papahānaumokuākea should be a Sanctuary. One reason is that it has many different animals only found at that place including the new species found called the Ghost octopus and more. It also has the oldest bird, an albatross that is 73 years old. Also sea turtles come there and lay their eggs. The animals and islands in Papahānaumokuākea should be protected more so that they can help to restore the health of our oceans.

Aloha from waialae public charter school! My name is Hugo and I think Papahānaumokuākea should be a marine sanctuary because this special place is being impacted by human activities. Some problems include pollution, climate change, and possibly overfishing. If we make Papahanaumokuakea a sanctuary, then all commercial fishing should be illegal, and the kapuna islands can be fully protected.
Aloha, my name is Jihoo and I am a student at Waialae Public Charter School. Our class has been learning about Papahānaumokuākea and how to protect it in order to make it a sanctuary. People who have connections to Papahānaumokuākea see it as a place that connects them to nature and their own culture. A quarter of species in Papahānaumokuākea are found nowhere else on earth. That's how important it is to protect it since it is a habitat of a lot of organisms. If you do not protect Papahānaumokuākea enough, then the animals might die because of its loose protection. Making Papahānaumokuākea as a sanctuary shows respect for the marine life in there and also the people who has connections to the place.
Aloha, my name is Irisa and I am a student at Waialae public charter school in fifth grade. I believe that Papahānaumokuākea should become a sanctuary because it is home to many endemic species including the oldest ever living one which is a type of coral. Papahānaumokuākea also has a big problem, it seems that the protection at the moment isn't enough because people are deciding to go ahead and allow commercial fishing there. That is why I agree that Papahānaumokuākea should be classified as a sanctuary.
Aloha, my name is Abyie and I am a student of Wai'alae Public Charter School. I am very supportive of making Papahānaumokuākea a national marine sanctuary. I believe that Papahānaumokuākea needs to be a sanctuary so that the islands will be protected even more by NOAA. All of the creatures that live there on land and in the sea are important to the ecosystem. My evidence is from "National Oceanic and Atmospheric Administration" they say that ''Sanctuary designation would provide clarity and comprehensive protections for Papahānaumokuākea's ecosystem wildlife and cultural and maritime heritage reasons." This shows that NOAA will take extra care of Papahānaumokuākea if it is a sanctuary. If NOAA spends more time on Papahānaumokuākea they will make sure that the younger generations will be able to take care of Papahānaumokuākea and all of the animals that live there.

A5 Public Comments

Hi, I am a 5th grader in Wai`alae elementary public charter school. My name is Cruz and I support that Papahānaumokuākea should be a National Marine Sanctuary. My first reason is that there are some still undiscovered species there. My second reason is that I don't want people catching too much fish IF Papahānaumokuākea becomes a Sanctuary. Only take what you need for your family and friends. Possibly even barter. My third reason is that permitting fisher people to SELL fish is commercial fishing, which is risky and we don't want risky things like overfishing. Also that can make people abuse the situation. There are things we can learn by making it a National Marine Sanctuary. However, we also need rules and regulations that will fully protect the marine life.
Aloha, my name is Kai. I'm a student in 5th grade at Waialae Elementary Public Charter School. I write to you with full support of making Papahānaumokuākea not just a Marine National Monument but a National Marine Sanctuary too. Papahānaumokuākea is home to many endemic and endangered species that include seabirds, fish, seals, turtles, and many more species that we try so hard to protect. In fact, there are around 7,000 species that live their life there. Many species there are also rarely studied, that could help stop a crisis we face, or a crisis the animals face. Animals from this diverse ecosystem include a 65 year old albatross and one of the oldest organisms on earth. Scientists even discovered a new species of bamboo coral there. I also think that commercial fishing should not be allowed because large fishing nets can harm animals and coral. If catching 350,000 lbs of bottom fish and 180,000 lbs of pelagic fish is allowed each year, problems could be caused, such as overfishing and catching other species that might be endangered. Papahānaumokuākea is also constantly threatened by things like invasive species and rising ocean temperatures which results in coral bleaching. In fact, 70% of coral in the US is in Papahānaumokuākea, which makes protecting coral reefs in Papahānaumokuākea a top priority for keeping coral reefs alive. And if the number of coral decreases, the fact that it's a Marine National Monument and Sanctuary that has more protection can comfort us, and animals. In conclusion, I think that Papahānaumokuākea should be a National Marine Sanctuary that protects our futures and the futures of animals all over the Pacific Ocean and the world.
Hello. My name is Reign and I'm from Waialae Elementary. I am here to support the extra protection going to the Papahānaumokuakea region. This is important to me because I think all the species there are very special. My first reason is that… A lot of the native and endemic fish there might be accidentally caught. And we won't be able to find some of those fish species in the main Hawaiian chain. Please do not allow commercial

fishing.

My second reason is that... 70% of the coral in the U.S.A are in the north-western islands of Hawaii, or Papahānaumokuākea. And ¼ of all the species in Papahānaumokuākea are endemic to the Hawaiian island chain. And we want our next generation to see all those species thriving in the future, right?

My third reason is that... Those islands show us the very, very old Hawaiians and their culture. And since the Hawaiians lost a big fragment of their culture, this information can be vital.

That is why I support Papahānaumokuākea being a national marine sanctuary. So please, fight for Papahānaumokuākea to save the fish and all marine life!

Aloha my name is Luke, I'm a student from Waialae Public Charter School. I am here to say I greatly support Papahānaumokuākea gaining more protection because Papahānaumokuāke is home to many species and a lot of them are endangered so if we could have more protection for these beautiful 7000+ species we could research so much more and preserve these animals.

In the 582,250 square miles of area that we are protecting, there is so much we haven't discovered and we can discover so much more that can be important to science.

My second reason is that fishers are understandable if they get a few fish but overfishing could be a huge problem, and we must enforce laws that keep this place safe and clean and make it so they need a permit or something like that, that would keep people from taking so much.

My third and final reason is that since there is little known about all of Papahānaumokuākea. We could kill many species without knowing about it and setting back research and knowledge that we know about Papahānaumokuākea. If we don't protect Papahānaumokuākea, species could become extinct before we even discover them.

In conclusion I think that we should indeed protect this place and make it a sanctuary. It is important to our understanding about Papahānaumokuākea and what is living in the area so we should invest in more protection for this amazing place.

Aloha! My name is Emmie, and I go to Waialae elementary school with my teacher being Ms. Dileo, a fifth grade teacher. I support Papahānaumokuākea Marine Sanctuary. From knowing the issues causing Papahānaumokuākea from being threatened by many troubles, (marine debris, climate change, invasive species) it is well known that it should be taken care of.

One reason why, is when the marine debris progresses to the ocean, like waste, trash, and leftovers, it creates one pile of pollution crossing the ocean, just like the Great Garbage Patch. Sometimes, when we don't take care of something soon enough, it creates a bigger problem later to clean up.

To state another reason, climate change is making a big impact too. It creates a problem that is hard to fix. Glaciers melting, weather changing, temperatures fluctuating abnormally, and sea levels rising, is when ecosystems are in danger. When the tide rises, the honu (sea turtle) has to swim more upground to lay their eggs. Not only that but, when the honu give birth, the climate change causes the hatchlings to be female.

Last but not least, invasive species. It is becoming a bigger issue as we speak. Many invasive species are causing wildlife to be close to their brink of extinction, especially to Papahānaumokuākea.

Ta`ape fish, are one of the most invasive species in Papahānaumokuākea. Just one tiny animal can make such a big difference in an ecosystem and could cause the ecosystem to be unbalanced. Many other species are causing our kupuna islands to suffer, such as rats and invasive vegetation.

To conclude, Papahānaumokuākea should be treated as how anyone human should be treated, with kindness and with respect. Marine debris, climate change, and invasive species, are terribly impacting our elder islands and we should do as much as we can to protect them from extinction. Papahānaumokuākea Marine Sanctuary is a way humans can be brought together to help society and Hawaiian history and marine life from being extinct.

My name is Alex, I'm in 5th grade of Waialae Public Charter School, and my teacher is Ms. Dileo. I support the topic of protecting Papahānaumokuākea. I agree with this topic because many of the marine animals in Papahānaumokuākeaa are already severely affected by some people being careless about the environment.

One reason I want to support Papahānaumokuākea becoming a sanctuary is because of the threats to it already. Some of them are marine debris that damages coral reefs, climate change that also endanger coral reefs and affects turtles, and invasive species that come from somewhere else and threaten native species.

Another reason why I approve this topic is because of the already endangered marine life that get hurt every time something damages their ecosystem. For example, when big companies go commercial fishing, they unintentionally scoop up some endangered marine life and damage coral reefs on the bottom of the ocean.

Lastly, I think Papahānaumokuākea should become a sanctuary because it has lots of very fascinating species found nowhere else, and if we continue to keep on endangering and hurting them we might not have a chance to see them again.

In conclusion, I think that we should make Papahānaumokuākea a sanctuary because we must help them, after all of the damage we already gave them.

Aloha! My name is Bailey and I attend Wai'alae Elementary Public Charter School. I am currently in fifth grade and I am passionate about protecting our environment, including Papahānaumokuākea. There are many reasons why we should support the transition of Papahānaumokuākea National Marine Monument into a sanctuary.

Firstly, we need to protect all the native species that call Papahānaumokuākea their home. Did you know that around 1,800 species on earth are found only at Papahānaumokuākea? This incredible place is home to many rare and unique species that require our help to survive.

Secondly, Papahānaumokuākea is not just home to a wide variety of marine life, but also to 4,000-year-old corals, which are the oldest living organisms found there. These corals are crucial to the ocean ecosystem and must be protected.

Lastly, Papahānaumokuākea is home to many native endemic animals from Hawaii, such as green sea turtles, laysan ducks, and the Hawaiian monk seal. These animals are a vital part of Hawaii's ecosystem, and we need to take action to ensure their survival by making Papahānaumokuākea a National Marine Sanctuary.

In conclusion, we all have a responsibility to protect the environment, the animals, and the land for future generations. I truly support Papahānaumokuākea National Marine Sanctuary, and I hope you support it too.

Hi, my name is Seth. I am in the 5th grade at Wai'alae Elementary Charter School. My teacher's name is Ms. Dileo. I completely approve of you making Papahanaumokuakea a sanctuary.

I agree with this because with less protection, the already almost extinct fish would go extinct with people fishing.

Also, it contains the oldest organism in the coral. And it would be hard to study it with people fishing.

There are also thousands of other fish and animals in Papahanaumokuakea that we will never see because people have been killing them and eating them.

And that's why I think Papahanaumokuakea should be a sanctuary.

Aloha my name is Sara and I am a 5th grader at Wai'alae Public Charter School. I fully support papahanaumokuakea becoming a national marine sanctuary.

My first reason is that there are about 700 species living there, most of them are endemic to Hawai'i and found nowhere else in the world. If strangers come and start overfishing, lots of fish and sea animals will be wiped off the earth.

My second reason is that some things you find in papahanaumokuakea are very ancient, one coral found there is 4000 years old. If we don't protect our land then lots of history will be lost.

My final reason is that there is much more to discover there in papahanaumokuakea, new species are still being discovered. If we destroy the land then we will never get to see all the rare species there.

These are all of my reason why I support and believe that papahanaumokuakea should become a national marine sanctuary.

Hello, my name is Ty, a Wai'alae student in 5th grade and my teachers name is Ms.Dileo. I would like to talk about Papahānaumokuākea the National Marine Sanctuary.There is a recommendation that would allow too much fishers catching the fish there and about 350,000 pounds of bottom fish and 180,000 pounds of pelagic fish every year. That is way too much fish caught every year. Please do not allow this to happen. If it does, this can cause an imbalance in the ecosystem. And fishers can accidentally catch sea turtles and make them stuck in the nets and will harm them. So in conclusion i support the sanctuary, but NOAA should not allow overfishing in the sanctuary.

Hello my name is Jasmine and I go to waialae elementary public charter school. I am in fifth grade and my teacher is Ms.DiLeo. I support Papahanaumokuakea National Marine Sanctuary.

One of my reasons of why PMNM be a sanctuary are that it is home to many species of animals like the Honu laying their eggs for the new species of the Honu. On some of these special islands there are around 14 million seabirds that has nested there.

My second reason is that PMNM has so many interesting facts about it like RARELY studied species and more species to discover. It is also home to the oldest organism to it would be a shame to get rid of all the interesting things about Papahanaumokuakea.

My conclusion is PMNM is such a wonderful place with all the animals and creatures that make PMNM a truly magical place to be it helps animals with their daily lives and help them create more species like the

Honu for example, which is why I support PMNM be a sanctuary.

Hello, My name is Grace and I'm in grade 5 at Wai'alae elementary charter school. My teacher is Ms Dileo, and I think Papahānaumokuākea should be a Native Marine Sanctuary.

Papahānaumokuākea is such a wonderful place as it has many different creatures. Infact, there are 5,000 different species that are undiscovered by scientists. Even one specimen that is one of the ancestors of the first hawaiians. There's Honu, seabirds, and coral that make the whole ecosystem in place. Without it, the whole ecosystem would collapse and Papahānaumokuākea will be deserted just like the places for fish.

The fish are what makes Papahānaumokuākea unique, it's what makes it an amazing ecosystem. However before Papahānaumokuākea became a monument which was 2006, people could freely take fish from the place, causing terrible balance to the environment and ecosystem. It was because of commercial fishing which is promoting a business with specific fish. Many times when people fished with a large net, It'll damage the coral. Well, now there's a rule where you need a permit before entering into Papahānaumokuākea and fishing, making it equal for everyone.

Papahānaumokuākea is a very historical place and even has some history with the hawaiians. The hawaiians believed that Papahānaumokuākea, the northwestern island is the area where life began. There's a story behind the name of Papahānaumokuākea from a website called "Papahānaumokuākea Marine National Monument (.gov)" that says "The name Papahānaumokuākea commemorates the union of two Hawaiian ancestors – Papahānaumoku and Wākea – who gave rise to the Hawaiian Archipelago, the taro plant, and the Hawaiian people." Maybe this is why the hawaiians believed they were born on Papahānaumokuākea. In fact Papahānaumokuākea and the other islands like Lalo and Nihoa, were born before the islands of Hawai'i.

In conclusion, Papahānaumokuākea is a beautiful and historical place that many people can't see the uniqueness of. There's so many things that Papahānaumokuākea has that's never seen before that it's bad for specific people who want to take advantage of Papahānaumokuākea. That's why we need to put more safety to Papahānaumokuākea.

A6 Papahānaumokuākea Public Comments

I think there should still be fishing allowed for people who are just fishing for their family or a few people, like the people they are voyaging with

1	Aloha, my name is Tucker and I am a 5th grade student of Wai'alae elementary and I am in full support that Papahānaumokuākea (PMNM) should become a sanctuary. My first reason for this is that there are many different kinds of species in PMNM. PMNM is home to more than 7,000 species of animals! If PMNM were not to be a marine sanctuary, all those species would be open to dangers such as fishing and ships. Another reason is that animals would be very safe in PMNM. The animals would be safe from outside dangers and people doing commercial fishing. The last reason is that PMNM would provide good scientific research for people. With that, if people learned about the animals and plants in PMNM, they might know how to protect the species and keep them safe from extinction. Also, these species may have a better life without harm from people. Lastly, please don't allow any kind of fishing in the sanctuary that would allow people to catch more fish than they need and then sell it. Selling their catch is commercial fishing. With that, people could catch hundreds of fish in one day. If that happens, many of the fish species could decline and could possibly go extinct forever. Please, let PMNM become a sanctuary for all the animal and plant species.
2	Aloha my name is Kaio, I'm in 5th grade, and I go to Wai'alae Elementary Public Charter School. I believe that people should work together to protect Papahānaumokuākea (which should be a sanctuary), which is a home to many endangered and native animals to hawaii, such as Hawaiian monk seals and sea turtles. One reason this national monument should also be a sanctuary is because only a little bit of the species that live in Papahānaumokuākea are discovered and if we let pollution or invasive animals in Papahānaumokuākea then the undiscovered animals wouldn't be discovered at all so the extra protection could help the research

	going. Also there are a lot of endemic species so if we don't protect it, the endemic species could go extinct because they only live in Papahānaumokuākea. Papahānaumokuākea is also what the Hawaiians said, that this is the ancestor of all the Hawaiian islands and like I mentioned earlier this is the home to many endemic and endangered animals that used to have a bigger amount in the main Hawaiian islands but now most of them live in Papahānaumokuākea. Greenhouse gasses could also affect Papahānaumokuākea. Mahalo for listening to this public comment from Wai'alae Elementary Public Charter School.
3	Aloha, my name is Zia/Xotchi. I am a 5th grader at Wai'alae elementary charter school. My class has been recently learning about Papahānaumokuākea (PMNM) and since it's already a marine national monument it should also be a sanctuary too. Here's a few reasons why Papahānaumokuākea Marine National Monument Should become a sanctuary. It will be safer to native species because there are some invasive species in the waters of PMNM. These invasive species can kill the native species because the invasive species are eating all the native species' food and taking all of their necessary resources. It would be a better environment without the invasive species. There is something called Marine Debris and plastic (you probably know of plastic already) which is a big threat to sea life and can affect the sea animals that are in the waters of PMNM. The Native animals are kind of like humans and they need a space to call home just like humans (a clean space of course). The state of the environment that the animals live in may look clean but it can be cleaner! This is because 70% of coral in the US is growing inside the ocean waters at PMNM and is very welcoming and protective of the sea animals which is amazing. It is also amazing because the coral reef is kind of

	like the rainforests in Hawaii, because it is an ecosystem for all kinds of species.
4	Translated from Mandarin Chinese: Hello, my name is Wesley and I'm a 5th grade student at Waialae School. I support the sanctuary designation because the underwater coral reefs surrounding the ten islands and the deep seas of Papahānaumokuākea need protection.
5	Aloha, my name is Kai and I am a 5th grader from Wai'alae Elementary Charter School. I have been learning about Papahānaumokuākea for almost a month in ITU from my teacher. I honestly think that Papahānaumokuākea should become a National Marine Sanctuary due to the purpose of it almost being harmed. We should make a change! First of all, as marine debris (waste) hits Papahānaumokuākea, it can lead to animals like sea turtles to die due to how it can be mistaken as food or Jellyfishes to them. Greenhouse gasses can negatively cause global warming as pollution increases. As Climate change hits, it can lead the sea level to rise 3-4 ft and make bad hurricanes or storms that wash away beaches, making it hard for Sea turtles to nest their eggs on shore. If there is no land for them to nest, then it can cause them to not be able to lay 65-180 of their eggs on shore. Higher temperatures from climate change can heat up the nests and cause more female turtles to hatch, leading to the population of sea turtles to decrease because it is not balanced. As Greenhouse gasses increase, the atmosphere is heated and the temperature in the ocean rises. This causes the temperature to increase in marine ecosystems, leading animals, including coral, to have a hard time to survive either if they live in the Shallow, Middle, or Deep part of the Marine ecosystem. ITU=Integrated Thematic Unit
6	Hello my name is Riku. I am a 5th grade Waialae student and I support Papahānaumokuākea national monument (PMNM) becoming a sanctuary because I don't want it to lose protection. If it did, then all the different species of fish could become endangered from

	overfishing and commercial fishing. I think there should still be fishing allowed for people who are just fishing for their family, not for selling the fish. I also think PMNM should become a sanctuary because of the coral reefs. This is important because a lot of animals live in those coral reefs so if there's no more protection, marine debris, invasive species, and climate change could kill the coral and then many animals will lose their homes.
7	Aloha, my name is Christine, a fifth grader at Wai'alae elementary charter school. I fully respect Papahānaumokuākea "PMNM" as a national marine monument. And I believe turning it into a national marine sanctuary would add protection and would not only help the environment but also help keep species alive and allow them to thrive. More than 7,000 species can be found here, and a fourth of those species can't be found anywhere else on earth! Those species are native species. Invasive species impact native ones by competing for resources needed to live and by killing them. Eventually biodiversity may lower due to them taking resources from native species, which just gives native organisms a harder time with living a normal life. Another reason is that trash contributes to animals dying. Trash comes in different sizes and characteristics, and animals may mistake them as food and digest it, but the truth is they can't. Due to the trash getting stuck inside the animal's body, the animal suffers starvation and goes through pain until they progressively get worse and die. If Papahānaumokuākea was a sanctuary, there would be restrictions to fend off trash, and the environment and biodiversity would improve in the matter of hand because there would be less animals consuming trash and a healthier environment for creatures to live in. Lastly, PMNM shares history, compared to the main Hawaiian islands they are referred as the kupuna islands because they are the

	oldest islands, they can be found around north western islands. Animals and plants meant a lot to the native hawaiians. If we made an effort to protect PMNM there would be information for future generations to uncover. Lastly, I don't support allowing people to fish 350,000 pounds of bottom fish and 180,000 pounds of pelagic per year because it seems like an exaggerated amount because it's so many pounds of fish per year! This could lead to overfishing. In conclusion PMNM is a gem, a special one that needs to become a marine sanctuary because it would support biodiversity and the environment would become healthier. With PMNM our future generations would be able to learn about the past.
8	HI my name is Aloe and I am a 5th grade student at Wai'alae Elementry charter school. You have my full support of Papahānaumokuākea Marine National Monument (PMNM). I think PMNM should be a sanctuary because we should be protecting the native species because some native species at PMNM can help the ecosystem. For example, unicorn fish can produce healthy sand that gives species that live in the sand a home. Another reason why PMNM should be a sanctuary is because there are different species of fish and plants and the many different species at PMNM are very old, as old as ancestors. We should keep them protected so our future generation can learn more about them. Another reason why we should make PMNM a sauctuary is because it should be protected from commercial fishing that can affect the environment. It takes away native species and corrupts the marine ecosystem, like when they do bycatch it can make the tiger sharks in the area to go extinct and certain fish populations will sky rocket and the fish will eat all of the algae and that will give no algae for the sea turtles making it harder for them to find food. The last reason why PMNM should be a Marine National sanctuary is because the coral ancestors are the oldest ancestors in PMNM. The coral ancestors are a very important part of the food

	chain because they provide sea turtles a food supply so if the coral dies off, we will not have sea turtels. thank you and mahalo make hawaii a better place.
9	Hello, my name is Ryze. I'm a fifth grader at Wai'alae elementary school. My ITU teacher Ms Nishimora has been teaching the importance of **Papahānaumokuākea Marine National Monument (PMNM)** and why it should become a sanctuary or not. I believe Papahānaumokuākea should become a sanctuary because 70% or more of U.S. coral reefs are found in Papahānaumokuākea growing more and more. In addition, Westpac believes that noaa should allow 350,000 pounds of bottom sea fish and 180,000 of pelagic fish caught yearly, but this could cause overfishing. Furthermore the coral reefs are the rainforests of the sea and the home of the oldest living organism on the planet and also many other different oceanic animals. So if we support Papahānaumokuākea we support the Pacific Ocean. Mahalo.
10	Aloha, my name is Milo and I am in 5th grade at Wai'alae Public Charter Elementary School. My teachers have been teaching us about the importance of Papahānaumokuākea Marine National Monument (PMNM) and I think PMNM should be a sanctuary. This will be good for PMNM because it will add extra protection for the 7000 species that live there. We need to keep the species of Papahānaumokuākea safe because they help the waters, they help the balance in the ocean, and produce good scientific research because of the rare animals that are there, like the ghost octopus. Without PMNM being a sanctuary most of the animals that live there may not be there in the future because of the lack of protection. This is why I think that PMNM should be a marine national sanctuary!!! Thank you for reading.
11	Aloha! My name is Alivia and I'm a 5th grade student at Wai'alae Elementary Public Charter School. I think Papahānaumokuākea, the kapuna islands, should not be forgotten

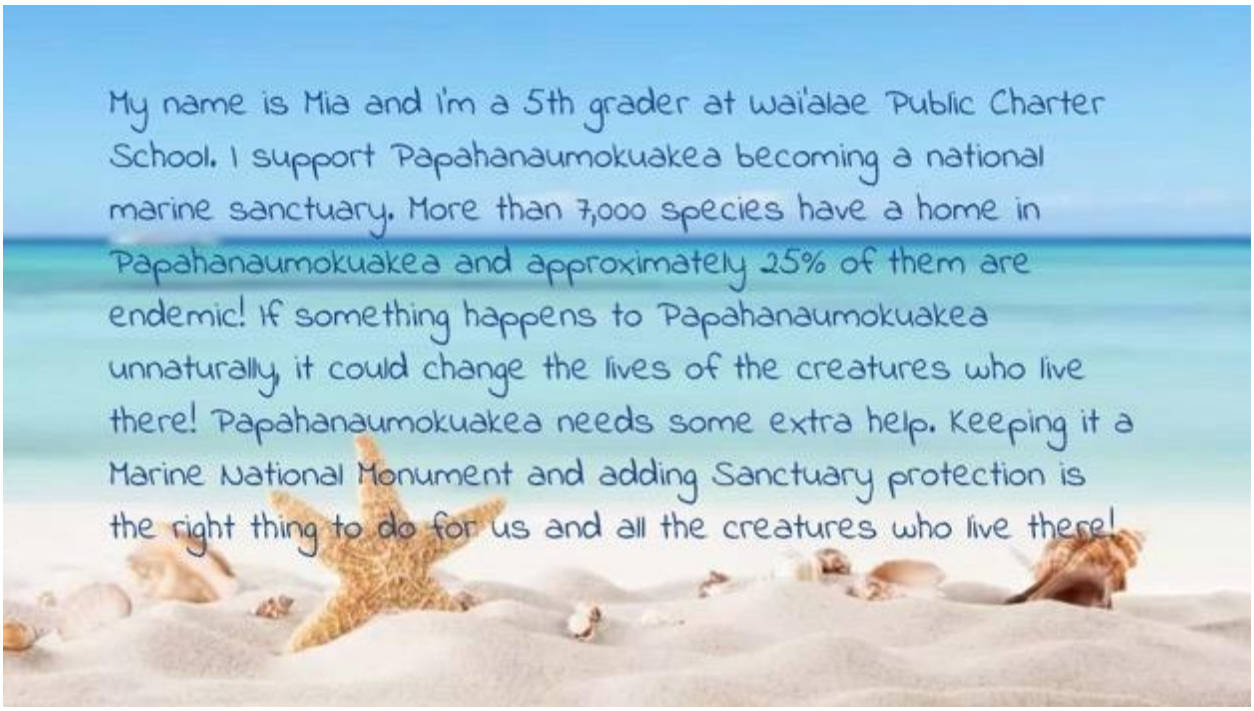
	and become a national marine sanctuary to make Papahānaumokuākea more protected. Foremost, Papahānaumokuākea is home to the many native species such as plants and animals that don't live elsewhere in this world! Papahānaumokuākea also is being polluted by trash and plastic. Many plastic waste are floating in the ocean and getting tangled on the things, especially the marine animals. Furthermore, Papahānaumokuākea is home to many of the rare and endangered species. The list includes green sea turtles, Hawaiian monk seals, and the leatherback and hawksbill turtle. Plus, Papahānaumokuākea's biggest problem is climate change, climate change is caused by burning fossil fuels and using an abundance of gas. Climate change can affect Papahānaumokuākea because of the rising waters, the sand islands where the turtles nest will get submerged. Lastly, I support Papahānaumokuākea as a national marine monument, because I think Papahānaumokuākea should have more protection on being turned into a national marine sanctuary. Papahānaumokuākea should be more protected because we need to protect the marine species that thrive in this environment.
12	Aloha my name is shiloh and i'm in 5th grade. i go to wai'alae public charter school. I think Papahānaumokuākea should be a "sanctuary." My first reason is that Papahānaumokuākea should be protected well. Why? Because if it was a sanctuary the climate would be fine. The coral reef would be nice and healthy. The sea level wouldn't be high.

	My second reason is "the native species might die" if the area is not protected enough. "Some parts of the ocean are filled with trash" because it is not protected that well. My third reason is that "they are our kupuna and if we get to protect them". Maybe in the "future people might start to live there and care for the island." My last reason is when the invasive species are there "they are going to kill the native species and eat the native species and the invasive species eat the native food and it's gonna be hard to find food."
13	I am Siva, a 5th grader at Wai'alae elementary. I believe that we should be protecting Papahānaumokuākea and here are some reasons why: • It has many rare and native animals and endangered animals too • Scientist could research all about these very rare animals • It has a perfect ecosystem and if us humans over fished in that area then the ecosystem would be ruined With these reasons and how many rare animals there are just proves that this should become not just a marine national monument but a national marine sanctuary too, so it will be more protected.
14	Hello, my name is Owen. I'm in the fifth grade and a student at Waialae Elementary School. We have been learning about PMNM and wanted to be a part of the stance to make PMNM a Sanctuary so PMNM would be protected from commercial fishers. Please don't allow commercial fishers to fish in PMNM because there are unique and different species in PMNM that are found in not many places. PMNM should become a sanctuary because it is home to one of the oldest living organisms. It's called the deep sea black coral and it can live up to 4500 years and 1000 ft deep in the ocean.

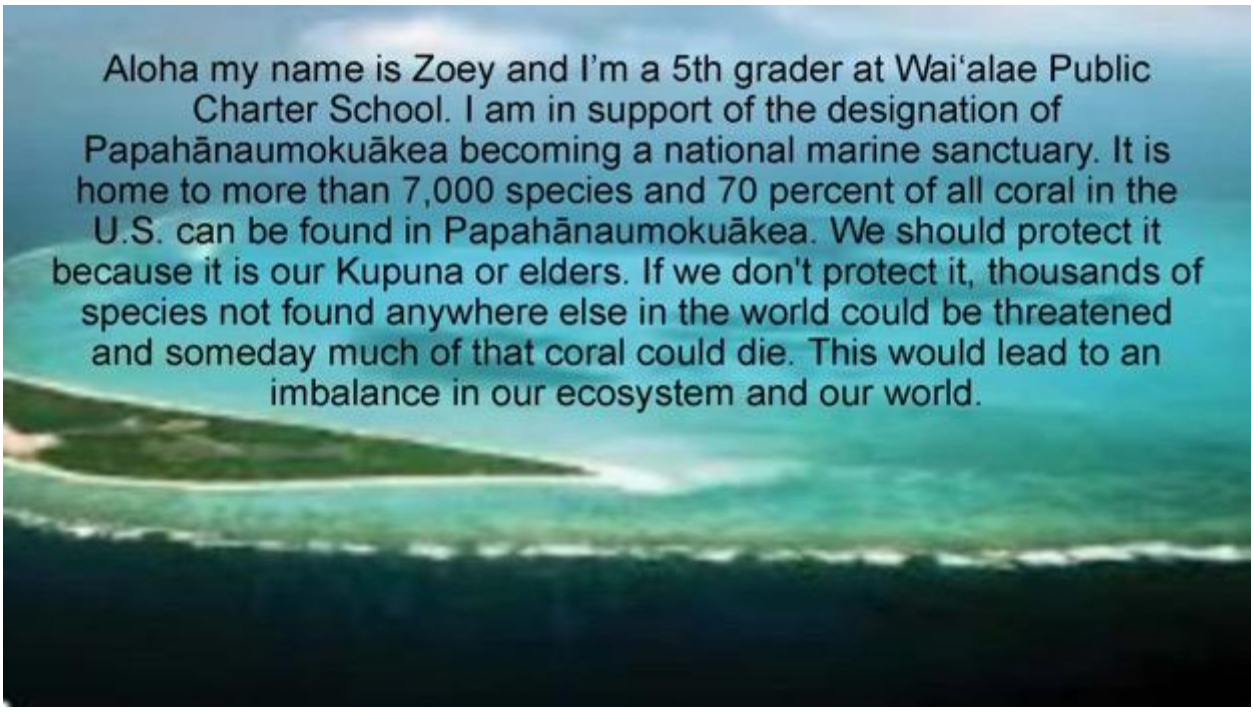
	About six presidents have been protecting Papahānaumokuākea so we should keep protecting and even make PMNM a Sanctuary because six of our presidents had seen importance in this matter. PMNM islands are known as the kupuna islands which means the elder islands.
15	Aloha, my name is Atsuto, a fifth grader from wai'alae elementary charter school. I am writing for Papahānaumokuākea to be a national marine sanctuary. Papahānaumokuākea is a very important marine monument where it should be protected extra with the place taking care of many animals in the ocean. The area of Papahānaumokuākea contains over 70% of the coral in the United States. Papahānaumokuākea will be needing extra protection for the coral, old ancestors living for thousands of years. With the help of becoming a sanctuary, our ancestors will have extra protection from algae and non-ocean safe sunscreen. Another reason is that Papahānaumokuākea is the home to thousands of sea animals. If any animals are affected, food webs and food chains will collapse with unbalanced populations, and many animals will die. Finally, Papahānaumokuākea will need to be protected from tons of trash polluted into the ocean. There are many people littering across the ocean. With tons of trash, Papahānaumokuākea is affected a lot with the place being a home to many marine animals such as Honu or Hawaiian green sea turtles. With tons of trash like plastic, Honu or animals mistakenly think of the trash as prey and with trash in their body, animals are not able to digest it. In conclusion, Papahānaumokuākea is a wonderful place that is home to many marine species that should be protected with how important it is. Papahānaumokuākea deserves to be a national marine sanctuary that needs a lot of extra care and protection from people to save the area.
16	Aloha my name is Tia lehua and i am a 5th grade student at wai'alae public charter school. I think Papahānaumokuākea (pmnm) should be

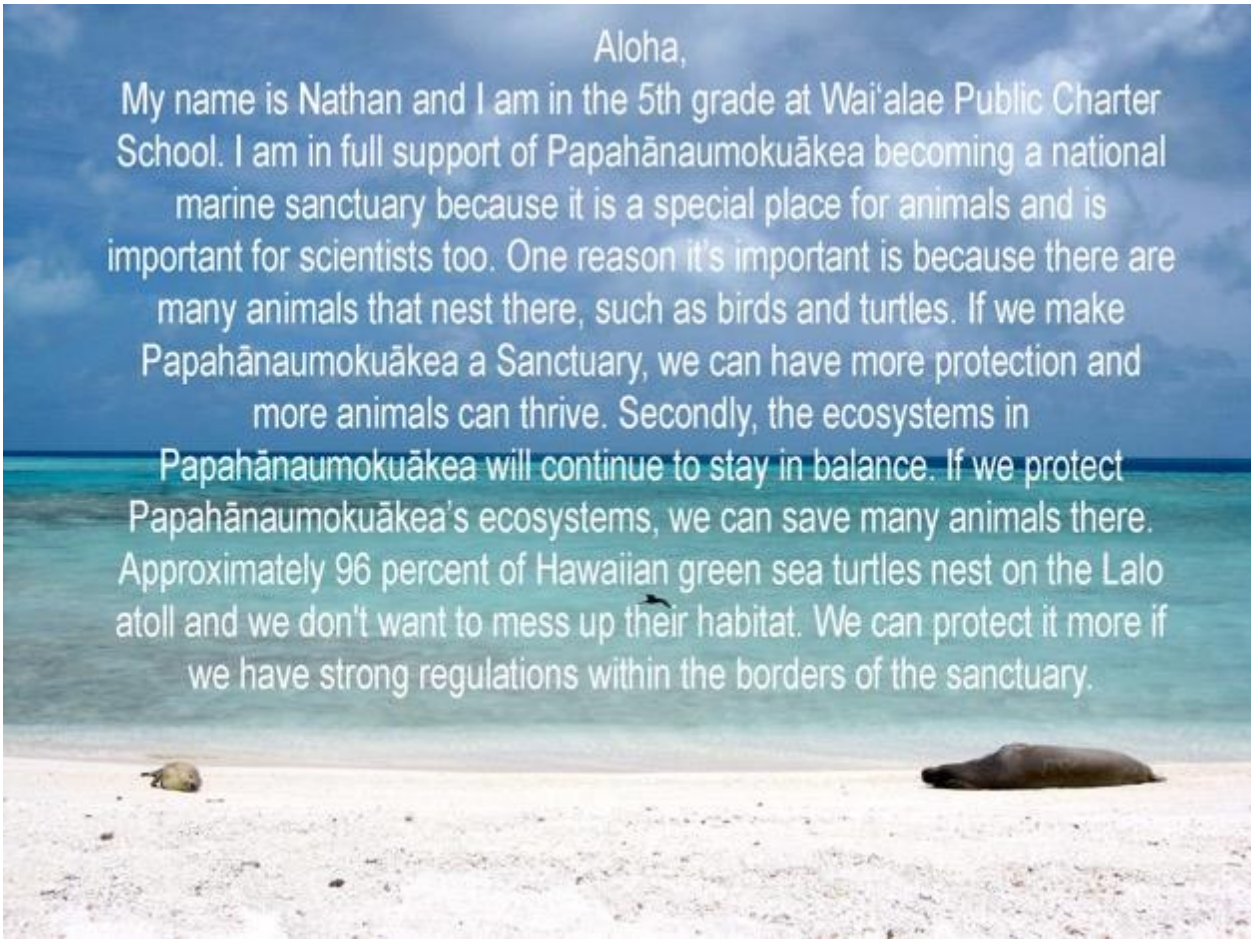
	a sanctuary for many different reasons. Why? Well here are a few reasons why. My first reason is because over 70% of the coral reefs in the U.S. are growing in pmnm, and corals support marine life. This proves that if we decide not to put in more protection then, sadly much of our marine species in could be endangered. And all marine life and coral could shatter. My next reason why I think Papahānaumokuākea should be a sanctuary is because our coral reefs aren't doing too well so if we don't do anything then coral reefs could go extinct. Here are some of the things our coral reefs are experiencing: "coral bleaching, climate change, and rising sea levels". So if we don't make an act then those things can cause our coral reefs to go extinct. And you know what will happen if coral reefs disappear. (our marine species will also go extinct) My final reason why is because we would be killing more than 7,000 species of animals. In particular we would be killing 7,000 species of seabirds. And in "2016 they found a new species of ghost octopus." They also found other new species of animals. This shows that we must protect generations of new species that we haven't even discovered yet. And if we had more protection then we could stop overfishing. If people wouldn't be able to overfish, animal species would be far from extinction.
17	My name is Olivia, I am a 5th grade student at Wai'alae Public Charter School, and I support Papahānaumokuākea Marine National Monument (PMNM) as a National Monument, but I also think it should become a sanctuary. My first reason is Papahānaumokuākea is the home to many animals that are **endemic** (Only found in a certain place) to Hawai'i. So if you make it a sanctuary it can continue to protect and be the home to these amazing animals. My second

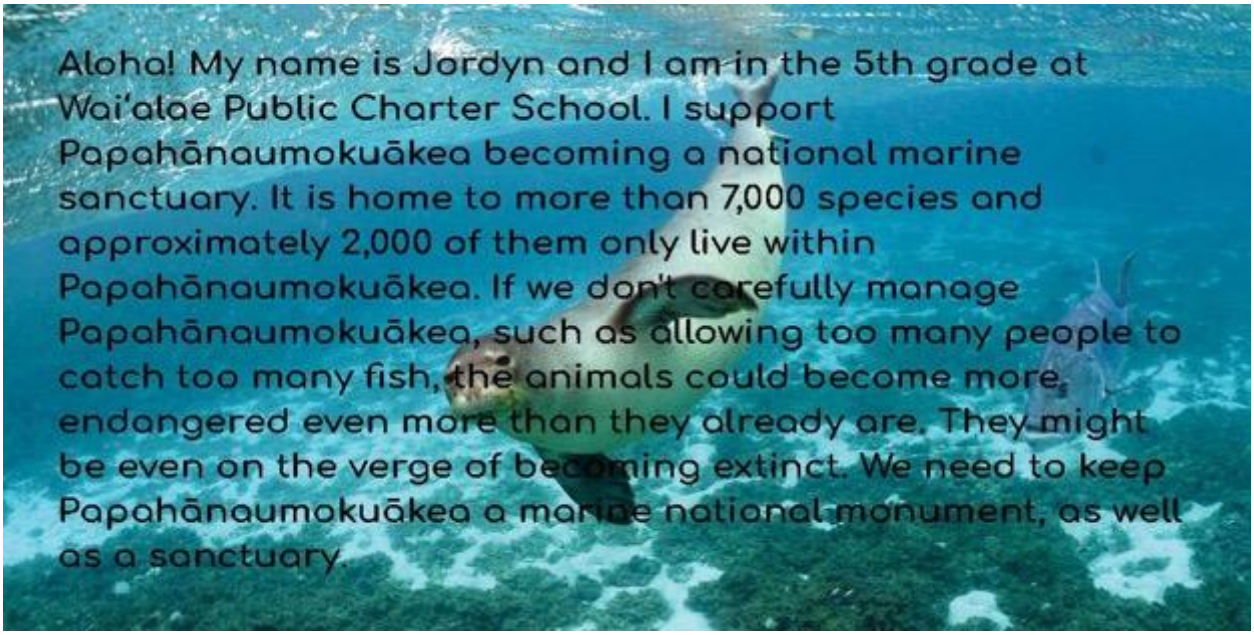
	reason is Papahānaumokuākea is very important to the Hawaiians. This is because it signifies the union between Papahānaumoku and Wākea, and the Hawaiians believe they are their oldest **Kupuna** (Ancestors). My last reason is I want Papahānaumokuākea to still be there when I'm 30, so I can go there and take care of the animals as a veterinarian. Also I *love* animals, I think they are such interesting and intriguing creatures that humans should learn all about! That is why I wanted the money we made for Maui to go to the Maui Humane Society.
18	

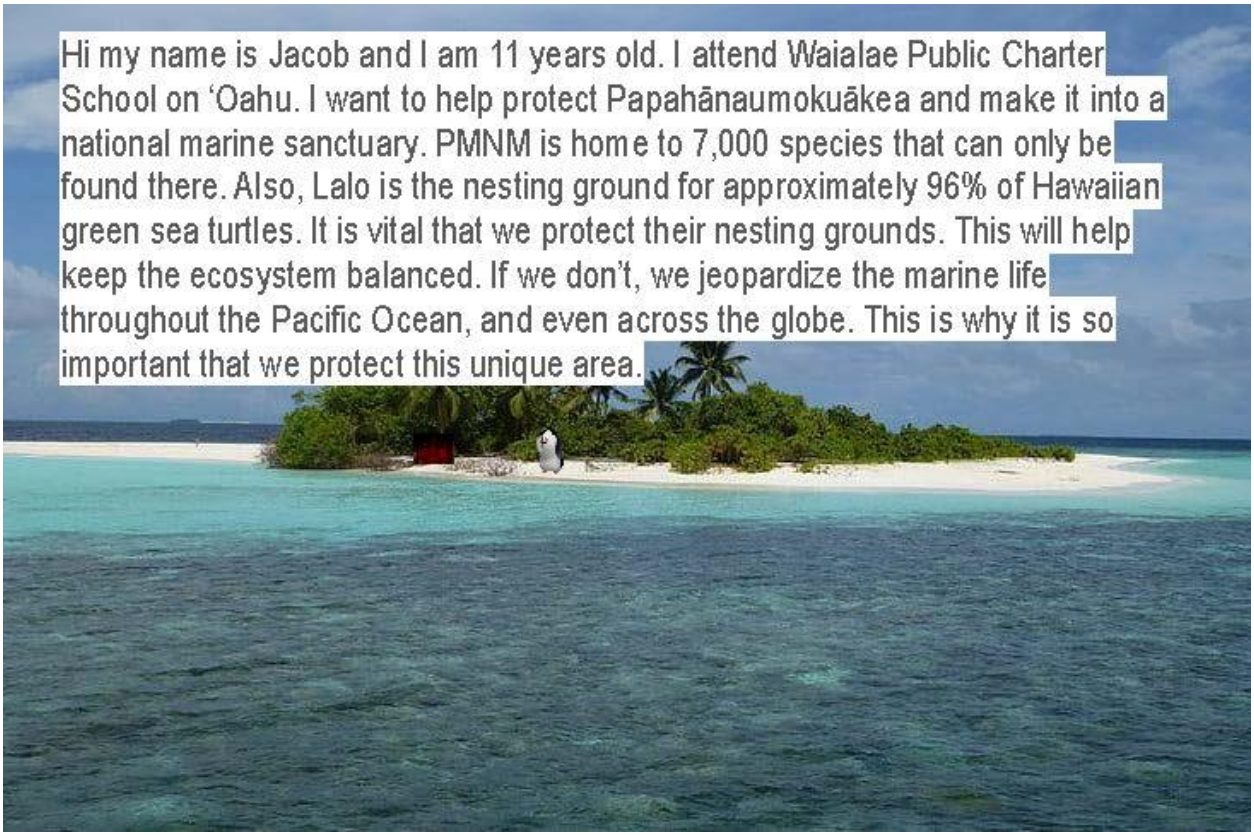


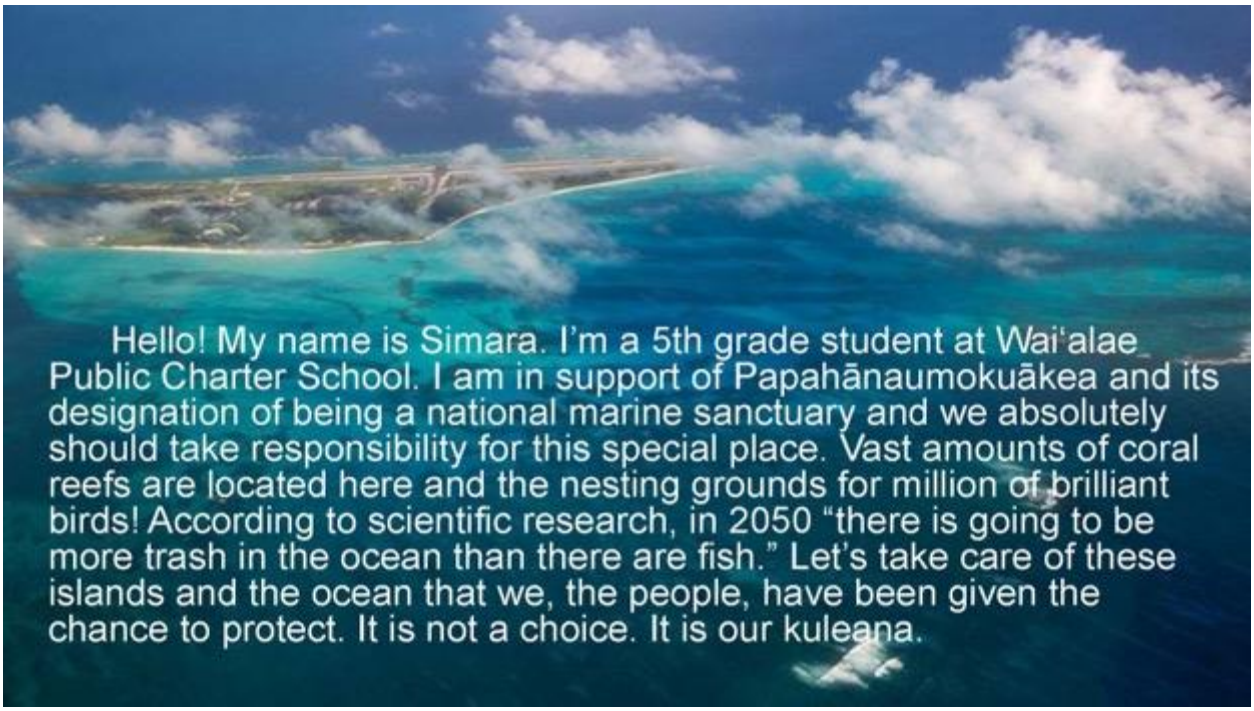
Hello my name is Nico and I am a 5th grader at Wai'alae Elementary School. I am in full support of the designation of Papahānaumokuākea becoming a national marine sanctuary. PMNM has many vast coral reefs, which provide shelter for most of the species that live there. PMNM is home to more than 7,000 different species, and one-fourth of these are found nowhere else in the world. PMNM and its animals are in danger because of threats such as climate change and ocean debris. I urge you to designate Papahānaumokuākea as a national marine sanctuary.

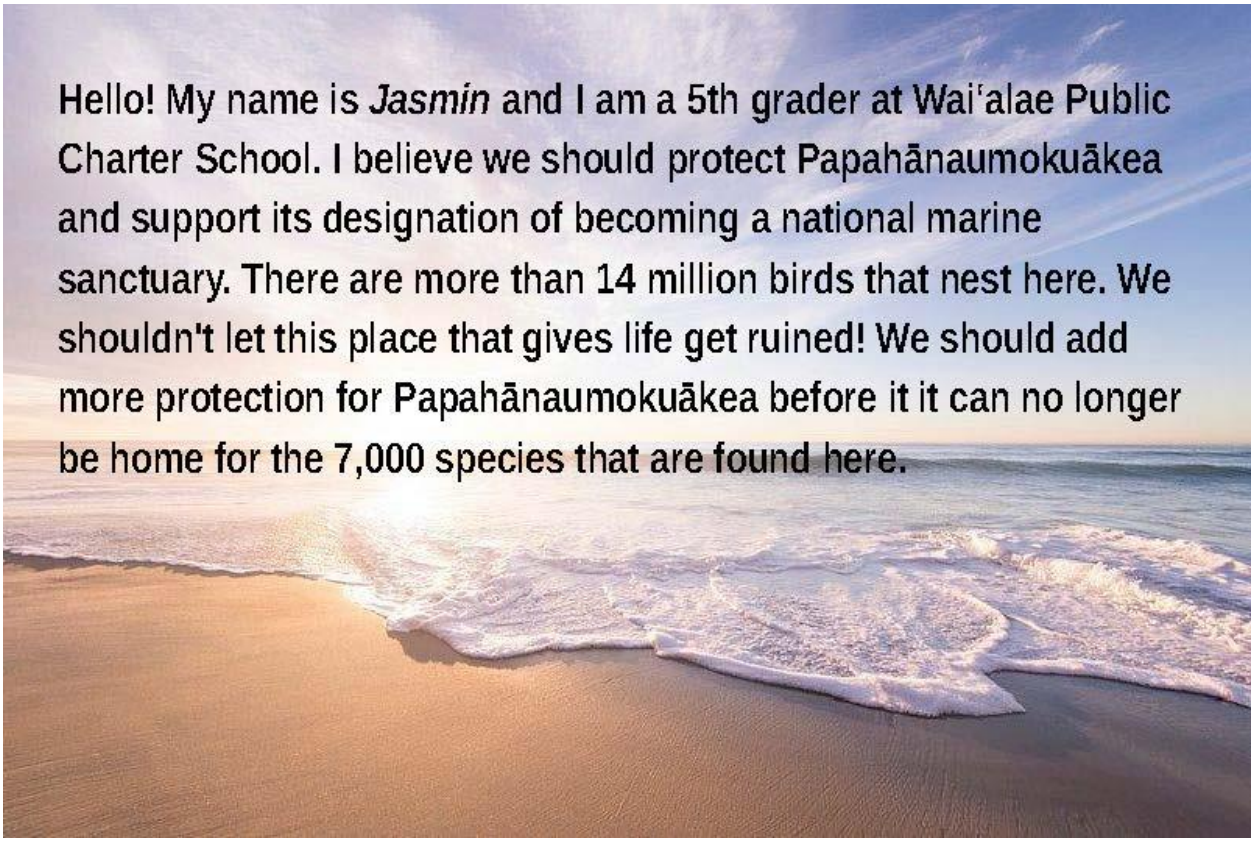

Aloha my name is Zoey and I'm a 5th grader at Wai'alae Public Charter School. I am in support of the designation of Papahānaumokuākea becoming a national marine sanctuary. It is home to more than 7,000 species and 70 percent of all coral in the U.S. can be found in Papahānaumokuākea. We should protect it because it is our Kupuna or elders. If we don't protect it, thousands of species not found anywhere else in the world could be threatened and someday much of that coral could die. This would lead to an imbalance in our ecosystem and our world.

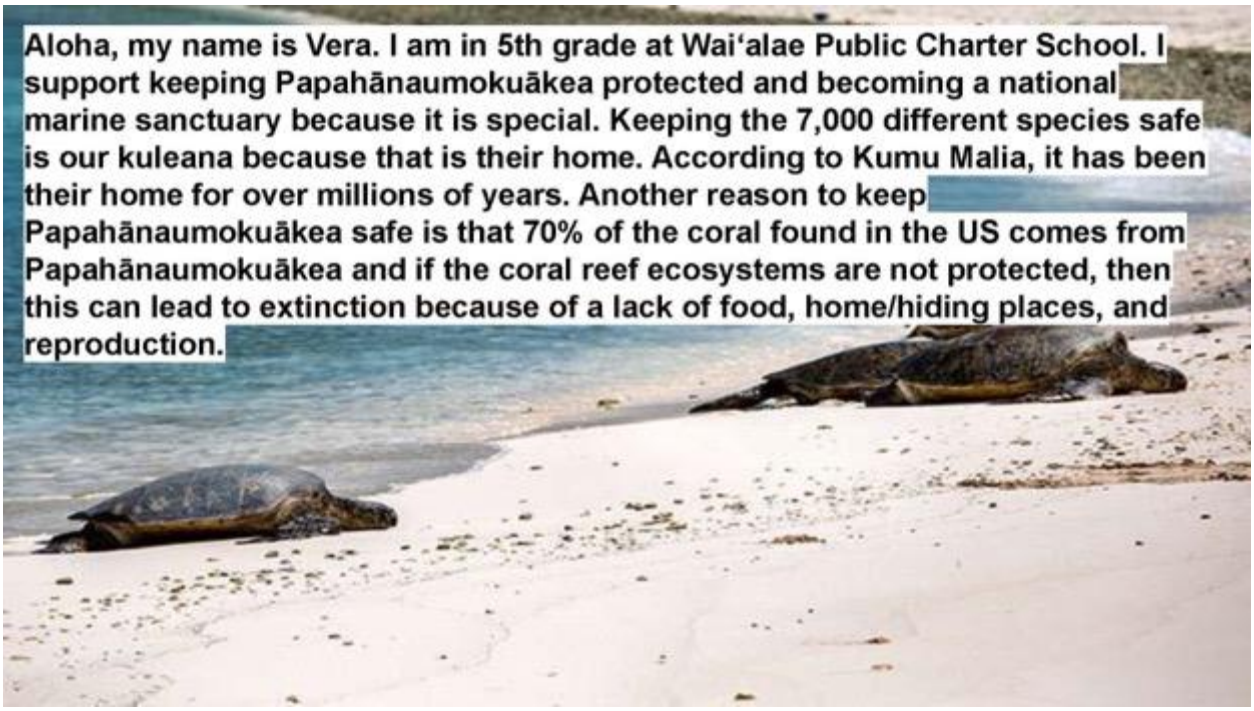

Aloha,
My name is Nathan and I am in the 5th grade at Wai'alae Public Charter School. I am in full support of Papahānaumokuākea becoming a national marine sanctuary because it is a special place for animals and is important for scientists too. One reason it's important is because there are many animals that nest there, such as birds and turtles. If we make Papahānaumokuākea a Sanctuary, we can have more protection and more animals can thrive. Secondly, the ecosystems in Papahānaumokuākea will continue to stay in balance. If we protect Papahānaumokuākea's ecosystems, we can save many animals there. Approximately 96 percent of Hawaiian green sea turtles nest on the Lalo atoll and we don't want to mess up their habitat. We can protect it more if we have strong regulations within the borders of the sanctuary.

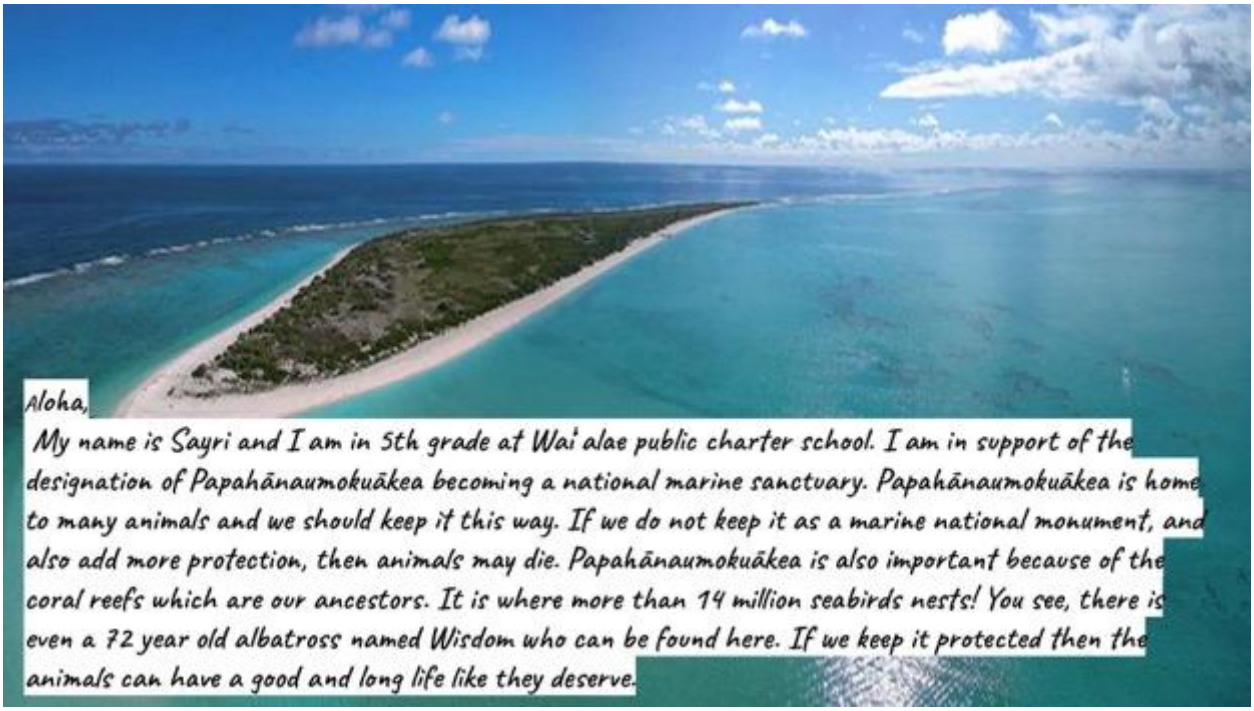

Aloha! My name is Jordyn and I am in the 5th grade at Waiʻalae Public Charter School. I support Papahānaumokuākea becoming a national marine sanctuary. It is home to more than 7,000 species and approximately 2,000 of them only live within Papahānaumokuākea. If we don't carefully manage Papahānaumokuākea, such as allowing too many people to catch too many fish, the animals could become more endangered even more than they already are. They might be even on the verge of becoming extinct. We need to keep Papahānaumokuākea a marine national monument, as well as a sanctuary.

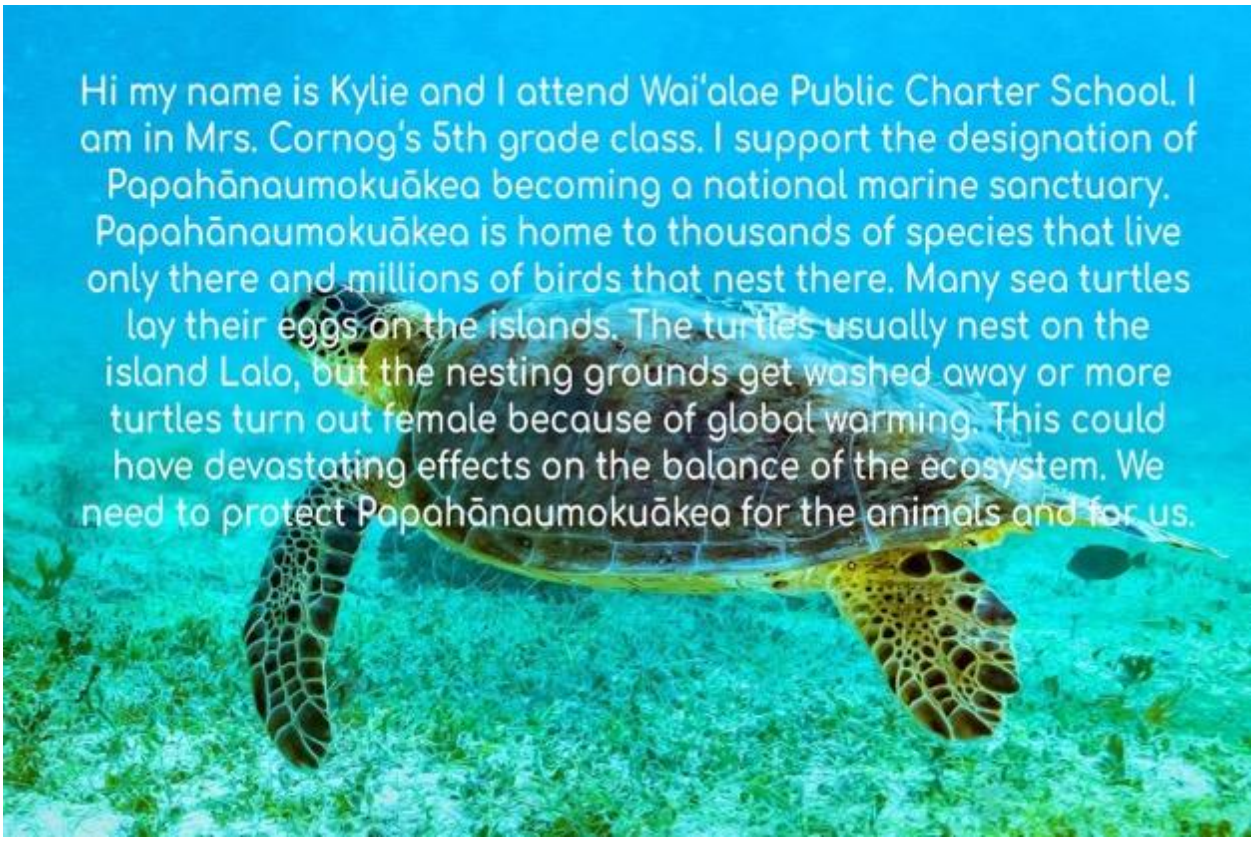

Hi my name is Jacob and I am 11 years old. I attend Waialae Public Charter School on ʻOahu. I want to help protect Papahānaumokuākea and make it into a national marine sanctuary. PMNM is home to 7,000 species that can only be found there. Also, Lalo is the nesting ground for approximately 96% of Hawaiian green sea turtles. It is vital that we protect their nesting grounds. This will help keep the ecosystem balanced. If we don't, we jeopardize the marine life throughout the Pacific Ocean, and even across the globe. This is why it is so important that we protect this unique area.


Hello! My name is Simara. I'm a 5th grade student at Waiʻalae Public Charter School. I am in support of Papahānaumokuākea and its designation of being a national marine sanctuary and we absolutely should take responsibility for this special place. Vast amounts of coral reefs are located here and the nesting grounds for million of brilliant birds! According to scientific research, in 2050 "there is going to be more trash in the ocean than there are fish." Let's take care of these islands and the ocean that we, the people, have been given the chance to protect. It is not a choice. It is our kuleana.


Hello! My name is *Jasmin* and I am a 5th grader at Waiʻalae Public Charter School. I believe we should protect Papahānaumokuākea and support its designation of becoming a national marine sanctuary. There are more than 14 million birds that nest here. We shouldn't let this place that gives life get ruined! We should add more protection for Papahānaumokuākea before it it can no longer be home for the 7,000 species that are found here.


Aloha, my name is Vera. I am in 5th grade at Wai'alae Public Charter School. I support keeping Papahānaumokuākea protected and becoming a national marine sanctuary because it is special. Keeping the 7,000 different species safe is our kuleana because that is their home. According to Kumu Malia, it has been their home for over millions of years. Another reason to keep Papahānaumokuākea safe is that 70% of the coral found in the US comes from Papahānaumokuākea and if the coral reef ecosystems are not protected, then this can lead to extinction because of a lack of food, home/hiding places, and reproduction.


Aloha,
My name is Sayri and I am in 5th grade at Wai'alae public charter school. I am in support of the designation of Papahānaumokuākea becoming a national marine sanctuary. Papahānaumokuākea is home to many animals and we should keep it this way. If we do not keep it as a marine national monument, and also add more protection, then animals may die. Papahānaumokuākea is also important because of the coral reefs which are our ancestors. It is where more than 14 million seabirds nests! You see, there is even a 72 year old albatross named Wisdom who can be found here. If we keep it protected then the animals can have a good and long life like they deserve.



Aloha,

My name is Aria. I am 10 years old and I go to Wai'alae Public Charter School. I am in support of the designation of Papahānaumokuākea national marine sanctuary. We should protect Papahānaumokuākea because it is home to 7,000 species of animals and more than 14 million seabirds that nest there. Not to mention 70% of the coral found in the U.S. is found in Papahānaumokuākea. As much as I want to go there, I know the right thing to do is to protect it and only go there to research, to clean up debris, or to do Hawaiian cultural practice like voyaging.

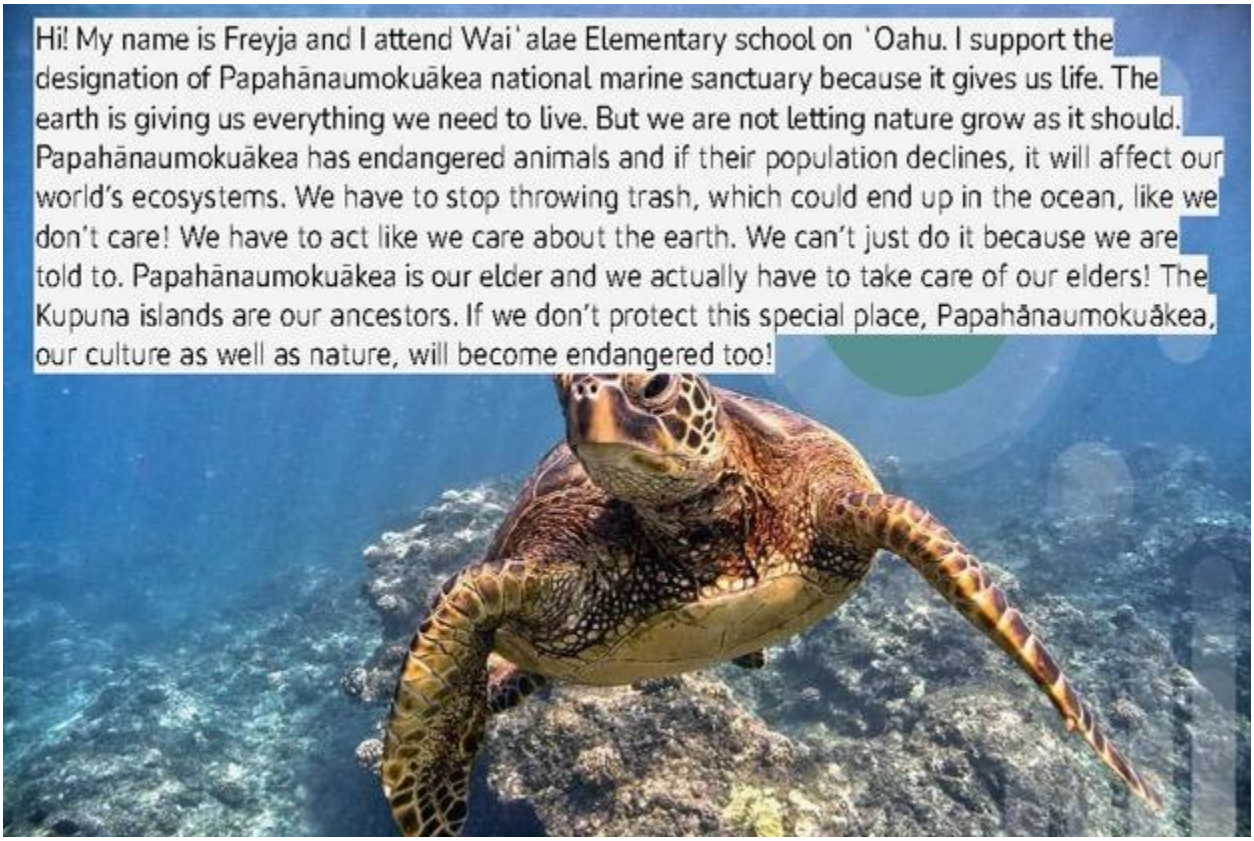
Aloha,

My name is ʻAlaea and I am a fifth grade student at Waiʻalae public charter school. I am in support of the Papahānaumokuākea national marine monument becoming a sanctuary, but I have some suggestions about the rules and regulations at this amazing place. I think If you make somewhere restricted to the public for reasons in the interest of that place, which is what you seem to have do with PMNM. Then you should keep it restricted to all. I see and cherish the cultural significance of these islands and I don't think a PHD should get someone a pass into native land. These are the kupuna islands, our elders, and we must care for them. We must give them the tender love and space they need to rest and be. I suggest that you stop allowing people on these islands all together, or just let everyone come. Five people still do damage and cause disruption to the land even when they're not intending to. I hope you take this suggestion to heart.

Thank you,

Alaea

(Honolulu, hawaii)



cameron

Hi my name is Cameron and am in fifth grade and i think we should protect Papahānaumokuākea because more than 14 million sea birds nest there. Another reason that we need to protect Papahānaumokuākea is because turtle nesting areas are washing in the ocean.

Noah

Aloha, my name is Noah and I am a student of Waialae Elementary School. I am not for expanding protection for Papahanaumokuakea (PMNM). My reasons are because 1, we have given PMNM enough protection already and 2. how could a small scientist group make a giant impact? There is barely any scientists that have explored PMNM. If you still do make it a marine sanctuary, make sure scientists will be aloud to go and explore. There are MILLIONS of unfound species. For all we know there could be ancient animals that we have no idea they are there. We need to broaden our horizons so we understand the world better. So NOAA, or whoever is reading this, it's not worth going through all this trouble to make PMNM a sanctuary, it is not worth it.

TESTIMONY
POSTAL MAIL
PMNM SANCTUARY DESIGNATION
NOAA/ONMS
1845 WASP BLVD. 176, HONOLULU, HI 96818

May 7, 2024

How is the word "shoreline" legally defined (in the excerpt below) in relation to the iron seawall ruins/other human-made rubbish of Tern Island? Will the seawall and other iron ruins and debris from past USN and USCG occupation become a part of the Sanctuary, if legally created?

Excerpt-
"The boundary includes the marine environment surrounding the Northwestern Hawaiian Islands from the shoreline of the islands and atolls seaward to 200 nautical miles,..."

SINCERELY,

George H. Balazs

992 AWAAWAANOA PLACE
APT. A
HONOLULU, HI 96825

GEORGE H. BALAZS
GOLDEN HONU SERVICES OCEANIA
CHINA/HAWAII ALOHA ALLIANCE
ITSAHONUWORLDINHAWAII@
HOTMAIL.COM CELL +18086838402

www.GeorgeHBalazs.com

Date: May 6, 2024
To: John Armor, Director
Office of National Marine Sanctuaries
PMNM – Sanctuary Designation
NOAA/NOS/ONMS
1845 Wasp Blvd. Bldg 176
Honolulu, HI 96818
From: Linda M. B. Paul, International Director, Endangered Species Program, Earthtrust
815 Pahumele Pl., Kailua, HI 96734, 808-347-8825
RE: Public comment on the DEIS for the proposed National Marine Sanctuary in the Northwestern Hawaiian Islands

Comment on the Draft Environmental Impact Statement (EIS) for the proposed National Marine Sanctuary in the Northwestern Hawaiian Islands

The Draft Environmental Impact Statement (EIS) for the proposed Papahānaumokuākea National Marine Sanctuary in the Northwestern Hawaiian Islands states that the purpose of the proposed action is to provide comprehensive and coordinated management of the marine areas of the Papahānaumokuākea Marine National Monument (PMNM) to protect nationally significant biological, cultural, and historical resources through a sanctuary designation. As stated in the Draft EIS, the term Papahānaumokuākea, when used alone, refers to the place, also historically known as the Northwestern Hawaiian Islands, including the land and all waters to 200 nm from shore. The Draft EIS affirms that this area is not necessarily the same as the area of the Monument. The purpose and need statement of the National Marine Sanctuaries Act (NMSA) or any other federal or state statute do not preclude the inclusion and a full analysis of the impacts of a sanctuary boundary alternative that encompasses all of Middle Bank, which is a large underwater volcano between Kauai and Nihoa islands that provides habitat for a multitude of marine species including the endangered monk seal and several species of whales.

The National Environmental Policy Act (NEPA) and its regulations require that a Final Environmental Impact Statement (EIS) consider a reasonable range of alternatives to the proposed action, including all "reasonable alternatives", which are defined as alternatives that are technically and economically practical or feasible and meet the purpose and need of the proposed action. If such an alternative is not included in the FEIS, NEPA, its Rules and its caselaw require that a detailed explanation be provided as to why such an alternative was not included. (See 43 CFR § 46.420). The FEIS for the proposed Sanctuary is required by law to either fully analyze the biological/ecological, economic, social, and cultural impacts of a sanctuary boundary alternative that encompasses all of Middle Bank or provide a detailed explanation of why this alternative is inconsistent with the stated purpose and need of sanctuary designation and the NMSA. In a letter dated January 28, 2022, the Northwestern Hawaiian Islands Coral Reef Reserve Advisory Council (RAC) recommended that the Office of National Marine Sanctuaries (ONMS) include in the FEIS a sanctuary boundary alternative that

1

includes "some larger portion of Middle Bank, that is, incorporate an area that is presently outside of the eastern PMNM boundary."

However ONMS has eliminated from the DEIS an alternative sanctuary boundary that extends southeastward of the Monument that includes Middle Bank because it supposedly would not fulfill the purposes and policies of the NMSA and therefore would not meet the purpose and need for the proposed sanctuary designation. Specifically, the Draft EIS states that because of the State of Hawaii's opposition to expanding towards the Main Hawaiian Islands, a boundary alternative that encompasses all of Middle Bank would be inconsistent with the particular purpose and policy of the NMSA, which mandates that ONMS "develop and implement coordinated plans for the protection and management of these areas with appropriate federal agencies, state and local governments, etc."

The elimination of a Middle Bank alternative from detailed study because of the State's opposition is inconsistent with the guidance in response to Question 2A in the *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations* (46 Fed. Reg. 18026):

> *Section 1502.14 requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.*

While the referenced purpose and policy of the NMSA is important, in basing its decision to eliminate the Middle Bank alternative solely on that one purpose and policy ONMS fails to take into account other important purposes and policies set forth in the NMSA, including the third purpose and policy, which is "to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes." Furthermore, as stated in the sixth purpose and policy, any public and private uses of sanctuary resources must be "compatible with the *primary objective of resource protection*" (emphasis added). The decision to eliminate the Middle Bank alternative also did not consider what the Draft EIS reports to be the guiding questions that directed ONMS's analysis, including the question: How does the spatial extent of the proposed sanctuary affect the resources, natural environment, cultural heritage, and human uses in and around the proposed sanctuary?

The NEPA guidelines make it clear that while the State's preferences may be considered in shaping the alternatives analysis, the alternatives considered may not be entirely driven by those preferences. In doing so, ONMS may have eliminated a sanctuary boundary alternative that is environmentally preferable and better meets the full range of purposes and policies of the NMSA as well as the sanctuary's vision, mission, and guiding principles.

In order to provide ONMS with a better understanding of how the omission of a Middle Bank alternative from detailed study could potentially place biological/ecological resources important to the proposed sanctuary at risk, the RAC Research Subcommittee compiled an extensive literature review that synthesizes information on the conservation value of Middle Bank and the implications for a sanctuary boundary decision, including a discussion of the sanctuary uses, resources, and qualities that could potentially be at risk by not considering a Middle Bank alternative. This review, which includes information that was not available during the Monument Expansion in 2016, is intended to help ensure that the Final EIS is guided by science, as required by the final rule updating NEPA implementing regulations published in 87 *Federal Register* 23453. As noted in the Federal Register notice, "The EIS process also serves to enrich the understanding of the ecological systems and natural resources important to the Nation and helps guide sound decision making, including development, in line with the best available science and data." A summary of the literature review should be incorporated in the main text of the Final EIS, and that the entire document be included as an appendix. For the purposes of the administrative record, PDFs of all the literature cited in the document have been made available to ONMS staff.

In a letter to ONMS dated July 12, 2016, the RAC recommended that ONMS periodically evaluate the effect on sanctuary resources of fishing activities in the portion of Middle Bank currently open to fishing, but no action was taken. That periodic evaluation of fishing impacts on at Middle Bank needs be conducted, similarly to how ONMS has proposed conducting evaluations of fishing effects in the Outer Sanctuary Zone (see Sec. I. Part J In the "Supplementary Information" part of 89 Fed. Reg. 15272). As ONMS states, "Such evaluations would take into consideration the best scientific information available and evaluate whether additional actions are necessary for the proper care and management of Sanctuary resources, including fishery resources, consistent with goals and objectives of the Sanctuary."

As stated in the Draft EIS, there were comments suggesting "that sanctuary boundaries should extend beyond the footprint of the Monument to adjacent areas, including nearby seamounts and the entirety of Middle Bank." The Final EIS should acknowledge that this public support for the inclusion of all of Middle Bank within the proposed sanctuary was also "significant." Furthermore, the Final EIS should note that only three of the 25 individuals consulted for the Cultural Impact Assessment in *E Ho'i i ke Au a Kanaloa* expressed opposition to the inclusion of all of Middle Bank within the sanctuary (Nohopapa 2023). Two other consultees expressed preference for the sanctuary designation to encompass the largest area possible, although the incorporation of all of Middle Bank was not specifically mentioned (Nohopapa 2023). Moreover, there was widespread agreement among consultees that the health of Papahānaumokuākea and its ecosystems are connected to and affect the Main Hawaiian Islands. As detailed in the attached *Middle Bank: Conservation Concerns and Sanctuary Boundary Implications*, information in the scientific literature suggests that Middle Bank may play a key role in the maintenance of those connections.

It is also recommended that the Final EIS delete the statement that the State manages fishing activity at Middle Bank. Although the State has historically taken the lead in managing the Main

Hawaiian Islands bottomfish fishery, Middle Bank is located entirely within federal waters, and management of fishing activity at the seamount is ultimately the responsibility of the federal government. Fishing regulations for this area do not require support from the State. This point was made by the Western Pacific Regional Fishery Management Council (WCPFC) in Amendment 14 to the Bottomfish and Seamount Groundfish Fisheries Management Plan (dated December 19, 2007), which proposed to close the waters of Middle Bank to fishing for bottomfish in order to end the overfishing that was occurring within the Hawaiian Archipelago at that time. The Council recommended the closure of Middle Bank and other areas in the Main Hawaiian Islands within federal waters as "their closure would not require complementary State regulations" (see p. viii of document at https://www.fisheries.ONMS.gov/resource/document/final-amendment-14-fishery-management-plan-bottomfish-and-seamount-groundfish).

The Final EIS should provide data to support the statement that Middle Bank is important to Kaua'i fishers and should include a summary of the economic, social, and cultural benefits of maintaining access to the fishery resources in the portion of Middle Bank currently open to fishing. This analysis should be based on interviews with fishery participants, observations of fishing practices, comments collected during the public scoping and public review processes, published literature (e.g., see references in *Middle Bank: Conservation Concerns and Sanctuary Boundary Implications*), and other qualitative, quantitative social science data.

Decisions that could potentially affect the health of biological resources important to the sanctuary should also be based on quantitative data systematically collected by the state and federal agencies responsible for fisheries management. Data on the level of fishing effort at Middle Bank over the past several years are important for predicting the likelihood and extent to which fishing could have an adverse impact on these biological resources. The only fishing occurring on the portion of Middle Bank outside the Monument that is not subject to federal or state permitting and reporting requirements is non-commercial (i.e., recreational and subsistence) fishing for pelagic species. The State's Division of Aquatic Resources administers a mandatory permitting/reporting program for the commercial bottomfish fishery and commercial small boat pelagic (i.e., non-longline) fishery in both the state and federal waters around the MHI. In addition, there is a federal permitting/reporting program for the non-commercial deepwater bottomfish fishery in the federal waters around the MHI, including the waters over Middle Bank. It is possible that some non-commercial bottomfish fishermen have opted to obtain a state commercial marine license rather than the federal non-commercial permit. However, non-commercial catch and effort logbooks are still required for catches of bottomfish made in federal waters around Hawaii. Updated annual data on the number of fishing trips made to Middle Bank and the number of unique vessels that fished Middle Bank can be made publicly available. These data are not confidential (See tables on p. 3-39 and 3-40 in the document at https://www.fisheries.ONMS.gov/resource/document/final-amendment-14-fishery-management-plan-bottomfish-and-seamount-groundfish.

The Final EIS should delete the reference to assurances from ONMS to Kaua'i fishers during public meetings regarding the 2016 Monument Expansion. The statement implies that the

sanctuary boundary vis-à-vis Middle Bank was determined by the agency before the sanctuary designation process began. Such a pre-determination would be inconsistent with the Notice of Intent published on November 19, 2021, and the subsequent public scoping process, during which ONMS specifically requested comments on the spatial extent of the proposed sanctuary and boundary alternatives. No restrictions were placed on the boundary alternatives ONMS would consider. In particular, the public was not informed of the reported assurances and their determining effects on the sanctuary boundary when it was recommended to ONMS that the EIS include a sanctuary boundary alternative that encompasses "some larger portion of Middle Bank, that is, incorporate an area that is presently outside of the eastern PMNM boundary" (See RAC letter dated January 28, 2022).

With respect to the socio-cultural aspects of including all of Middle Bank within the proposed sanctuary, it has been suggested that the Final EIS consider the possibility that a boundary alternative that encompasses Middle Bank include fishing regulations that leave at least some segments of the fishing community better off. In particular, the EIS analysis during the sanctuary designation process offers ONMS an unique opportunity to identify and assess alternative ways to enhance subsistence and indigenous access to the area of Middle Bank currently open to fishing, thereby helping protect Native Hawaiian traditional and customary fishing practices. For example, it has been recommended by the WCPFC that commercial fishing in the Monument expansion area be prohibited, but the removal of fish for Native Hawaiian cultural practices be allowed in the Monument expansion area by permit. If the sanctuary boundary encompasses all of Middle Bank, similar fishing regulations could be applied to the portion of the seamount currently outside the Monument. This alternative would be consistent with the Cultural Impact Assessment in *E Ho'i i ke Au a Kanaloa* in which consultees advocated for protecting Papahānaumokuākea from commercial fishing, while ensuring that resources are available for Native Hawaiian subsistence fishing (Nohopapa 2023). Furthermore, this fishing regime would have the added biological and sociocultural advantages of bringing the entirety of Middle Bank under the management guidance of *Mai Ka Pō Mai*. Additional information on how the sanctuary could preserve Native Hawaiian fishing practices is provided in *Middle Bank: Conservation Concerns and Sanctuary Boundary Implications*.

Additional research and information about the social, cultural, and economic impacts of the proposed sanctuary for Native Hawaiian communities and residents of Hawai'i is needed. There is a lack of data to help inform management decisions, particularly regarding the potential effects of the inclusion of Middle Bank in the proposed sanctuary on the traditional practices and livelihoods of local fishers. Although the United States has not yet ratified the United Nations Convention on the Law of the Sea of 10 December 1982, it recognizes and follows it as customary international law. Of particular concern are those activities that take place in the Northwestern Hawaiian Islands under claims of innocent passage.(See *inter alia* UNCLOS Articles 17 to 32.) All activities in the proposed sanctuary should fully comply with UNCLOS and all other applicable international treaties.

Thank you for providing the public with the opportunity to provide comment on the DEIS for the proposed NMS in the NWHI before it became final.

Linda M. B. Paul, International Director, Endangered Species Program, Earthtrust

5

Oral Comments

Virtual Public Hearing

Location: GoTo Webinar

Date: April 6, 2024

Time: 9 AM

Dave Raney

I'm Dave Raney, and I served as the conservation representative and secretary of the Northwestern Hawaiian Islands Coral Reef Ecosystems advisory council in its initial years. The National Marines Sanctuary website states that the addition of a national marine sanctuary would provide regulatory and management tools to augment and strengthen existing protections for Papahānaumokuākea ecosystems, wildlife and cultural and maritime resources, and also provide backup protection in the event of future president rescinding the National Marine... The monument. I'm concerned however, because as I understand the basic National Marine Sanctuary Act, it does grant Wespac the opportunity to submit a fishery management plan for the area. And unless the secretary of the commerce rejects the FMP, the sanctuary designation, potentially, could have unwanted, the unintended result of allowing commercial fishing within sanctuary boundaries. I know this is a concern that's widely-shared by people that kind of in my network that says we can't support the sanctuary because it provides a back door for commercial fishing to come into it. Whereas, your presentation says commercial fishing is completely banned. And I don't know whether that's language within the Sanctuary Act, or as a result of it being in the monument because the monument could go away. So, those are my concerns. Just, make sure that somehow the sanctuary does not provide a vehicle for as commercial fishing to seek in through the back door, because we know Wespac will push as hard as they can to get that. Mahalo [Thank you].

Pete Stauffer

Good morning. My name is Pete Stauffer. I'm the national ocean protection manager for the Surfrider Foundation, and I'm pleased to provide comments on behalf of our US network, including our four Hawai‘i-based chapters. Surfrider is a grassroots organization of local volunteers who work to protect our coast and ocean through education, advocacy and stewardship. First, I want to thank NOAA staff for their efforts to advance the Papahānaumokuākea National Marine Sanctuary. Surfrider strongly supports alternative 1 to designate the sanctuary, which will provide lasting stewardship for ecosystems, wildlife, and cultural resources. Papahānaumokuākea is a very special place, but it's under threat from climate change, pollution, habitat loss, fishing pressure, and other stressors. Surfrider supports the establishment of science-based regulations to ensure sufficient protections for these unique and sensitive resources. We also support the development of a robust sanctuary management plan to strengthen collaboration and stewardship efforts. Further, the sanctuary advisory council process will provide a necessary venue for collaboration with Native Hawaiians and a range of different stakeholders. Finally, Surfrider strongly supports NOAA's plans to hire a Native Hawaiian program specialist and engage with the Native Hawaiian community across the islands. We see the national marine sanctuary as an opportunity to center Native Hawaiian

leadership for the area's conservation and management initiatives. Mahalo for the opportunity to provide public comment on behalf of our chapters and supporters. In the coming weeks, Surfrider will also submit written comments as part of the official public record. Mahalo [Thank you].

Roberto Torres

Hi, good morning. With regards to hoʻolaha [introductions or announcements], I'd like to comment about my desire to include and facilitate the participation of biology students, marine biology students at Kamehameha Schools, UH Mānoa, HPU, as well as, as those majoring in the Native Hawaiian studies. I work on Midway Atoll, I'm a firefighter here and I've observed research groups from Alaska, the mainland, the Caribbean, but never from the Hawaiian Islands. So, just something I would like to personally see, to get them more involved and take ownership of Papahānaumokuākea. That's all.

Karyn Bigelow

Hi. Thank you for having me to everyone on the team at NOAA, and thank you to all those who have even done the work to get us to this point. I am Karyn Bigelow, co-executive director at Creation Justice Ministries, where our mission is to protect, restore, and rightly share God's creation. We represent 38 communions and denominations across the United States and are the eco justice partner with the National Council of Churches. As a Christian organization, we support the proposed sanctuary for Papahānaumokuākea, understanding it to be a sacred place for many Native Hawaiians. It preserves sacred places, stories, artifacts, and strong Polynesian cultural ties to the land and seas dating back more than a thousand years. These partnerships with Native Hawaiian practitioners, scientific organizations, educational institutions and others will ensure that future generations continue to discover the cultural, historical, and scientific significance of the area and its connections to the greater Pacific. We firmly believe that we are called to be stewards of creation as humans and the additional protections and management tools afforded by sanctuary designation are necessary to protect this area's ecosystem and biodiversity. We want to see threats that this proposed sanctuary would be able to undo by additional protections and would come from sanctuary designation and management plans developed by NOAA in partnership with local communities, to increase resource protection and conservation, research and monitoring, governance and operations, partnerships and constituent engagement, education, interpretation and mentoring. Thank you so much for your time, and again, just to iterate that we support this effort as Creation Justice Ministries.

Isaac “Paka” Harp

Hey, thank you for un-muting me. This is Isaac “Paka” Harp, also known as Paka. Aloha kakahiaka kākou [Hello and good morning everyone]. Mahalo [Thank you] for the opportunity to come in today. I'll be basing my comments on the federal register notice published March 1st of this year. In 2016, presidential proclamation 9478 expanded the monument and directed, not suggested, that the Secretary of Commerce consider initiating a sanctuary designation process to supplement and complement existing authorities. A primary directive here is to supplement and complement existing authorities. In the background section, we can see the monument is administered jointly by four co-trustees, Commerce, Interior, State of Hawaiʻi and Office of Hawaiian Affairs. In the co-management of the sanctuary section, we can see that NOAA and the

State of Hawai‘i would collaboratively manage the sanctuary, and that NOAA would establish a framework for co-management. Proposing to remove two of the four existing management co-trustees and having NOAA dictate the framework for co-management is entirely contrary to supplement and complement directive. Providing kanaka maoli [Hawaiian natives] a meaningful role in management could complement and supplement existing management. The cultural working group comprised of kanaka maoli [Hawaiian natives] currently advising the four co-trustees could fill that role. The prolonging United States military occupation of Hawai‘i fully justified a kanaka maoli [Hawaiian native] provided a seat at the table as the fifth management co-trustee. Under the section development of proposed terms of designation and proposed regulations, a list of [inaudible] and federal proclamations that NOAA have reviewed to guide monument management is listed, not listed on a printed administration executive order 13196 in the state refuge regulations. All existing regulations must be considered in order to adhere to the supplement and complement provision or directive. Kala mai [Excuse me]. There's a list of 24 activities subject to regulation, including introducing alien species, deserted vessel, commercial fishing, like commercial fishing possessing fishing gear, anchoring and living or de coral drilling, et cetera, and disturbing or damaging any living or non-living essential resource. And in this section, NOAA proposes to have the authority to issue permits to allow these activities to these prohibited activities to occur, which is another section contrary to supplement and complement directive. In conclusion, NOAA proposes to implement a VMS or vessel monitoring system, which restricts access to monitoring VMS-equipped vessel activity. On the other hand, the AIS or Automatic Identification transmit ships' position so that other ships are aware of this position, thereby, enhancing vessel collision avoidance, and the AIS system can provide open access for public vessel monitoring, thereby, adhering to the supplement and complement directive. I'll provide additional written comments on the March 1st Federal Register notice, as well as, the draft environmental impact statement for proposed actions. Mahalo [Thank you] for your time and consideration. Aloha [Goodbye].

Cha Smith

Hi, my name is Cha Smith. I'm part of the Northwestern Hawaiian Island hui that helped establish this existing monument. I just want to say offhand, right off, I mean, there's a really good reason that the Department of Commerce has not been successful in trying to control the Northwestern Hawaiian islands, and that is because it's a total conflict of interest, that as commerce, it's in conflict with a resource protection, your mission, complete odds. So, lots of pretty pictures, lots of noise, lots of nice music, you know, that doesn't really cover up. You can't put lipstick on that pig. I haven't really had much chance to read the 400-page document that was just dropped on us, so I have not really delved into the total weeds of this thing. But the broad view with lots of photos is that, it seems like it's all more protection, very lovely, harmonizing all the issues that we are dealing with, the different designations, and... Just not going to happen. I feel like I need additional time to deeply explore all the concerns, including the elimination of the Department of Interior, the Fish and Wildlife seems to be written out of this plan. There are lots of issues that recreational fishing, full market value, all these kinds of things that they just sound like you could pretty much drive a cruise ship through these possible openings in your proposal. So, I need more time to really look at the details of it all. I'm not convinced this is needed in any kind of way. I'm not sure why this is happening other than, well,

it gives you guys something to do, that's the main thing. But, really, the Northwestern Hawaiian Islands is doing great without you. So, thank you.

Narissa Brown

Aloha [Hello]. My name is Narissa Brown, and I'd like to provide some thoughts today from a personal capacity, not from my federal position. In the EIS that I read, you correctly pointed out that, Mai Ka Pō Mai, for example, was written by the Native Hawaiian community, took over a decade, and has a really strong foundation for how the monument should be managed. And in that document, it views Papahānaumokuākea as an area of regeneration, and it's not appropriate for the extraction of fish. Now, the non-commercial exemption to the prohibitions in the EIS could allow for that extraction. And I think that's what people are really concerned about. Sort of buried in the appendix are the proposed draft rules that Wespac put forth. And that's I think what most people have a problem with, is that they're proposing to take up to 350,000 pounds of bottom fish and 180,000 pounds of pelagic fish. And that is not in line with Native Hawaiian principles. And to make matters worse, Wespac is proposing to allow this extraction as a Native Hawaiian practice. And that's not in line with Mai Ka Pō Mai or the cultural impact assessment interviewees, what they put forth in the interview. I think that this issue needs to be expanded and needs more involvement from the Native Hawaiian community, as well as, direct involvement with the Office of Hawaiian Affairs as a co-trustee of the monument. The fishing issue, I believe, will overshadow the positive benefits of sanctuary designation, and I recommend removing the exemption on non-commercial fishing to allow for more dialogue with the Native Hawaiian community. And if it is found to be appropriate, the exemption can be included in the next monument management plan with input on how the Native Hawaiian practice should occur by the community and not from Wespac that represents commercial interests. I'd also ask NOAA to consider adding an additional virtual meeting as the Merrie Monarch Festival, the largest Native Hawaiian event in the state is currently underway, and many of the Native Hawaiians who could comment on this are unable to attend this meeting today. So, thank you very much for considering my comments.

Stephanie Fried

Okay. Okay. I'll start again. Let me... sorry, the... Okay. So, as I said, I was involved in establishing the protections for this puʻuhonua [sanctuary] a quarter of a century ago. And it's quite important to note that the sanctuary introduces tremendous threats compared to the existing protections. I've been able to skim through the 400-page DEIS and the Federal Register Notice. I call your attention to the fact that even NOAA's former general counsel has raised tremendous concern about this potential sanctuary's impact on our puʻuhonua [sanctuary]. And they counter in detail the claims heard today about the so-called added protections. The Marine Mammal Commission raises the same concerns. The legal arguments are quite persuasive. I urge everyone to look at them on page 330 of the DEIS. I'll talk only about a few of these issues. Number one, you all are claiming that the reason for a sanctuary is to provide added protections. In fact, sanctuaries introduce the possibility for fisheries establishment throughout a sanctuary. And you're talking about there won't be commercial fisheries, but there's a push for what is euphemistically called non-commercial fisheries. A fishery is a fishery is a fishery. And now, before sanctuary establishment, there are no fisheries in these islands. So, establishing a sanctuary brings in the process under the law where fisheries must be considered. So that is an

enormous risk, the so-called non-commercial fisheries. Another extraordinary risk is the fact that, you, folks, the Department of Commerce is creating an enormous permit free area for Department of Commerce activities. You've read a lovely list of all the things that are prohibited, okay? But what you did not present was the fact that the exemption prohibitions apply to actions by or for the Secretary of Commerce under the guise of research. We all remember what NOAA did as soon as the state refuge was declared many, many years ago, there was an attempt to try to get a permit for a Wespac permanent bottom fisher to "conduct research by tagging 3,000 ulua". Okay. So, under the guise of research, many horrible commercial activities have happened. Our puʻuhonua [sanctuary] is not designed for commercial activities. And in fact, if you're claiming to do protections, you first have to understand what exactly the existing protections are. So, the executive orders in 2,000, which established the reserve, set up a no take, primarily, no take limited access area. The monument expansion area introduced shocking loopholes, and you folks are just copying the loopholes and the worst of the expansion proclamation and exempting Department of Commerce from a lot of these prohibitions. In addition, you've kicked out OHA and the US Fish and Wildlife Service from equal co-management roles. Those are co-management roles OHA protects Native Hawaiian interests and the Fish and Wildlife Service protects the biodiversity, and those two entities are not at the table.

Isaac “Paka” Harp

This is Isaac "Paka" Harp again. Mahalo for unmuting me. Sorry, I just wanted to share that I'm a kanaka maoli [Hawaiian native]. I come from many generations of fishers, and I felt the need to give back to the ocean, and I ended up becoming involved with state management efforts, marine management efforts as a member of the bottom fish task force, as well as, the gill net task force. I served on the Kahoʻolawe Ocean Management Advisory Group. I'm the only individual to have ever served on six Wespac advisory councils consecutively. I was also the chair of the first Native and indigenous rights advisory panel to Wespac. And during that time, I learned of some unscrupulous activities by Wespac, including massive overfishing of the lobster stocks in the northwestern Hawaiian islands, leading to the starvation of the endangered Hawaiian monk seals. And I decided to write a draft management plan or conservation plan for the Northwestern Hawaiian Islands, which initiated a huge public initiative for the Northwestern Hawaiian Islands leading to the designation of the Coral Reef Ecosystem Reserve in 2000. And I served as the vice chair on the first reserve advisory council to the Coral Reef Ecosystem Reserve. Unfortunately, I was not given a second term in that. There was only two individuals that were not reassigned as the council members, and that is myself, as well as, Mr. Dave Rainey. I believe the purpose were not placed back in our position, was because we were constantly reminding NOAA that they need to follow the law. There were claims that the enforcement was self-implementing. I served on the working enforcement working group, which included NOAA enforcement, state enforcement, coast guard, et cetera, and no one understood what, or how enforcement could be self-implementing. So, I think one of the main things we need is a good system for monitoring the area. Remote monitoring was recommended as far back as the year 2000, and continued to be recommended for several years thereafter. And we just don't have what we need to actually monitor the activities up there. And like I said, the AIS system for vessel monitoring would be preferable to VMS if the public can access the data and

monitor the vessels out there as well. Just in case the managers might miss something, we can alert the managers to potential violations of the regulations. That's all.

Mike Nakachi

Yeah, sorry about that. First time to this kind of format. Appreciate that Alapaki, Eric and Ryan, for the opportunity and the time and space to comment. I appreciate the comments from Uncle Paka and Dr. Fried and Dr. Narissa Brown. You know, I didn't have time to look through all that palapala [document]. It is overwhelming for many of us, and I think, first and foremost, is that I think everyone's intentions are trying to act in the best interest for this puʻuhonua [sanctuary] of Papahānaumokuākea. But I am a little distressed that we have a monument, and I see two seats that represent the monument board with the state and NOAA being here. I would always appreciate that the collaborative efforts of all the trustees would be on the table to do these kind of public scoping, so that there is full transparency across the board to try and do a sanctuary designation with Fish and Wildlife Service, and along with OHA or Office of Hawaiian Affairs. I have been blessed to be in the realm of Pō [Darkness], and it's kind of upsetting to hear some of the comments prior. I think the biggest thing that you're going to feel is the word fishing. I think if kanaka maoli [Hawaiian natives] are sitting in the area and had the right to sustenance and catch what they're going to eat for that day, that is fine. However, once you start changing things and you say no commercial fishing on this proposal or this draft EIS and you open up the back door, I think that has been also commented several times here on this. I think you need to really look at that very closely and close those loopholes down, so that they don't exist. For many of us kanaka maoli [Hawaiian natives] that are active practitioners in various forms and in various things and in various ways, once you start changing the dynamic of going for monetary value to cover costs or recover costs, that is not a cultural practice, and that is not a Native Hawaiian practice to do those type of things. So, we don't want the exploitation of buzzwords being used against us for the collaborative covering of expenses and lacing pocketbooks for the almighty dollar in a realm that should be reserved for all forms of kanaloa [the ocean, ocean species], and us as human stewards need to do our best to protect that. And we will do that as Kiaʻi Kanaloa [ocean protectors, ocean species protectors]. And again, the cultural working group will try our best to do that. And I appreciate the time, and all the best on this, and look forward to meeting you also in person. Aloha [Goodbye].

Tammy Harp

Aloha [Hello], everyone. My name is Tammy Harp. My concern is having the DOC designated as the governing entity. First paragraph, NMSA authorizes the secretary. Last sentence, the primary objective of the NMSA is to protect the resources of the NMS system. Line four to six, which, I won't read to save time, but under aesthetic qualities, for me, is that I'm able to protect it from a distance. Line three, the list under the special national significance, no inkling of commerce, and yet, commerce wants full custody. I support the current management scheme of joint administering between the DOC, DOI, SOH and OHA. If we are to bring continuum in supplement to complement, the management of the NWHI, then, sharing the load is needed. The current management entities involved are to mean not broken, maybe need oiling every now and then, but why do we want to dismantle the trust gained? Lastly, I will say, you see, I do not want to experience a potential repeat of how commerce over overthrew its blanket upon our

queendom. Mahalo [Thank you] for your time, and I'd like to give my remaining balance to Paka, so he can finish up what he intended to do. Thank you, guys.

Isaac "Paka" Harp

Mahalo [Thank you]. It's Paka again. The initiative that led to the Coral Reef Ecosystem Reserve was a massive public initiative with huge public involvement. And leading a lot of that effort was the Northwestern Hawaiian Island Hui [Group], a small group of individuals passionate about protecting Northwestern Islands. And the late Uncle Buzzy, Louis "Buzzy" Agard was a member of the hui [group], and his preferred name for this protected area was Puʻuhonua, which means a place of safety, refuge, et cetera. So, if the sanctuary is designated, I would request that the name Puʻuhonua be considered as the name of the sanctuary. Mahalo.

Stephanie Fried

I apologize for the technical difficulties. I just want to focus a little bit on the monument expansion area, because it's quite important that this... It's important to understand that this area is shockingly-weaker than all of the rest of the protected areas. And the MEA, actually, allows a fishery management area, but only if both the Department of Commerce and the Department of Interior agree. The Department of Interior will not agree to put a sanctuary on. Only the Department of Commerce have the authority here. And so... Not only that, OHA is, again, not an equal co-trustee. So, in the monument, OHA is an equal co-trustee, Fish and Wildlife is an equal co-trustee as is the state of Hawaiʻi and the Department of Commerce. The Department of Commerce in that group is the odd man out in the sense that they're the only ones that are committed to commercial exploitation and commerce. The other parties are not. The sanctuary, the Federal Register Notice states that it will be the Secretary of Commerce, which will regulate all of these activities, injuring the resource, touching coral, scientific research and development by federal agencies. And so, to us, it looks like... Frankly, it's a power grab by the Department of Commerce. We find it... The US Fish and Wildlife System has been up there for a hundred years. They do not need an overlay by the Department of Commerce. The state has the most protected waters, the most highly-protected waters, and the Coral Reef Ecosystem Reserve, frankly, that was the first... When we all fought that battle, that was the first time the US government, the federal government, recognized the cultural access rights of Native Hawaiians. That was the first kanaka maoli [Hawaiian natives] recognition by the federal government of the United States, and the protections in that reserve are far stronger. The sanctuary, what the sanctuary proposes is to match the incredibly weak protections and the loopholes of the monument expansion area. And so, you're basically cherry-picking the weakest most damaging protections. If you're going to claim that a sanctuary is needed to help protect our resources, then, match the protections to what the state says, which is no commercial activities in state waters. That's what the permitting regs say. Match it to the executive orders. It's a primarily no take region. There is none of this noncommercial fishing under Wespac. And the rules apply equally to everyone. In your proposed sanctuary, the rules don't apply equally. The Secretary of Commerce gets a free pass to do whatever they declare research to be. So, treat everybody equally the way the most protective things do and match the protections in state waters and in the Coral Reef Ecosystem Reserve. Mahalo nui loa [Thank you very much].

Isaac “Paka” Harp

Mahalo for this additional opportunity. There's a volume, amount of documentation to review and comment on that is related to this sanctuary designation proposal, including the draft environmental impact statement, which is approximately 400 pages. Several executive orders, as well as, presidential proclamations, federal register notice, and other designation-related documentation. So, I would like to request that the public comment period be extended for, at least, 30 days to provide a sufficient time to review all this documentation. Most of the general public, as you probably understand, works during the weekdays and tries to enjoy the family time on the weekends. So, there's not much time we can dedicate towards reviewing and preparing comments on this huge amount of documentation that needs to be reviewed. So, again, please extend the public comment period for, at least, 30 days. Mahalo [Thank you].

Honolulu Public Hearing

Location: Aloha Tower, 155 Ala Moana Blvd, Honolulu, HI 96813

Date: April 8, 2024

Time: 5 PM

Brian Kulik

Name, Brian and Gigi Kulik organization is Veterans of the VFW. And the email address is promisemyangel@gmail.com. As concerned citizens who love the oceans, and in keeping our waters as pure as possible through marine sanctuaries and organizations such as NOAA, that will ensure that all marine life will continue to prosper, and thus humankind will prosper too. For the ocean gets us life, and the greatest gift of all, is subsistence. So anyways, thank you guys for being here and we'll see you again.

Don Palawski

My name is Don Palawski. I'm just a private citizen, former retired Fish & Wildlife Service Refuge manager. I used to actually support alternative 3. I think it's important that the Fish & Wildlife service, under the National Wildlife Refuge Administration Act, have jurisdiction to manage the refuges. Just as the National Marine Sanctuaries should have the authority to manage the sanctuary. So I'd just like to put that forward. I don't think it would affect the management at all, but I think it adds a complement and supplement phase for the sanctuary program to supplement the National Wildlife Refuge System Administration Act. Thank you.

Dean Sensui

Good evening, Dean Sensui. I'm Hawai‘i Goes Fishing, also the Pacific Islands Fisheries Group. It's been said that Papahānaumokokea, that entire Northwest island chain is pristine. It's been pristine for a long, long time, right? I mean, it looks by the very definition of pristine. It means that you can't really detect any human activity, short of what's already happened there. We had eight permitted vessels to go fishing, until the monument was expanded. But you really couldn't find very much traces of that activity. It's so huge. You're looking at an area that's the size of the West Coast. To say that those guys could overfish the Northwestern Hawaiian islands, means that you could overfish the big island by yourself. That's not going to happen, right? So it's a wonderful thing if the state could get involved in helping manage that resource. Realistically speaking, the state does not have those resources available at hand. They couldn't afford to do it.

I would rather see those resources put the use here in the main Hawaiian islands, to help manage our resources and improve things. We can always use better habitat for better fisheries, seeing how everyone here depends on these local fisheries. The bento that was provided for us, half of them have chicken and fish. So you can see how important fish is to us. I really think that the state has to focus on managing the resources here. That area up there, Papahānaumokuākea is so huge, even the Coast Guard has difficulty patrolling the area. They told me that they can't do it. They don't have that kind of resource. Not even with the sort of long-term, remotely piloted aircraft that's available to the military. They just don't have the resources to do it. So let's keep it here. Thank you.

Kāneʻohe Public Hearing

Location: Heʻeia State Park, 46-465 Kamehameha Hwy, Kāneʻohe, HI 96744

Date: April 9, 2024

Time: 5 PM

Luwella Leonardi

I just want to give a heads-up as to what's going on and what it is. I've attended many meetings over the years. And I have my own personal opinions that stretch over... What is it, since 1974, I believe. That's when a lot of us decided to come out and engage in the community meetings because of what was happening offshore. And then we got to stretch our relationship to those local fishermen that don't exist. They're not here anymore. And they were fishing throughout the Pacific. So yeah, I still have those memories. So I'm just trying to make those connections on the X-axis over time. And that's basically where I'm coming from. And there has been a lot of meetings. And there's a gap in between us and you, Papahānaumokuākea, which I'm trying to close.

Nalani Minton

Aloha [Hello]. I attended virtually the Zoom meeting on Saturday, and there were a lot of long-time activists who spoke about things that are very confusing to us as Native Hawaiian communities. Because we had not been involved in the design of the whole program or understanding how each community is going to interact with this process and who is going to make the decisions on which of the alternatives are used and who is going to make sure that some of the seemingly apparent conflicts of interest are controlled. So I made my way around the room tonight to try to ask for clarification. Since there's no answers or responses that are part of this process of going around to all the islands and asking communities to give their response and their questions, but there will be no answer or response. And so that's very, very foreign to us as kanaka maoli [Hawaiian natives]. Because we kūkākūkā [discuss], and we need to walaʻau [converse]. We need to understand from each other what we feel the impacts will be not only what is written, but the things that don't seem to make sense to us. A lot of the things that are written are very beautiful, and they sound very protective. And hopefully they will be. But what is our role in all of that? To only be permitted sometimes and to be not permitted other times? And how does sustenance play a role in our lives? How do we relate island by island, community by community? So there's lots of questions. A lot of us didn't know that NOAA funds Wespac. A lot of us didn't know that the Department of Commerce is involved with NOAA.

Because we have so much exploitation in our history, it's hard for us to understand how these things are not a conflict of interest, even though there may be very well-intentioned and good people who are trying to protect the rights of conservation and of regenerative life. We as kanaka maoli [Hawaiian natives] and all indigenous peoples have a kuleana [responsibility] to protect, not resources only, but life sources. And so we're very concerned that we do understand where some of these seeming conflicts come from and how will they be dealt with. And then there are other questions. I was talking to Randy. I talked to about six NOAA representatives tonight. And I feel that on the website there needs to be clarification of some of these things, because then it will help each community to understand what the response is collectively. But I also have some questions about migration routes for not only the whales, but for all life forms of the ocean that we are related to as family. And how are they going to be protected by corridors that allow them to move freely and be protected whether they're inside the boundaries or outside of boundaries and things like that. So it's just one example of how we love our ʻāina [land] and how there is a huge Aloha ʻĀina [Love for the land/Protect the land] movement right now coming back. And people really need to be able to express their love for our ʻāina [land] and how they feel it needs to be protected community by community. Mahalo [Thank you].

Brian Bowen

I'm Brian Bowen. I work for the university, but I speak tonight as a private citizen. Some time ago, some of the scientists that work on conservation came to a consensus that 30% of the oceans needs to be protected in order to maintain healthy oceans. And the citizens of Hawaiʻi should be very proud. They're among the few places that have actually achieved this with the monument and now with greater protection in the sanctuary. And that's all I have to say.

Jim Kastner

Hello, my name is Jim Kastner. I'm one of the 100,000 people who fought for the establishment of the strongest possible protections for the Northwestern Hawaiian Islands, the Coastal Coral Reef Reserve in 2000, the state refuge in 2005 and the monument in 2006. For decades, you have refused to provide the regulations, penalties, schedules, excuse me, and strong enforcement including AIS and satellite monitoring. The reserve and state refuge protections are some of the strongest on earth. Issue and enforce the regulations and spread them to the weak monument expansion area. MEA. Your DEIS fails to do this. In 2006, the state demanded any sanctuary must apply the strict standards of the state refuge similar to the reserve, where access is very limited, all activities are automatically prohibited except a short list. Prohibitions apply equally to everyone. Commercial and recreational fisheries are banned, protecting fish nurseries supplying our main islands. Public hearings are mandatory for state permit applications. Unlike the secretive NOAA permit process, the monument bans bio prospecting and preserves these protections. Unlike your proposed commerce sanctuary, the monument is managed by four equal co-trustees: the better system with fish and wildlife, which protects biodiversity, OHA, which protects Native Hawaiian rights, and Department of Commerce in the state of Hawaiʻi. The 2016 monument expansion area, unlike other protected areas, introduced shocking loopholes and makes possible activities completely banned in a reserved refuge and monument. But at least both the departments of Commerce and Interior have equal status. Interior can act as a brake on the worst of commerce excesses. You claim your commerce sanctuary provides new protections, but you refuse to apply the strong protective language of the reserve or state

refuge to the MEA or proposed sanctuary. Instead, you copy the worst loopholes from the weak MEA and spread them throughout your sanctuary. You propose a new so-called non-commercial Wespac fishery in this fragile ecosystem, which can violate the ban on drilling, dredging, waste, dumping, or damaging the ecosystem. You exempt the entire Department of Commerce including NOAA fisheries from prohibitions on fishing, anchoring on coral and harvesting our precious resources, waste dumping, drilling, and apparently even exploring for oil, gas, and minerals as long as you label it so-called commerce research. NOAA wants to sell special-use permits based on what you call market value of our puʻuhonua. This is what your DEIS says. Words matter. Papahānaumokuākea is not for sale, not for commercial gain, not for fishing. Even NOAA's former general counsel raised huge concerns about threats posed by your plan. Yet when all goes ahead. Your DEIS fails to address these concerns, potentially leading to litigation. Instead of wasting taxpayer money on expensive hearings and fancy videos promoting your sanctuary, please do your job. Issue regulations and a penalty schedule for the reserve and monument based on the strongest existing protections. And enforce them instead of trying to spread the biggest loopholes. Mahalo [Thank you].

Waiʻanae Public Hearing

Location: Waiʻanae District Park Gym, 85-601 Farrington Hwy, Waianae, HI 96792

Date: April 10, 2024

Time: 5 PM

William Aila

It's one of my pride and joys. I'm alumni of Waiʻanae High School, Sea Rider, very familiar with this gym, played in it. Don't start my three minutes yet. Okay. So aloha mai kākou [Hello and welcome everyone]. I want to say, Mahalo [Thank you], to all of the folks who are in this room and worked very, very hard to put this together. Again, my name is William Aila. I had been part of this process since before the RAC process. And coincidentally, the group that approached President Clinton actually wanted a marine sanctuary at the very beginning and then settled for a monument. Number two, I want to call some very important people into the room. Uncle Walter Paulo, Uncle Eddie Kaʻanana, Uncle Kawika Kapālehua, Auntie Isabella Abbott, and others who were at this juncture at the very, very beginning and actually inspired many of the restrictions that are in the rule making and made their way into the executive orders today. These were fishermen who firsthand experience in Papahānaumokuākea, what became Papahānaumokuākea and said, "Hey, wait, too important this place. Let's have no take except for subsistence while you're in there." I support alternative number 1, because it's the most comprehensive alternative. And I support it, because from an ecosystem perspective, it encompasses the health of the birds that are part of the refuge, the reef fish that are part of the near shore reef fisheries and the pelagics that are further out. I say that real quickly, because without the reef fish larvae feeding the pelagics, the juveniles, and then without the pelagics' eggs feeding the reef fish juveniles while they're out there... And without the birds feeding on all of that and coming back to the shore and helping out with the nitrogen cycle, it's the utmost appropriate way to manage this area. I do want to point out that in rule making now or in the future, there's no such thing as customary exchange from a Hawaiian perspective. Okay? Hawaiians never bartered. What they did was the folks from up mauka [upland] brought stuff

down, because they knew their favorite auntie was down there. And they know that what she wants to eat from up mauka [upland]. And at the same time, the fishing family or the family down by the shore knew what Auntie wanted. So they went and go get it. There was never this discussion at the gathering with a discussion about, "Well, how much is one akule worth to you guys?" It was never like that. So cultural bartering, cultural out... That was not and is never a cultural practice. Bartering is something that was brought in by the Westerners. And I'll finish some more with written comments. But mahalo [thank you]. It's about time only, like 30 years in the making. Thank you.

Luwella Leonardi

This is where I live, right up here, up in the valley. I live in a Hawaiian homestead. I also grew up on Hawaiian homestead. And prior to that I had parents and grandparents. Okay. Edward Nīʻaupiʻo is my tutu man. He was my grandfather's brother. And let me begin by saying, I am my father's daughter. His name is Kanakaoʻo Nīʻaupiʻo. My name is Luella Leonardi. I work within the classrooms. And like I said last night, until the gap, I'm not from Papahānaumokuākea. A lot of people in the community know this. And the funny part about it is all my grandchildren grew up in the Papahānaumokuākea Group organization, because they needed to self-educate themselves. And again, I work within the classroom. There is a huge gap. And I mentioned that gap last night between my dad's era. Sorry, I'm getting confused here. What I want to say here is I grew up in Waimanalo near Makapuʻu, or right across the Kaiona Beach Park. And Sea Life Park was down the road. I was in the fifth grade, and Sea Life Park showed up with [inaudible]. So these are the reasons why I say we need to close the gap. There's just too much gaps. I'm also the keeper of Kū [Hawaiian god of war] and Hina [Hawaiian goddess, the mother of Molokaʻi]. I have two Kūʻula [Hawaiian god of fisherman, possibly a statue or image of the god]. I've been the keeper for almost 50 years, and this was entrusted to me. So right now the Kūʻula [Hawaiian god of fisherman, possibly a statue or image of the god] are hanging out in Waimanalo Valley. And I'm still doing a whole lot of homework on the Kūʻula [Hawaiian god of fisherman, possibly a statue or image of the god] . And mind you, all of you, I'm also a Christian. So people look at me like, "How can you do these two things and balance off the Kūʻula [Hawaiian god of fisherman, possibly a statue or image of the god] and at the same time, Christian?" Hey, you just got to do your kuleana [responsibility]. Okay. So what I want to end here is classroom. The 400 pages needs to be within the education. Until we understand, until we bring it out into the community, I'm not going to support this. Sanctuary. Just go look up at that word in USA. That word is so depressing. So I just wanted to say that I would definitely do my due diligence. I'm just not a sit-around person, as you can tell. Yeah. And I've been to all the fisherman's meetings from way back in the '70s, the '50s, and since I was a little girl with my dad who was doing the mending with the old generation at any fishing areas where they mend the nets. So been there, done that. Again, until we get into the classroom with this information, ʻaʻole [no].

Melva Aila

Aloha [Hello]. My name is Melva Aila. I lived in Waiʻanae all my life. And I've participated in this process many years ago when it was called Northwestern Hawaiian Islands. And I strongly support this proposed sanctuary for Papahānaumokuākea. This place is a very special place, and

it needs the highest protection of all. So mahalo [thank you] for your time for coming out and listening to us. Aloha [Goodbye].

William Aila

The sanctuary would provide the most protection, because the rules that are promulgated via the National Marine Sanctuary Act actually have way more teeth in it and are enforceable. Number two, the monument status is something that, as strong as it is, there are rustlings in the US Supreme Court that Chief Justice Roberts is interested in somebody bringing a case to the Supreme Court about the size of some of these monuments. So our national marine monuments fit right into what he's asking. And the third big danger out there is we could have a president next year that is not supportive of any type of resource management. And so these are all positive things to support the national monument status for Papahānaumokuākea. And I didn't quite understand... There's a naming process for the expansion area? Or there's a look at a different naming process?

Luwella Leonardi

Okay. Last night I noticed that you have a docket. I too have a docket, and I've spent, Oh Gosh, years with a docket with the military. I did go to court, I did face the judge, and my opposition was the Pentagon [inaudible] Davis. So I did question the whole thing about what is a docket in lieu of Papahānaumokuākea. So that would be one of the details that I would like to have clarity on. Where is this docket? I mean, do we have access to this docket? "Where is it going to be?" is my question. Secondly, I just wanted to make sure that you know that I'm also with BOM, Bureau of Ocean Management. And I like the idea of the pixels with the numbers in it. My degree is in geography, it's cartography, remote sense, and GIS and infrared. So therefore, I like the idea of a pixel, but then I'm leery about that about how the pixels go. So I do engage with BOM when they come to Hawaii. And BOM was pretty cool as far as mapping. Yeah. Yeah. So I guess that's how I relate it with them to the mapping. And if I were to relate to Papahānaumokuākea, it would be just the islands with the names on it. We're into ethnomathematics. We're expecting our children in the classroom to do ethnomathematics. And so this is why I am bringing up the whole bone thing. Yes, I did attend all of their meetings when they did come to Hawai‘i, by the way. And they were very good about giving me information, and I take their information into the classrooms. Thank you.

Waimea Public Hearing

Location: Waimea High School, 9707 Tsuchiya Rd, Waimea, HI 96796

Date: April 11, 2024

Time: 5 PM

Hoku Cody

Hello, folks. It's nice to see some familiar faces here. NOAA guys in the back. Hoku Cody. I live in Hanapēpē, originally from Big Island [inaudible]. Actually a former field camper and biologist of Papahānaumokuākea Five Field Seasons, as well as the former Kaua‘i organizer for the expansion of Papa [Papahānaumokuākea] on Kaua‘i. So I worked really hard in making sure that the expansion honored the fishing grounds of the West Side fishermen, especially over here, as well as the North Shore guys as they're also lineal descendants of the islands. So I'm just here to

provide comments on a few things in support of the sanctuary that the Southwest Boundary line continues to get honored and doesn't move for sake of the fishermen unless they want to move into something of some sort of community management, if that's what they would like to do. But I would say leave that for them. I'm in support of Mai Ka Pō Mai being an actual management plan rather than a guidance document implemented to the full extent possible so that we could get more locals and better job force within Hawai‘i, up to Papa [Papahānaumokuākea], better represented up there. I feel like that's the best protection and resiliency we can get is if we get Hawai‘i people involved in this. The other thing in support, supporting the sanctuary, because there's so much cultural resources up there, and with climate patterns changing, Hawai‘i stands to be one of the first islands ready to take on what is the biggest seabird repository from Papa [Papahānaumokuākea] down here. But if that place is vastly depleting, we're over here trying to do our best to get ready, but we just need it protected up there. We need the traditional practices honored, the cultural knowledge as well as the lineal descendants that continue to call that place home. All of those things need to be honored within the sanctuary designation process. Yeah, and just thank you guys so much for all that you guys do. I know it's a lot of work, so mahalo [thank you] for everyone.

Abraham Albilado

Good evening everybody. Before I start connect, can you guys please put up the slide with the monument and the expansion just to show it if I may please. Hello, everybody. My name is Abraham Albilado. This was my cafeteria back when breakfast was 35 cents and lunch 75 cents and was way better than the food that kids eat today. Anyways, guys, as I listened to all these proposals that is coming on over here, now this is just my opinion, but everything was lost as soon as we got cut off from going to Northwest Hawaiian Islands. My background is I'm a commercial fisherman. I'm a second-generation commercial fisherman. I have fished. Northwest Hawaiian Islands was closed there before I got there, so I could go as far as that southern tip right there. The reason why I brought this up right here is because back in 2016 when it was proposing this whole expansion, you see where the little nipple is right around Nīhoa, the people was fighting so hard to get that full 200, yeah. 100-100, right? But they never getting them. So my stance on this is if this is actually for the Hawaiian people, then how come the Hawaiian people wasn't listening? A lot of passionate things, man, a lot of heart has been coming out. Everybody put their heart and soul in that, and just totally neglect them. That was one thing. The second thing is what is more better than fishing? What can teach practices more better than fishing? Like I said earlier, everything got cut off when they shut us down. And then they said, I just type in Northwest Hawaiian Islands proposal 2006, and it says that these reefs burst with life, great predators with white-tipped reef sharks, spinner dolphins, trevally jacks. It says, virtual entire population is critically endangered. The breeding grounds of approximately 90% of threatened Hawaiian green sea turtle population. Okay. So this is back in 2006. Anybody over here that go transit on this island, Nā Pali Coast, any tourists on the south side, how much turtles we get now? Okay. So my point is, is there ever a goal? Are we going to meet any... Is anything else going to come out of this besides more closure? 2006, 50 by 1200 miles. 2016, 200 by almost 1200 miles. You see where I'm going? You see how small the main Hawaiian islands and how much is already taken away? My thing, my fear is that look how much they already take. In the thing that I read about the Bush thing is a hundred times the size of Yosemite National Park or whatever, and it was just blah, blah, because of that. We're all going to be affected when the

fishermen die off. When I was a young kid, my dream was to fish up in the Northwest Hawaiian Islands. Well, you guys providing only... I mean, yeah, you guys will permit people for fishing 50 miles. You guys never been 50 miles offshore. Can't even see nothing out there. Not mentioning, if you guys Google this right now, from where I'm standing to the east corner of Nīhoa right now, 40 fathom, 141 miles, that was almost 24 hours traveling, nobody going to be able to go out there. I guess what I'm trying to say guys, is if we are really trying to protect Hawai‘i, its culture, its fishing, it starts with the fisherman. Thank you, guys.

Klayton Kubo

Okay, Klayton Kubo, Waimea, Kaua‘i. I get some real concerns about this. I understand that this is going to be a dual coverage. The monument can be just expelled by a rogue. I don't even say the word, but nobody going to feel buttered. Well, if one president comes in, he can basically expunge this monument, but the sanctuary is going to be harder to get expunged. So, did you guys prove the socioeconomics and the human impacts that why whoever is providing this sanctuary, did they even prove it? I hope too I'll get one answer on that one. So, now I'm going to just fly this. How can we be a self-sustainable state if the federal government and the state continue to take away areas that we can gather? That's my biggest question that I would really appreciate somebody answered that one there because it seems like throughout the years now it seems like there is one pitch on fishermen. More regulations, more restrictions. So please answer that question for me, and I will email you guys. This is verbal, right? It don't be in an email form. So I hope somebody going basically answer all my questions on this email. Mahalo nui [Thank you so much]. And if I get something else to say, hopefully you guys will let us or whoever else that'd like testify maybe one other round. I’m going to go sit down. Mahalo nui [Thank you so much].

Evan Manini

Aloha. Thank you for being here. My name's Evan Manini. I'm here to speak on behalf of my mom's ‘ohana [family]. So, my mom’s ‘ohana [family] was originally... Her Hawaiian side was from Nīhoa. A lot of these things were planned and discussed. My ‘ohana [family] never heard nothing about this, and her family was Kealohanui. They were from Nihoa. Later they moved to Maui. My mom was born in O‘ahu, where she came to Kaua‘i. But I was always told that was where we were from. Yet all of these plannings, and you had 25, I believe, people that you interviewed with the impact, none of my siblings was questioned. And yet we have direct ties through lineage of the moku [island, Nīhoa]. And this all involves this whole section that we're talking about. Now everybody knows my dad. My dad was from Hawai‘i, and he has deep ties, but I'm only half of my dad. My ‘ohana [family] on my mom's side was from there. And sometimes I feel we're not being heard or we don't even exist anymore for the decisions, whether United States governments does it or someone else will do it. And then on the policing of this whole area, who will do it? The policing can't even be done on this island. Let alone it's going to be done hundreds of miles away? What if it's international people breaking the rules? How would they be prosecuted? Or would they be slipping through envelopes and say, "Okay, just a slap on the wrist, we'll let you go." A lot of these things are great. More isn't always better. I mean, look at these islands. This is still part of the Polynesian Triangle, and all of the Polynesians have the rights to be there or at least visit. So I come before you today and speak on behalf of my mo‘opuna [grandchildren] who cannot speak or some of my family members who are not here. And we all have the blood quantum to have some kind of opinion, right, or at least

to be heard or at least be invited sometime in the future to maybe visit an area that we are forbidden to go or forbidden to fish or even visit because we'll be trespassing in our home, which is very sad. But this is how the United States government has treated the kanaka maoli [Hawaiian natives]. My dad made it clear. My mom was very quiet, but now I'm here to speak on behalf of the generations to come and anybody else that ties their lineage into my ʻohana [family]. Thank you very much.

Abraham Albilado

Okay. So, Abraham Albilado again. Waimea, Kauaʻi. So, I guess some things that I would like to just... I guess it's not even part of this proposal, but some things that'll be transparency for the people to understand and to see that this is almost 20 years over here. Yeah, '26 will be 20 years. 18 years right now. Do we have any data, anything that shows the perks and the gains that they say that the Hawaiian people getting by closing this place down? One of the things I read by Senator Schatz, I got him in my folder back there, which is a good place to be, but he said that by shutting this Northwest Hawaiian Islands down, that sanctuary will feed the rest of the Hawaiian Islands with bottom fish, tuna and stuff like that. I'm not a scientist. I'm a fisherman, but I know that for bottom fishing specifically, what we need is what's falling from the sky right now. Fresh water is vital for bottom fishing to grow. Every river mountain that we have, every waterfall that we have falling down into the ocean provides sanctuary for the uku,ʻōpakapaka, onaga, all the deep seven fish, all the fish that is considered delicacies here in the islands. So, yeah, we cannot do nothing now since the president had already ruled. But I guess what I'm saying is if we can provide any kind of knowledge, scientist data, because everything about science nowadays. Because for what I know, not everybody fishermen over here, so how I explain this, I use gardening because gardening is a visual aid. So imagine this square right here. I pull up all the weeds, I till the ground and make them cherry. They like, "Yeah, protect them." We'll pull on freaking barbed wire fence, 10 bulldogs around. Nobody will watch them, nobody coming out. What can happen after time? Grass start to grow. Weeds start to grow. Trees start to grow. You start to see changes. What you think? Sometimes the bit of positive is actually a negative. That's when a fisherman come in. Just like the farmers got to tend to their cattle, the gardeners got to tend to their gardens, fishermen tend to the fish. Like I said earlier, fisherman is very vital in this equation. Without us, not gonna have none of this scientists no more job because they cannot tell us, "Oh, you guys will go fishing, you guys doing your stuff." They'll have to find grants elsewhere because not going to have fishermen for telling they're doing the wrong thing. Mahalo [Thank you].

Klayton Kubo

Klayton [inaudible] I sit on the no action alternative. Yes. I never say that. Yeah. So no action alternative. I just had this all in my head, but man, that stuff was kind of stressful. So, no action alternative. And in a way I just reiterate some stuff. As a state, how are we going to be self-sustainable? You cannot keep eating imported fish. That is just unacceptable. I go to the state capital, all I can hear about self-sustaining 2030, 2050. And another 10. I talk about the line that come down the nipple. I heard that some talks about moving that line. Remember, the promise was back in 2016, that promise better staThe nd because I know for a true fact I had participated heavily in that. So that line better stand. Mahalo nui [Thank you very much].

Hanalei Public Hearing (Virtual)

Location: GoTo Webinar

Date: April 12, 2024

Time: 5 PM

Makaʻala Kaʻaumoana

I am Makaʻala Kaʻaumoana. And today I testify on behalf of an organization that has existed on Kauaʻi since the early '80s. Its mission is to protect traditional rights, practices and lifestyles. I support designating Papahānaumokuākea a National Marine Sanctuary. I support the continuation of the rules currently in place under the Marine National Monument Status. Papahānaumokuākea protects unique and valued resources and provides us a safe place for these resources to teach, feed and propagate vital life to the Pacific realm. The sanctuary status does not change the protections and purpose of Papahānaumokuākea. I do not support any changes in any extractive regulations except the addition of the ones that you mentioned for energy. I do not support that. I mean, I support that rule. I do not want those extractions either. I consider Kauaʻi to be the people connection of Papahānaumokuākea, and many of our families have genealogical history and kuleana [responsibilities] within the boundaries of the monument or sanctuary. I support alternative 1. Mahalo [Thank you].

Lynn Bowen

Okay. I wasn't very well prepared for this. It's kind of a last-minute meeting. But I am all for this. I think it's a needed addition to the monument and that this could do nothing but good for that whole area, for the species, the ocean, the land at large. And I totally support this change. I hope it moves forward. Mahalo [Thank you].

Abraham Albilado

Hello, gentlemen. Abraham Albilado from Waimea, Kauaʻi. I am a second generation commercial fisherman. I am in opposition of this bill. As I mentioned last night, Papahānaumokuākea has been going on for 18 years already. If this is a great thing that is moving forward, I would like to see any kind of scientific knowledge as to how this is helping the people. As I said last night, if this was for the Hawaiian people, then the expansion in 2016 should have went all the way 200 miles wide by 1,200 miles long, but it went 200 miles wide and almost 1,200 miles long due to some kind of lobbying going on in the system. So there's a lot of dispute between Hawaiian people and what is right and what is wrong, which is wrong together because on our dollar bill it says, "United we stand, divided we fall." We're in a very divided community right now. I support the people of the community. I support all my Hawaiian people. But I also support fishing. And fishing is a culture that is huge here in Hawaiʻi. I think that these things should be seriously looked over again, because fishing, fishermen in particular, is a very part of this community, this ecosystem. We are in charge. We are the guys who are the gate men. We are the people who take care of this ocean. A lot of light has been shared as far as negativity goes, but a lot of it is due to foreign countries. We as the Hawaiian people already are low in numbers, fishermen even more lower. So as I said in scientists, everyone looks at numbers. Look at how much fishermen. Look at how much activity. Look at how much participation has been taking since 2002 to now, only short 24 years, and as the years go by, we

get less and less. So I beg everyone who is listening, I beg everyone who is a part of this to really think about what you're trying to say because if you look at the whole spectrum, we're losing... We lost 80 to 90% of the whole Hawaiian Archipelago already. What makes you think that they're not going to take the rest? Okay. I'm not in opposition for everybody. I love everybody, but we really need to think about this. If we really care about the Hawaiian people, if we really care about our community, if we really, really care about what is going on here in this world, we should really take a second look at this and see. Like I said, if there's no scientific evidence showing that this monument is producing more fish in order for our fishermen to populate the islands down here or if it's producing more turtles or whatever it said in the original proposal back in 2006. There's got to be a sunset date. I believe, this is just my opinion, but I believe we have reached where the turtles are very, very extremely healthy. If you don't believe me, go to any beach right now in Kauaʻi and count how many turtles you see. Same with the monk seals. I love everybody. Please think about this. I am in strong opposition of this bill, and I would like this thing abolished if possible when if no scientific evidence can come from what has happened in the last 18 years. Thank you guys. Aloha [Goodbye].

Līhuʻe Public Hearing

Location: Elsie H. Wilcox Elementary School, 4319 Hardy Street, Līhuʻe, HI 96766

Date: April 13, 2024

Time: 9 AM

Molly Lutcavage

I want to thank you all for coming and giving us a chance to speak, and thank you for coming to Hawaiʻi. My comments will be brief, but obviously I am an oceanographer, and a lab director and founder of the Large Pelagics Lab, and I'm also a scientist and have been on the Wespac SSC for 11 years. I'm very familiar with process and the things you were talking about. And I've also been working with fisheries groups since twenty... I don't know, 12,13. And we work conducting crop research of fishermen. And I think very few of us have the opportunity, as scientists, to learn and understand the true culture and the authority and knowledge of our fishers and fishermen here, and their important role that they play in providing food security, cultural. And from my experience working both on the mainland on American [inaudible] and working here in Hawaiʻi, which is pretty cool. It's really stunning to me and to many that Hawaiʻi has yet to really listen and pay attention to the needs of our fishermen and fleets, and to promote their economic, cultural and basically their needs to feed us, to support our culture. In this state, they're not recognized on the same level as agriculture as they are in many, many other states, and we have the highest per capital consumption of seafood in the United States. If I have a minute in my role, not as an expert on tuna, I've primarily spent with fishermen, on ahi and large pelagics, and as a former sea turtle ecologist for many years, protective of resources, I hope that the state working together with NOAA, can bring our fishermen and their knowledge up to where they belong. And secondly, the values that I've learned since 1967... '77. I'm not that old, working with fishermen, they bring the best questions as sentinels of the ocean, to us scientists and the regulators, and without those questions and knowledge of what our resources, ahi, sea turtles, too could have remained hidden. I deeply respect our fishermen because they are as savvy as any of us well-trained scientists could be. Their knowledge is absolutely and important

and needs to be raised to attention in the state of Hawaiʻi. And as far as sanctuaries and all the other management issues that we've all dealt with it's an energy in the scientists and access to, fishermen are extremely important and should be raised in their, being sensitive, they're full honesty is extremely important. And I will just have to put in that, I would say we all know the levels of the administration, no action would be my recommendation based on my involvement with the sea science knowledge of the science of what's being done now, and how much work you all have to do to handle what you got now, and how much more support we need from research to understand the resources in the islands. Not just to protect the species, but the fish that it feeds on. So thank you for listening and thank you for your time. Thank you for coming and I will submit all your comments in writing. Thanks again.

Presley Wann

Aloha [Hello]. My name is Presley Wann. I'm here as an individual [inaudible]. I'm retired. I'm currently very involved in communities especially on the north shore, Hāʻena, Hanalei. I am here in support everyone. For several reasons. My family, I have genealogical leading of descendant of Hāʻena, the Nā Pali Coast, and Nīhoa. My great-grandfather had a sailing canoe on the beach in front of our Kuleana Land in Hāʻena. Was in 1947, when the retirement took his state income. He couldn't fish. He couldn't nothing. So that's my connection. I just want to make a comment on we have to get to these points of how we call an extreme action, because we've lost our konohiki system. The only time we have kapu [taboo or prohibition], is when things are extremely bad, mismanaged. So we're in this place right now, where we have to do something very drastic. I have an opportunity in 2014 to go and visit and got to see how things can be if we just take care of it. I just think that the importance of everything, the whole ecosystem, especially our birds, and protecting them because they were so important. As the the whole, and to the Hawaiians. Papahānaumokuākea is very... It's like our church. And so we got so many things to protect. And of course the birds are really important to be taken care of. They were our fish finders. They showed us our way home, when we were close to home, and when we were far away from home. So these kinds of things are really important. You don't think it's inter-related until you've there and you can see, the relationship of everything on the land and the ocean. So I guess, I think it's important to... A friend told me one time, he said, "The answers to the past..." I mean, "The answers to the future are in the past." So I think we got to go back and really, priority should be culture and traditional practices. And protecting that place that's worth taking care of, so, mahalo [thank you].

Kupono Haitsuka

Aloha [Hello]. My name is Kupono Haitsuka. I just also have a question for you guys based on that one slide where we talked about military exemption. For the practices or whatever like that. Law enforcement. And I just kind of want to know, what does that mean exactly. If they were like "You know, we go to bombing practice." Does that make an exemption for them to go out there and conduct those exercises? Okay. That was just my main question. Just like what uncle was saying before this, if you go to these places, to Hāʻena, Nīhoa, [inaudible] you can see kind of what proper conservation does, and it's for everybody. And how everybody else can benefit from this. You know, Kauaʻi moku [island] definitely benefits from the hana [work] of Haʻena, who work to visibly better and manage that area themselves. And even like Kaʻawa and Nā Pali, it's a house up there, and that is just, we all benefit from that. And same thing with Nīhoa. When

you talk about ʻāina momona [fruitful land], that's what you think of when you go there and you see it first-hand. Each trip. It's more than you can ever imagine. More than maybe you've ever seen in your life. And so being that closed system, [inaudible]. And even with modern science, and with kānaka science, I think this monument is really a place where we can actually see those two worlds coming together. And there's a lot of talk currently about those three coming together, we don't see the action as much, but I think Papahānaumokuākea can be a pretty prime example of that. [inaudible] science in Hawaiʻi. That's all. Mahalo [Thank you].

Hilo Public Hearing

Location: Mokupāpapa Discovery Center, 76 Kamehameha Ave, Hilo, Hawaiʻi 96720

Date: April 15, 2024

Time: 5 PM

Craig Severance

Okay. First, I'd like to recognize the ʻāina [land] and thank you all for this opportunity. Second, I'd like to say that my testimony is going to be in favor of moving toward a sanctuary, but in favor of option two and in favor of keeping fishing available commercially in the monument extension area, and then I'll explain why. This proposal really has the advantage of requiring, under three major pieces of congressional legislation, comprehensive social and economic and cultural impact assessment, something that the monument designation circumvents and avoids. That's the primary reason I support moving toward a sanctuary because a sanctuary has a much broader public process, much broader public impact, and gives fishermen a voice. For the record, I should say that I'm a retired fisheries anthropologist from UH Hilo. I do serve the Western Pacific Fishery Management Council on three committees, but I'm speaking for myself as a licensed commercial fisherman. Too old to fish anymore, but still someone who cares about fishermen, their families, and the fishing community, and the cumulative impacts of further prohibitions on commercial fishing. To me, this is part of a large-scale movement that is popular, but isn't as well-supported by the scientific literature as some people might argue. Let me speak first to the economic impacts that have been looked at already of the closure to commercial fishing in the monument expansion area. There are two papers that have gotten a lot of press. One by Linum and others, which suggests that there hasn't been a major impact on long-line fishing for that closed area in terms of the total percentage of the catch that would be excluded. That particular paper was funded by Pew Foundation. The second by Chan et al came out of the Pacific Islands Fisheries Science Center. That one, while the percentage of loss-in-catch is relatively low, the cumulative impacts through the fisheries system, and by this I mean a fishery system that includes the processing, marketing, and ultimately the consumer, which is all of us, does have a potential cumulative impact. Again, there is some recent scientific literature in refereed journals that calls into question the assumed benefits of large-scale blue water marine-protected areas because pelagic fish move. It may also be that heavier fishing right on the edge has more of an impact on the stocks, and even large-scale MPAs have not really demonstrated a significant benefit to the stocks if you follow that literature instead of other literature. I would suggest that everybody make judgments about this literature to see which of the literature is more advocacy-driven and which is more empirically based. That said, I would also support Hawaiian permits for sustenance and subsistence fishing. I would humbly suggest

that you all reconsider the possibility of customary exchange as a way of some cost recovery, but no profit in the commercial sense, for fishing in the monument expansion area should something other than option 2 that would allow continuing of the current fishing in that area be allowed. Thank you.

Roxane Keliʻikipikāneokolohaka

Aloha kākou [Hello everyone]. I provide this written comment as an individual in support of National Marine Sanctuary designation. My comments are based on knowledge and practice through my lived experiences as a Kiaʻi Loko [fishpond caretaker] for over 20 years, a Kiaʻi Kanaloa [ocean caretaker, ocean species caretaker] of over 15 years, and as a marine biologist. The EIS describes globally significant cultural, biological, and ecological function of Papahānaumokuākea. Also identifies ongoing and on-the-horizon threats and impacts that have the real potential to irreversibly change the function of this sacred place. Hence, the need for this kind of intervention on its behalf, and on the behalf of the broader realm of Kanaloanuiākea [the vast ocean], through sanctuary designation. It's crucial to frame all considerations and our decision-making in a way that is reflective of the function and intention of Papahānaumokuākea. Our thinking should be more on loko iʻa [fishponds] than koʻa [coral, coral reef]. If we think of Papahānaumokuākea as a larger-scale loko iʻa [fishpond] that if nurtured to reach its highest potential will eventually contribute greatly to the restocking and rebalancing of the larger Kanaloanuiākea [the vast ocean], then that is what we acknowledge as an akua [divine] function. Some may be looking to Papahānaumokuākea as a koʻa [coral, coral reef] where we're extracting, where they can go beyond the waters that have been depleted to the momona [fertility] of another space but have no collective intentions to feed that koʻa [coral, coral reef] in alignment with that cultural practice. In either practice, the akua [divine] must be given the extensive time and space to do what they do without the short-sighted and extractive intentions of man. In that framing, I support the prohibited and otherwise regulated activities, particularly fishing. I am concerned about exemptions and exceptions related to non-commercial fishing as I do not see effective monitoring and oversight practices. Unless there is an extraordinary amount of funding for 24-hour surveillance, monitoring, etc., you cannot catch everything that is happening up there. I do not support the reference to the cultural practice of customary exchange as it is written in some of the testimony from Wespac. That's an inaccurate use of that practice. My major concerns regarding sanctuary designation lies within NOAA and ONMS's capacity to adequately serve as kiaʻi in this space in its current state. There is a huge lack of equity within ONMS when it comes to the knowledge and rights of indigenous people. There is no authority over permitting. Inside of the Hawaiian cultural working group must be the authoritative voice in approving any kinds of permanence. There need permits. There needs to be permanent FTEs, specifically higher Hawaiians who have the appropriate and credible knowledge, skills, and experience to ensure the actualization of the Hawaiian cultural objectives and strategies listed here. SACs lack the necessary authority to oversee decision-making and implementation processes. Lastly, Kanaloa [ocean, ocean species] consciousness is what needs to be activated in this decision-making and implementation processes. Thinking that is long and deep, not short and shallow, which is easy. Contemplation that requires the examination of the interconnectedness of multiple factors. A lens that is reflected with the original and most effective stewards of the space, a Hawaiian lens. Intentions that place the Kanaloa [ocean, ocean

species], the element in the center of all thought and action, not man. Ola i ke au a Kanaloa [May we live on by the currents of the sea]!

Rikki Torres-Pestana

I want to accuse you guys of being contractors, conscripting genocide against the whole people in our country, our nation. We are a nation of people. We have a country. You follow us over here, conscripting genocide right now. Everybody who signed paper with you fellows is collaborating with genocide. We have a country here. How many people are here? Your kūpuna [ancestors] when sign the Kūʻē Petition. They're with us right now. All our ʻuhane [spirits of the past]. I never come to talk to these guys. They know they're the crooks. NOAA, It's all military. I was navy special forces in 1967 in Vietnam. I know well how the Navy, they come, they no good, they pīlau [rotten], they hewa [wrong], everything they touch. Their track record is proven. Look Pearl Harbor, our biggest lolo heiau [religious place of worship] in our kingdom. Look at it. It's most polluted. What they leave, they talk about picking up pollution, and what is the ship that everybody go look over there? It's been in there how long, leaking oil? The Americans use it as their propaganda, so they can go look at their dead soldiers. All the time, their thing is polluting our most sacred, one of the most sacred, what's the haole [foreign] word, estuaries. Every, Hilo was the most biggest estuary. There's a river in front here called Wailoa. Now the DLNR they want to call Waiākea, Waialoa, aʻole [no], it's Waiākeakai. Over there is Wailoa. You fellas are committing genocide. You fellas don't belong here. It's embarrassing what you are. It's a crime what you're doing. Our children's future is in great great danger. Braddah Iz put it down well in his song, the Hawaiian people, we are in great danger because you fellas come over here thinking you're Americans. We're not Americans, brother. Wake up. You know the Lahaina fire was sad. I lived in Lahaina about 18 years. I came home eight months before that. That was not a wildfire. Come on, brother. I'm 78 years old. I was born in Honokaʻa. I was raised in Hilo. I used to paddle iron roof canoe all along Waiākea and almost to [inaudible] street. Okay? My Filipino uncles would make me iron roof canoes. I paddled all around here. Abundance of fish. Abundance of fish. Now the papio in Hilo get one look like one space animal with all the feet and the teeth. They find it in the mouth of the pāpio in Hilo Bay, and you're going to tell me you're going to propose something that you're going to take care of. Come on, stop lying to the world. International law is coming. International law is here. You'd be surprised how many international lawyers are biting at the bit to come help us. It's coming. It's coming. We are getting back our nation. We are getting back our kingdom. Kō Hawaiʻi Pae ʻĀina, Hawaiian Island Kingdom. You guys are kanakas [Hawaiian people], go study Kamehameha III. He's the man. He's more sacred than Gandhi, what he wrote in kanaka ʻōlelo [the language of the Hawaiian people] and to translate it in English, we lose the sacredness of what he wrote. I carry around an English version of the copy with me like a Bible. We had to go to India and make copies. No one in America wanted to touch, us making a copy of that. We are getting some more copies and we are getting paperback copies and we're spreading it to all the people, especially our young moʻopunas, because they're not Americans. Look at you guys. Look at your guys' behavior. You no shame? You guys can go home and sleep at night? Auē nō hoʻi ē [Goodness]. Enough already. You are [inaudible]. International law is coming. This is a heads-up. I live on a sailboat right there at Waiākea River. I came home three years ago from Maui about eight months before that fire. I thought I was going to California or Oʻahu to find a boat to do exactly what I'm doing. There it was right there for me. Akua [God] went bless us and more and more of

us on every island are going to take care of our oceans our way. I've got [inaudible]. I've been appointed as the harbor master here in Big Island. Three months ago, DLNR came up to me, notified me I had 72 hours to move the boat or they're going to come in. Their record here, they destroy everything. They destroy boats and I'm still here three months later because I called up Michael, our prime minister, and he called the head of DLNR and he got it on the phone verbally. They will not never touch any vessel that's registered in the Hawaiian Kingdom. We are coming. Every island is going have. We're having a fleet, a fishing fleet first. Fishermen had more power than the aliʻi. Fishermen. Nobody could even surf it. You don't surf it. Cost of you folks have no clue, but you fellas doing. We going pray for you fellas. You need it because you're collaborating with genocide. America, look at what's happening to America. The empire is falling. War is coming. Prepare us Vietnam vets. Wow, you'd be surprised. I'm a warrior of peace, but don't ever question my ability to understand war. Don't ever. As Vietnam vets, we're ready. I don't want to be under Chinese. They're more worse than Americans. Under laws of war, the American military will be here to assist us. I want the druggies out of here. I want all the people who's abusing our children and kidnapping our children. You Americans, military are going to assist me in my, our... What we are doing? We're going to clean up what mess America has been doing to our country for too long. Ola nā kanaka i ko ʻolua aloha [May the Hawaiian people live on by your love]!

John Broward

Thank you for the opportunity to speak to you today. First of all, I want to start off by saying that I'm going to support the Marine Sanctuary... Sorry, got a call [inaudible]... About a year ago I retired from National Park Service. I spent about 40 years in National Park Service. A couple of things I learned to appreciate during that time was the need to protect these areas for future generations and even places I'll never see. It gives me peace of mind knowing that they're protected. I might not ever get up to Northwest Hawaiian Islands, but knowing that they're protected will give me my family peace of mind. I'm a father of an 18-year-old and I want to make sure there's something left for her and other generations in the future. I also learned that these areas aren't always completely protected because there's always confusions of all kinds of activities that do destruction. I appreciate the fact that they're protected, but it's also important to have continued monitoring and law enforcement and those kinds of things to protect these areas completely. The other thing I learned during that time is that when we had visionaries look at these areas to protect them for future generations, people a hundred years ago started thinking about this as far as land resources and how important it was. These visionaries were able to establish these areas, so I appreciate what NOAA is doing. I appreciate what you guys are doing and what anybody involved moving forward with this. In summary, I just want to say that I go on record that I support it, and I support Alternative 1. Thank you.

Jamie Barlow

Hello, folks. First off, appreciate each of you for listening and for the audience and the comments I've heard today and throughout the week. I have like five comments in three minutes, so I probably won't get there, but I'll try. I'll start with one way, way down in the weeds for consideration, which is anchoring from a vessel safety perspective. I realize this is a sanctuary's designation. We're talking about anchoring in shallow waters, which is a monument thing. I didn't have a chance to capture that, but I at least want to offer that there are times

where anchoring is absolutely necessary from a vessel safety standpoint. I've certainly been in situations where I've been in big water, engine overheated, and I've needed a place to anchor. Because these are the Leeward Islands coming home may not be a viable option. A place where a vessel can anchor that's predesignated. For example, north or south of La Perouse, in 60-80 feet of water. It's pres-designated. There's no dead coral. It's rubble, and it's identified. Let me back up and mention that I'm going to say that these are comments for myself as just an engaged citizen. I just want to make sure that I'm just speaking for myself here. And then I just want to offer that that could allow a potential vessel that's in an offshore environment, have safety, and then be able to be there. With that idea, I also want to propose a solution, which could be that they have to contact the Coast Guard. They're going to be willing to pay a $2,000 fee of some kind, so they're not going to violate it. It's just like, "I'm really up a creek. I really need to anchor. I will not let my crew go offshore and find glass balls or do anything else. I'll be there for eight days. A body will tow me home." I just want to offer that for consideration. Now with the limited time I have left, I support and promote your guys' judgment and a sanctuary's designation. I realize that one thing I want to offer is for more collaboration with maybe NESDIS and State Department for satellites as a continuing collaboration for just general satellite usage for management. I'm not going to dive into too deep about whether we can commercially fish in those regions, but I do support commercial fishing. The long line fishery here in Hawai‘i is head and shoulders better than I would offer than the other areas in the other countries. I would rather see American jobs being promoted and decently managed, of course we can improve, because I think that's important from a sustainability perspective, labor practices and everything else. I support the possibility of fishing if it could be allowed in those offshore environments. Thank you. Aloha [Goodbye].

Mahina Kapulani

Aloha kākou [Hello everyone]. My name is Mahina Kapulani, born and raised in the south [inaudible] for many moons, many years. All I ask that whatever you guys do is that you include the kanaka [Hawaiian people whenever you make decisions. You got to include the local people, the people of this ʻāina [land]. I see far too many marine sanctuaries created to keep out the Hawaiians, and it is a law that you must provide sustainability for the kanaka [Hawaiian people]. It's not only in certain areas. It's everywhere in the ʻāina [land] and the ocean. Just remember that, okay? Everything is equal. Now, we're going to make sanctuaries to keep the rich people in this area, keep the Hawaiians out. I see it every day. I'm staying in Kingsland at the hotel, and I go fishing with my family, and they're trying to kick us off the beach. I said, "I'm staying at the hotel. Not only that, I have fishing and hunting rights on this island." So whatever you guys do, you got to talk to the Hawaiian people. You got to talk to the locals. Don't keep us out. All you going to do is, like brother said, you're going to create war. One day, the kanaka [Hawaiian people] are going stand up and they're going to use force. It ain't going to be a good thing because they're going to come strong. They're going to come to the last blood, to the last Hawaiians alive. So I'm telling you right now, as a veteran myself, the veterans are ready. The veterans in Keaukaha and Panaʻewa are ready. They're only going to take so much, and they're going to come with force. Might be blood on blood, we might be taking our own people out, but they're just tired of it. We should have seen from TMT that the Hawaiian people are just tired of it. Give us back what we need to survive. If you're going to start taking away land, take away ocean, take away coastline, sooner or later the bubble will burst, and we're going to have

bloodshed unfortunately. A lot of us veterans are ready and we're not scared. You know what I mean? Might be family against family, but that's just the way it's got to be. Right is right. Don't forget the kanaka [Hawaiian people] whenever you make decisions. That's all I ask for. Mahalo [Thank you]. Thank you.

Kahaluʻu Kona Public Hearing

Location: Kamehameha Schools - Kahaluʻu Makai Site, 78-6780 Aliʻi Drive, Kailua-Kona, Hawaiʻi 96740

Date: April 16, 2024

Time: 5 PM

Isaac "Paka" Harp

My name is Isaac Harp. I was author of the draft plan that led to the coral reef ecosystem reserve designation in 2000, and I was real disappointed in the mid-2000s when NOAA started grant protections, and the proposed sanctuary at that time. I hope that's not the case now. The Northwest Hawaiian Islands are not for sale, commercial gain, or fishing. Regulations of penalty schedule and strong enforcement for the existing reserve and monument must be provided for now. This has been in place for 20 years. Where are the regulations and the enforcement? That's ridiculous. Now we're going into monument and it's not even designated and you're already drafting a monument management plan. I need to let the Congress order NOAA to designate or to initiate the process. Just two very different things. The expansion area protection should be strengthened to at a minimum be consistent with the state refuge regulation, the strongest regulations out there. Stronger than the Monument. All activities should be automatically prohibited rather than automatically allowed unless specifically prohibited or ruled then prohibition must apply to everyone including NOAA. No exemptions should be allowed. Will commercial, subsistence, real subsistence or fake Wespac subsistence, or recreational fishing should be allowed. The hearing must be held on all permit applications. No more secretive permit applications and approvals behind closed doors. The people should be able to know. Transparency is something that we need and there must be a permanent record of all permits issued. An independent cumulative impact assessment or permits must be a part of the permanent record. And I request to implement AIS vessel monitoring and satellite vessel monitoring for enforcement now. AIS preferable over BMS. AIS is publicly accessible and it's also a safety measure. It was designed for vessel collision avoidance. And I hope that somehow the existing co-management structure can be maintained. I think OHA should be an integral part of this. And last but not least, federal funding. The majority, all of it is going to NOAA. I think it should be equally distributed amongst the four trustees, at least at the monument level. Thank you for your time.

Claire Iloprizi

If I'm over, don't turn the thing on in. If I'm over three minutes, it's just going to be another second. I've tried to do it. For the record, I'm speaking from the American Declaration on the rights of Indigenous peoples, article six, indigenous spirituality. Number three, indigenous people have the right to preserve, protect and access their sacred sites. [Inaudible]. I am an indigenous practitioner helping babies be born, over 1500 of them. I'm an expert on sonar for

over the last 50 years. Our ancestors come from the ke kai [the ocean]. Papahānaumokuākea is the largest conservation. Why isn't the Hawaiian flag flying instead of the American flag? The queen never went to war and never signed a treaty. Show some respect. On page one, it states that the most significant threats to the monument rise from habitants and human activities beyond its borders. The EIS violations are stated on pages 120 to 124 on section 4.6.2, US Navy still conducts a few of their tests and training exercises within the southeast portion of the monument, with the potential impacts and mitigation number measures associated in the EIS. Why does the US military do that? Why are they still doing sonar? Marine biologists and environmental lawyers proved over and over again that the navy sonar activities harm more than 60 separate populations of nā ʻohana o Kanaloa [the families/species of the ocean], whales, dolphins, seals, and sea lions amongst all life in ke kai [the ocean], many are tagged and vaccinated. If a whale or dolphin can't hear, it can't survive, said David Henkin in the Earthjustice Trials. Now I was part of those too in 2005. Sonar severely damages the mammals' brains and ears and causing them to destroy themselves. Auditory structure damage was found in the four beached whales, especially bloody effusions and hemorrhage near and around the ears. This is shown worldwide since 2005. Whales and dolphins need their sonar ability to dive down and to find mating partners birth finding their way, sonar is comprising the way that they breed. I will talk to you about birth [inaudible] later. I'm deeply aware most of them that go down to birth are dying. I am deeply aware of how their brains burst before they go down to birth. Sadly, most of them do before they can birth. A temporary injunction was obtained with the navy from using sonar in 2005. However, the Pentagon mounted a campaign to gain military exemption. You guys got exemption all over this. Pisses me off. From all the environmental controls that overturned cases that were won to stop harming our iwi kūpuna [bones of our ancestors]. The Navy stated it can meet its training and testing needs at the same time provide significant protection for whales and dolphins by limiting the use of sonar and explosives. There's no limiting of it. President Eisenhower in '61 warned the public of the nation's increasing powerful military industrial complex and the threat to pose to American democracy. Today the US routinely outspends every other country for the DOD. The US authorized just this year 842.4 billion dollars for the DOD. Where is the accountability of the military industrial complex? Sonar is not safe. Wars are not safe. RIMPAC games are not safe. Wars now are started from a computer. It's a pushing. It's just sonar and it's drones. So why are we even doing all these RIMPACs? US military NOAA is not welcome in our islands with such a violent past and capable of protecting and guarding our lands and waters surrounding Papahānaumokuākea. We as indigenous people have the right to Papahānaumokuākea for our physical, mental and spiritual health. Our kai [ocean], our iwi kūpuna [bones of our ancestors] worldwide are kapu [sacred]. Mahalo [Thank you] for your time.

Nalani Merrill

Hello. Mahalo for all that you have done and all your work and for coming here and for sharing with us. I'm trying to figure out what it is you want from us or... I'm not real good at reading everything online and I really appreciate the way you presented the information. Of the three versions, it seems to me the first, which is very inclusive, more so inclusive of everything. For me personally, that seems like the better choice, to be more inclusive. Ideally it will bring kālā, money, we need for that protection. Saying that it's protected and actually being protected are kind of two different things. Ideally NOAA has, I would assume, the capability of going for grant

monies and things because congress will only provide so much, and there's a phenomenal amount of grant money out there for these kinds of things, if you have people that are grant writers. I love the way that what the scientists find out is shared with the group ideally in some kind of an accessible form so that our youth, who are coming up in droves. It's really exciting that they can pursue careers in this field and something that they care about. We've all cared about it but the steps are very slow in moving. Protecting our islands has been a struggle for a long time and trying to get back reclaiming in a sense. But this is a wonderful project that ideally will enhance things in the future. It already has and I'd like to thank you and I could quit looking at that clock. But thank you everyone for all.

Jason Helyer

Thank you. Hello, my name's Jason Helyer. I am representing my personal views today. I would like to offer support for the option two. And the reason why I favor option two is because a lot of marine management and spatial marine management has kind of turned it towards these really broad decision making and I think we could learn or we could reevaluate things and be specific about what we would like to protect and converse with stakeholders and have a better... I don't want to say better, but maybe a different outcome. And option two would allow that for the area, is 50 miles to the EEZ. Thank you.

Lynn Ryan

I wanted to show up and learn and thank you for being here. Too bad the address was not clear and I started out at the Keauhou Shopping Center and ended up here, which is nice to be on this property. It's some place I'm actually allowed to be, mostly. Alternative 1 has a larger area but I haven't looked at a lot of the details of any of this. But I appreciate any protection overlay that you all can offer to the plants and animals on the islands. And I have a great concern about the sonar activity in the ocean in the area and near the area, recognizing that it does great damage to our aquatic friends. And I will come up with some written comments that I wanted to enter in as one of the counted who's here to witness this. Thank you.

Rick Gaffney

Aloha [Hello]. I'm here to speak in favor of alternative 1. I come at this in recognition of the more than a hundred years of effort that has gone into protecting the Northwest Hawaiian Islands. I have the unique, maybe in this room, in my life opportunity to have been and visited and seen many of these islands personally. And I have been actively involved in the protection of these islands as a member of the Reserve Advisory Committee Council for over 20 years. But to me this is the culmination of that hundred years of effort to protect this place. President Roosevelt started... Teddy Roosevelt started nearly a hundred years ago protecting the seabirds in the Northwest Hawaiian Islands because milliners were taking their feathers in such heavy numbers and their eggs in such heavy numbers that populations of seabirds that are so important to the ecosystem of the Pacific Ocean were being decimated. And that was a start. So what I see in the DEIS and the proposal to overlay a national marine sanctuary is the next step in this long history of very necessary protections. This place is unique on the planet. It is one of the most isolated, if not the most isolated series of islands in any ocean on the world. And the amount of endemism that happens, that exists in the Northwest Hawaiian Islands is really overwhelming when you realize the divers in the deep of Kure Island recognize that a hundred

percent of the animals that they're looking at are unique to this place. When you understand that, you understand why this place needs to be protected. The world's oceans are under greater stress than they've ever been in history. Climate change is real. Deep sea mining is coming and the oceans need protected areas. Scientists around the world say 30% of the oceans, that's probably not enough in my mind. But this protection, these added protections, these cementing of protections that in many cases have existed for a century is absolutely essential to assure the future of this place. And it's a place that's worthy of protection. And I will provide written comments later on. Thank you very much.

Zahz HewLen

Aloha kākou [Hello everyone]. My name is Zas Hulen and I actually wasn't planning on testifying today mostly because I came not really knowing too much about Papahānaumokuākea. And I don't know if that's just because I went to Kealakehe High School or what, but there's just such mystery about it and that's worrisome to me. And I guess out of the options that were presented, I'd be for alternative 1. I testify in support of that, but I am worried about the amount of permitted uses and exemptions that exist in what we've seen today, especially related to the military. So I would like to see transparency in all the permits that are issued. I don't know if that's already public record and people can see that, but that definitely needs to be something that needs to be out there in the open. And then I'd like to see as one of your values is education, really being in schools and educating just the public and having easy access to that about everything that goes on in the archipelago. And again, my name is Zas Hulen. I come from the ahupuaʻa [land division] Waiʻaha and I'm running for county council, district seven. And a huge part of me coming here today is because we have serious ocean protections that need to be in place from our shores right here off of Kona all the way through the archipelago, protected from deep sea mining, commercial fishing, and the military. Thank you. Mahalo [Thank you].

Isaac “Paka” Harp

Mahalo [Thank you] for a second opportunity. Mine is just a brief one. Middle Bank is where the little hot dog thing looks like sitting on the side. And the Kona fisherman, they fish that area and sometimes the fish move to different areas of the bank and the fisherman needs to move around to find the fish. So I would request that the entire Middle Bank be cut out of the reserve area or the monument. The fishermen don't unintentionally cross the border and get busted and fined and everything. It's hard enough to survive as a fisherman as it is. I have experienced with that myself. So I hope we can find some way to at least accommodate that small area. So I believe the protected area covers about a third of Middle Bank and I would like to request that that section be open for the Hawaiʻi fishermen or any fishermen. I guess we cannot designate what fishermen can in go the area, so just open that section for the fishermen. Mahalo [Thank you].

Claire Iloprizi

So I have some major questions. I do want to start with how a whale comes up to the top of the serfice. First of all, they've been here for 15 million years. The manō [sharks] have been here for 450 million years. Their heartbeat, the manō's [sharks], is every three seconds. The koholā's [whales] is every six. Ours as a baby is 120 to 160. I've been helping plenty babies for... Like I said, that's my life. So when I look at the kanaloa [ocean, ocean species], they come to the top of

the water and they have to gather the hā [breath]. They have to just gather and gather. They got to go all the way down. I went to section 106 meeting with the military. They wanted us to tell them, well, where are the heiaus [sacred places of worship] down there? And we're like, what? So you can bomb them? I guess that's what sonar is all about. And I think that too, that in all of the things that you guys are talking about, it's like what about the privacy? I understand that teachers want to teach and they want their kids, but how many people do you have in the room when you're making love? Those kinds of concepts, when you go to the bathroom, this is really private. These ancestors have been here for a lot longer than us. So as they dive down, that's when that sonar hits them and it just splits [inaudible] plenty of people and scientists and I teach them work worldwide. So I want to know. I have a love for these animals, as I think all of us do. And all kanaloa [ocean, ocean species]. They're all deeply affected. Why do we trust the military to be part and NOAA? NOAA is a branch. What is it? Who started NOAA? CIA? I keep hearing things, but it's definitely connected. I Googled it enough to know, same pace, saying this. And I've been in NOAA trials. What did they want? They wanted the iwi [bones] of that koholā [whale], that white whale. For what? The DNA? So I look at them, why do you think that we can trust them? We win lawsuits. They say they're not going to do the RIMPAC. They're bombing and bombing up on our mountain. They're bombing in our seas. I go to every committee. Everything I testify in, why do you think that we can do it? And why don't we go into hoʻoponopono [time of correction, making things right]? Why don't we go and talk to the people, to the indigenous people here to talk about... And then the practitioners about these things. Why do we think that we can actually trust them? We need some answers because sonar is sonar, low frequency, high frequency. It's parasympathetic, sympathetic. It's war or it's love. So you guys all talk about peace and love and we love our islands. Then why are you allowing these guys in here again? So these are some of the questions that I think that should be on here and that should be answered. And who's going to hold them accountable? Because in those lawsuits with your justice, we won. We won and we won and we won and then we won all around the world. Did they ever stop bombing? No. Have they ever stopped bombing our iwi [bones]? The whole graveyard of all this. We cannot rest until our iwi [bones] have been respected. So we need some answers, we need some truth. Mahalo [Thank you] for you guys too.

Kahului Public Hearing

Location: Maui College Pāʻina Dining Room, 310 W. Kaʻahumanu Avenue, Kahului, Hawaiʻi 96732

Date: April 17, 2024

Time: 5 PM

Kekuewa Kikiloi

Aloha mai kākou [Hello and welcome everyone]. My name is Kekuewa Kikiloi. Today I speak on behalf of the Hui Manamana, our leadership team for the Papahānaumokuākea Native Hawaiian Cultural Working Group, or what is called the CWG. Our group is comprised of native Hawaiian activists, scholars, cultural practitioners, educators, and marine advocates who have more than a twenty-year history of helping to protect this culturally significant region. Many of us have historical family ties or have first-hand knowledge of visiting these ancestral islands of our homeland. I'm sharing today that the CWG supports the designation of Papahānaumokuākea as

a National Marine Sanctuary. Specifically we support alternative 1, the preferred alternative, which would designate boundaries that are aligned with the existing monument. The alternative includes the deep water resources of the monument expansion area, including seamounts supporting rare oases of life in this primarily pelagic and deep ocean environment. We're doing oral testimony today, but we'll also be submitting written comments as well. And that will give more detail. We appreciate that the proposed plan is influenced by Mai Ka Pō Mai that was built by the native Hawaiian community and represents our vision of how we should take care of this space. It shows a clear message of support of our progress as a native Hawaiian community and our relations to the federal government. The proposed sanctuary acknowledges past advocacy and discusses amongst a wide group of people from fishers to Hawaiians and conservationists during the monument expansion effort and does not expand the area's specific boundaries any further than what is already currently in place. We further appreciate that the proposed rule and draft EIS for the proposed sanctuary keeps the existing protections as a baseline. Let's skip down here. The proposed plan provides much clearer regulations and guidance enacting civil penalties for permit and regulatory violations than what is currently available within the monument proclamation alone and imposes liability for damage to sanctuary resources. It also keeps in place the advisory council, which includes native Hawaiian seats. It would not create a permit-free area for research or promote commercial activities to generate profit for NOAA as some have inaccurately claimed. Finally, I just wanted to mention that we are concerned about the industrial fishing interests in this area. Even though commercial fishing is prohibited, we are alarmed at the current proposal from Wespac at the large-scale extraction of fish from this area. And we oppose any sale, barter, trade of large-scale extraction and cost-recovery proposed by Wespac. Since this process is running under a separate process that is not aligned with sanctuary designation, we fully expect NOAA to ensure it has protective regulations that are consistent with the monument proclamations. This includes having a comprehensive EIS on the topic and having an adequate public comment process. Mahalo [Thank you].

Kanoelani Steward

Aloha nui kākou [Great greetings to all]. ʻO wau nō kēia ʻo Kanoelani Steward [I am Kanoelani Steward]. No Lahaina mai au [I am from Lahaina]. He kumu wau ma ke Kula Kaiapuni o Lahaina [I am a teacher at the Hawaiian Immersion school of Lahaina]. I just wanted to give a little kākoʻo piha [full support] to this National Marine Sanctuary designation. I believe it'll just provide an extra layer of protection. I have had the opportunity of going up to Papahānaumokuākea as part of the rock cruise. And because of my experience going up there, and within my capacity as a kumu [teacher] now in the school, I'm able to share what I experienced up there because of the protections that are already in place. And so I kākoʻo [support] alternative 1. Definitely kākoʻo [support] everything that Kekuewa just shared as well and hope to see this come through. Mahalo [Thank you].

Kalamaʻehu Takahashi

Aloha [Hello]. My name is Kalamaʻehu Takahashi. I have come here as a community member who has the opportunity to access Papahānaumokuākea until 2018 to Nīhoa with some of our hoa [friends] to do intertidal surveys, but also had the very unique opportunity also be on Nīhoa and kind of mākaʻikaʻi mokupuni ma laila [visit the sites around the island there]. ʻIke i nā ʻano wahi like ʻole a pau ma laila [See all of the many different sites there]. Nui ka mahalo [So

grateful]. And then again in 2021 with OET as their inaugural sort of what you call that. Yeah went in 2021 with OET cruise and stuff like that so we've had the opportunity to go up there. And I just wanted to mahalo [thank]. Mahalo [Thank] you guys for being here, mahalo [thanks] to NOAA and to all of our ʻohana [family, people] that have been putting these protections together. I'm here testifying in support of alternative 1 and more accountability for a lot of the hana [work] that's been permitted and permitted particularly with regards to the commercial activities and stuff like that. Because in the research of certain moʻolelo [stories] from the time of Pele mā [Pele folks, Hawaiian goddess of lava and volcanoes] and stuff like that. We don't talk about we going to go away, we're going to grab all this stuff and bring it all back here. The context of these moʻolelo [stories] is to talk about migrations and our connections to the larger, broader ʻohana [family] of the Pacific. Again, in another instance of the moʻolelo [story] Keaniniʻulaokalani, this is a place where we talk about residents and having other older iterations and hanauna [generations] of our kūpuna [ancestors] living in those spaces and having interactions with Hawaiʻi as a main avenue, or like an alahula [frequented pathway], for us to have the culture evolve as we move down the island chain. But again, no necessarily presence of these extractive practices that are trying to bring some of these resources back into stuff other than to just hoʻoulu iʻa [grow fish], other than to just grow the population of iʻa [fish] within the main Hawaiian Islands through navigation from Hawaiʻi Island all the way to Papahānaumokuākea and to return. So there's two of the older ones. Not only that one to look at. There was a series of interviews, “Hana Ka Lima, ʻAi Ka Waha” [A collection of historical accounts and oral history interviews with kamaʻāina residents and fisher-people of lands in the Haleleʻa-Nāpali region on the island of Kauaʻi]. They talked about kūpuna [ancestors like ʻanakala [uncle] Eddie who shared that moʻolelo [story] of using Papahānaumokuākea as this opportunity for us to train for voyaging but also to reconnect to our moʻolelo [stories] and to our kūpuna [ancestors] in those areas. And also with other regards to I think it was [inaudible]. Sorry, super informal. But the kine, Kupihea, Kawano Kupihea. They go from Mauliola. They go up there to bring the iʻa [fish] back over here, not to harvest and to bring back, but to hoʻoulu [grow] through those pilina [connections], through the hoʻomana [worship], through that landscape and our connection to those areas to re-solidify these things. Anyways, talking plenty, super Portuguese. Just burning the three minutes. It's nice talking to you guys. I support of alternative 1 and in support of any more measures that hold commercial operators and other sort of people that are looking to do anything other than mālama [protect] our resources and our moʻolelo [stories] up there accountable. Mahalo [Thank you].

Katy Weeks

Mahalo [Thank you] for taking my comments. I'm a volunteer for the Hawaiian Islands Humpback Whale National Marine Sanctuary, but I'm speaking for myself. I'm so excited to support alternative 1. We live part-time in Massachusetts and part-time in Hawaiʻi, so we understand the Stellwagen Bank is very important as well. And I know that I don't understand everything, and I apologize if I make a mistake in my comments. I did not hear any discussion about protections for our koholā [whales]. And I'm requesting that we consider protections similar to the ones that protect our koholā [whales] in our sanctuary here, such as, for example, during whale season, limiting sonar, limiting speeds, keeping 100 yards from our koholā [whales]. Thank you very much.

Ben Walin

Mahalo [Thank you]. Just a little quick question and actually any questions are going to go through the thing, but my name is Ben Walin. I'm speaking actually on behalf of myself today. I'm a little concerned, actually very concerned about the sustenance and subsistence fishing and the regulations of the permits that are going to be proposed and how that's going to work. Being able to catch fish and bring fish home to your families is critical to our culture. A real quick story... My uncle was a commercial bottom fishing in the French Frigate Shoals. He was a UH Hilo. And he would bring back the bycatch, the fish that they could not sell. And this fish fed three of us for semesters. So this was our main source of protein. Now I know the commercial fishing isn't going to happen, but the ability to be able to bring fish back and to be able to share with our families I think needs to be worked into this somehow. Mahalo [Thank you]. Thank you.

Kekuewa Kikiloi

Yeah, thanks for the opportunity to continue. I'm sorry I had to cut the last one short. I didn't realize three minutes was so short. Anyway, some of the other things that we really like about the sanctuary designation is that it helps to strengthen the durability of the existing protections provided by the monument, which has been threatened by today's uncertain political climate, ensuring added safeguards to last regardless of who becomes president next. The sanctuary would also be eligible for additional public and nonprofit sources of funding that could strengthen the public's appreciation of Papahānaumokuākea and support a more consistent budget for areas such as operations, research, citizen science, education, and emergency response. And then deviating from my written record, I just wanted to add in terms of the commercial fishing... sorry the non-commercial fishing issue. We were the Cultural Working Group... It's not in this testimony, but we were concerned that it being put under the guise of native Hawaiian subsistence fishing, mostly because it allows for the general public to fish and not just native Hawaiians. It's not really a use that is being a privilege given to us or anything like that. We were also very much concerned about the amount of catch, because it's proposing 350,000 pounds of bottom fish and 180,000 pounds of pelagics, which we feel is beyond the scope of subsistence. The other thing that we are also concerned about was the process in which the permits were going to be evaluated. We didn't feel that, I'm not sure if this is part of the Magnuson-Stevens Act or the laws that are associated with all this is supposed to be structured. But NOAA fisheries definitely should be involved, but I really think that the management agencies should have the ability to have final say on this. Because it's a point of value to be able to, if you're the one managing the resource, you have to be able to enforce it, the penalties and stuff like that. And it's not like we can allow someone else to make those decisions for you. We thought that was kind of weird. And then finally, we really want to emphasize that because the processes were separate in terms of the development of the fishing rows and the sanctuary designation, we felt that they should have probably been aligned, if you're trying to increase the trust of the public. But because it's being run differently and it's not aligned now, we do think that it needs to have a separate EIS. That's really important, because fishing is the primary threat of the sanctuary. And it's not being evaluated in the sanctuary designation documents. So, mahalo [thank you].

Alisha Chauhan

Aloha [Hello]. I'm Alisha Chauhan. I'm a consultant mainly for ocean conservation projects here on the islands and water conservation as well. I'm highly in support of the marine protected area, the Papahānaumokuākea. I apologize, I don't know as much yet about the fishing or that component of it, but I would strongly advocate that we recognize the mono is very important as a keystone species in ocean waters. And here on the islands actually we're finding that... And we're starting to work with the fishing community in disposal of fishing line and fishing gear, because that leads to entanglement of marine species and marine animals. So I would want to ask that that be recognized and looked at and ensure that that's all part of this marine protected area as well. That there's stricter regulations and really ensuring and enforcement and really ensuring that this really is a national and global marine protected area to be looked at and that it will be going into consideration with all eyes on this in the future if it is a really great example in a model. So it would go into the whole 30 by 30 protecting 30% of the world's oceans by 2030, which is a UN global and sustainable development goal. So thank you. Sorry if my comments were a little scattered. And I look forward to learning more. And thank you for your support on making this an amazing marine protected area. Mahalo [Thank you].

Skippy Hau

I was actually not going to say anything, but I just... Well, it's been three years now, but I retired from the Division of Aquatic Resources three years ago. My name is Skippy Hau. And I guess what I'd like to bring up, because I don't think people are going to bring things up, I was able to work on the bottom fish surveys in the Northwestern Hawaiian Islands. So I worked in the Honolulu office. And we had commercial fishing boats go up to the Northwestern Hawaiian Islands to fish. One of the things that I was able to do was also to go to Tern Island, and we helped supply the folks that were doing research on Tern Island. One of my concerns is... I'm looking at it now, I guess now I'm retired, so this is from the early '80s. And Tern Island is falling apart. There are all these facilities that were built during the war and the military, and all these things are rusting. The buildings are falling apart, yet I don't really see the military in terms of cleaning up after they've established all these from airways to places where ships can land and things. And so also I guess the turtles are threatened, because they get, caught up in the facilities that haven't been removed. So those are some of the things I think I would like to see more attention being paid to or cleaning up. But also Midway. I think there was contamination of jet fuel on the island. I had wished I could take my brothers and go up and go fishing at Midway, but that never occurred. Because Aloha Airlines basically closed. But I support the sanctuary. And I'm looking now at 50 years later, but I would like to see things cleaned up. Like folks have said, "There's a lot of fishing gear, there's a lot of plastics." And all those things all end up on the islands. And nothing's going unless people go in and clean it up. It's still going to be there. But if you could, but I appreciate it. And thank you.

Thorne Abbott

Hello. My name is Thorne Abbott and speaking on my own behalf. I am on the RAC. I just want to thank NOAA, all the staff for coming over. I know it's a super late night, but we appreciate you coming to Maui and updating us here and respond and talk story a bit. I fully support alternative 1. And my main thing would be to say hurry up and get it done. For that little guy in the back has a place to sail to when he gets older and discover. Thank you. Mahalo [Thank you].

Kalamaʻehu Takahashi

I just wanted to bring up two points that I missed in the last testimony. I think one of them, I was able to review some of the testimonies from that same document "Hana Ka Lima, ʻAi Ka Waha" [A collection of historical accounts and oral history interviews with kamaʻāina residents and fisher-people of lands in the Haleleʻa-Nāpali region on the island of Kauaʻi], and in some of those testimonies, one of the kūpuna [ancestors] that I wanted to bring into the space is ʻanakala [uncle] Buzzy Agard. He was one of the kūpuna [ancestors] that got into the conversations early from what I understand. But he was a Native Hawaiian commercial fisherman who saw the impacts and collapse of certain populations within Papahānaumokuākea. And due to his huakaʻi [trip] up there and his experience up there dedicated his hana [work] from there forth to the preservation of these places. I just wanted to offer that little bit of manaʻo [thoughts] about how people, despite what we got to do to survive, we still can base our aloha [love] and our hana [work] off the preservation of the resources. Secondarily, I wanted to just talk about that conversation in terms of subsistence. I just want to make it clear. I don't have no problem with nobody trying to feed their family. We all got to do it and stuff like that. But when we talk about subsistence and stuff like that, I mean kind of nice yeah when you just go your place and you go your stuff and you come home and eat. It's nice if you can go holoholo [gather] and you can be home by dinner for eat, right? So we're talking about subsistence and stuff like that. We're talking about locality as well. And I think that an important matrices for us to consider whether these things are things like moʻokūʻauhau [genealogy] and then kuleana [responsibility] based upon moʻokūʻauhau [genealogy]. So we're talking about access to these spaces in these areas. Honestly, if they no more kuleana [responsibility], and they no more moʻokūʻauhau [genealogy]. What is a word that we can use for that? If I was to come to you guys, if I come here in your neighborhood, and I come to your shoreline, you don't know me, and I come eat from your fridge, you won't be too happy. Yeah? I don't know what to call that... But sometimes they call that mahaʻoi [impertinent]. Sometimes they call it [inaudible]. But I think that one of the most important things for us to consider in these conversations from here forth is how we are going to mālama [protect] our resources in our localities, in our ahupuaʻa [land divisions], in our moku [land districts], however we want to call it, in the geographical area we tied to. And I think that our pilina [connection] and our kuleana [responsibility] should be there first before we decide to go into the realm of the akua [divine] and the realm of these places that historically, culturally demonstrate connectivity to these places. But like I said, to more so inform how we operate within the main Hawaiian islands and stuff. Because if we see how fragile these things are and we see how fragile these ecosystems and resources get in the end, the impacts from cultural environment, not cultural stuff, especially positive impact for the cultural, but extractive industries and stuff like that are damaging and pushing these places and these resources pass a certain threshold. We shouldn't be going more far for try and bring home dinner. I think we should try and mālama [protect] where we can and where we stay. So I just wanted to bring ʻanakala [uncle] back into the space. And mahalo [thank you] again for hearing me for the other three and a half minutes. Mahalo [Thank you].

Kaunakakai Public Hearing

Location: Kūlana ʻŌiwi, 612 Maunaloa Highway, Kaunakakai, Hawaiʻi 96748

Date: April 18, 2024

Time: 5 PM

Gil Kualiʻi

Aloha [Hello]. My name is Gil Kualiʻi. I hail from Moku o Keawe [Island of Keawe, Hawaiʻi Island]. I am a commercial fisherman out of Hilo, have been since my retirement from the US Navy in 2003. Although I may not speak Hawaiian, my language is undisputed. I am providing public testimony this evening in opposition to the sanctuary designation for Papahānaumokuākea. Fishing and gathering from our Hāmākua coastline have always played a tremendous role in my ʻohana's [families] life, being able to partake in our ocean's seasonal bounties responsibly over the years have generational memories ingrained in my poʻo [head]. I can't say that I've ever fished the Northwest Hawaiian Islands, but given opportunity today without hesitation, full speed ahead. I'm skeptical about NOAA's foresight in designating Papahānaumokuākea as a national marine sanctuary, and in their belief that by doing so would be the only option to preserve the area's pristine ecosystem and natural beauty. A beauty that will only be experienced by a select group of scientists, Native Hawaiian cultural practitioners, or those wealthy enough to incur the expenses to traverse the hundreds of miles of open ocean if established. What about the rest of us? The Hawaiians that don't have the financial backing to support such an endeavor? The Hawaiians that can only afford to read about it, read about the cultural significance of the area in a book, in the newspaper, or on TV? Where is the equity and environmental justice in NOAA's pursuit? The sheer distance and trip expense alone would curtail even the most adventurous of captains from even considering such an undertaking. Instead, we have a beautiful museum in Hilo, Mokupāpapa, so that we can see all the work being done by mainland scientists in Papahānaumokuākea. What's wrong with that picture? Hawaiians no can go, but those scientists can. I cannot say that my comments are representative of all fishermen and for all Hawaiians, but here are my thoughts. My first choice is to support no action. When I read your EIS, most of your arguments against no action is that Papahānaumokuākea requires protections that are not enforced in MEA, like protecting the seafloor and the fragile habitat. So, why aren't we pushing to do this under the monument management plan? We no need no sanctuary to do this. We already got a presidential proclamation that made the MEA that protects the seafloor. So, what is the real reason for the sanctuary? Plans for exclusive deep-sea mining, military operations, or fear that Trump will take it all away when you get in office, right Godfrey, like he did in the Atlantic. At least come up and say that to the people. Managing out of fear or use the smoke and mirrors instead of out of necessity is shameful. I will continue.

Walter Ritte

I'm learning a lot about what's going on. What I know is that on the island of Molokaʻi we have two economies. One is the cash economy and the other one is the subsistence. So, the subsistence economy is important for us for survival. So, I like the idea of having some kind of a subsistence use by Hawaiians in the sanctuary. You try to figure out how to bring back the things that we need. We also need to get seeds. So, not only for subsistence uses over there, but maybe

we might need limu, some kind of limu that we're using here in Hawai‘i or ‘opihi or any of the animals or corals that we're going to need here in Hawai‘i. Need to have the opportunity for us to collect those kinds of things in order for us to survive over here. So, I'm listening and trying to figure out the complexities of all of this different people claiming use of this place, and at this point, that's the only reaction that I have right now is to make sure that the subsistence use is for subsistence use. Thank you.

Lori Buchanan

Aloha [Hello]. That three minutes is so intimidating. So, I will come back just to talk about this, the three minutes, but aloha [hello]. My name is Lori Buchanan. I am born and raised resident of Molokai. Today, of this one, I speak on behalf of the expand Papahānaumokuākea Coalition, which I have been a part of since it was founded nearly 10 years ago. Our group is comprised of a diverse network of native Hawaiian culture practitioners, fishers, conservation group scientists, businesses, and more across our Hawaiian pae ‘āina [archipelago] and beyond. In 2016, we had more than one million people join us in supporting the expansion of Papahānaumokuākea. I'm sharing today that the Expand Papahānaumokuākea Coalition fully supports the designation of Papahānaumokuākea as a national marine sanctuary. Specifically, we support alternative 1, the preferred alternative which would designate boundaries that are co-extensive with the Papahānaumokuākea National Marine Monument. The preferred alternative acknowledges the past advocacy and discussions among a white group of people during the monument expansion effort. We appreciate that it does not expand the area's specific boundaries any further than what is currently in place. We appreciate that the proposed management plan weaves in Mai Ka Pō Mai, which was informed and created by the native Hawaiian community and our vision for how we care for our precious Papahānaumokuākea. The proposed rule in draft EIS not only keeps existing protections in place as a baseline, but establishes an additional layer of regulations over the existing boundaries of the current marine monument that would maintain and enhance existing protections regarding industrial fishing. We want to be clear that we oppose Wespac's ideas to have large scale fish extraction in Papahānaumokuākea. We also oppose any sale, barter or trade of this large scale extraction and the cost recovery proposed by Wespac for these trips. Because the development of the fishing rules is being run under a separate process, not aligned with sanctuary designation, we expect NOAA to ensure it has protective regulations that are consistent with the monument protections. This includes a supplemental EIS on this topic and having a public comment period for that. On behalf of all of us at Expand Papahānaumokuākea Coalition, we believe that alternative 1 opposes our vision to protect and preserve Papahānaumokuākea to the highest degree possible. Thank you. Laurie Buchanan, and I'll come back for bash you guys about the process we are today. Thank you.

Clayton Ching

I really have very little to add or comment. I thought... because I came here knowing nothing, okay. And then a little time digesting what was done. I feel like this was very well done. For somebody that comes in like me, know nothing, at least I leave knowing something and I think that everything looks good as long as you can keep outside forces from entering in. Because this is for Hawai‘i, it's not for China for coming and go fish and utilize, other countries. Keep it Hawaiian, keep it Hawaiian and keep it real, and that's really what I have to say. I think. I mua [Forward]!

Petrisha Alvarez

Aloha [Hello]. I'm Petrisha Alvarez. I am raised on Molokaʻi and I am representing the Hawaiian Island Humpback Whale National Marine Sanctuary Advisory Council, as I sit on the Molokaʻi seat as an alternate member. Together, as the staff, of the Sanctuary Advisory Council, we represent a number of different and varied community group members including fishing and diving, transportation, cultural and research specialists, including state and federal agencies. We feel that we are in support of the expansion into a sanctuary and value that the National Marine Sanctuary has been proven to enhance protections of the marine environment for the research and provide educational opportunities to communities adjacent to sanctuary boundaries as well as including us. The protection will enhance the... This sanctuary expansion will enhance the protection of the world's most unique and endangered marine ecosystems, and biota. This protection will be very important as there's very critical and ecological importance of Papahānaumokuākea. The health of that archipelago directly affects us here in the main Hawaiian Islands, including the protection of humpback whales and their marine habitat. As a sanctuary advisory council here for the Humpback Whale Sanctuary, we view our sister sanctuaries such as Papahānaumokuākea, as cornerstones of protection in the marine waters around the United States and we're in support. Mahalo [Thank you].

Godfrey Akaka, Jr.

Aloha [Hello]. Godfrey Akaka Jr. representing the Native Hawaiian Gathering Rights Association. I just want to mahalo [thank] everybody for their testimony before me. I see the problem that I get is telling anti-fishing rhetoric that we stay dealing with, not just with the feds but on a state level, and a lot of it is money, money, money. It just comes back to money. And I'm not a commercial fisherman, but I support commercial fishing because I love to eat fish. And that's the question for everybody. If you eat fish, you love to eat fish, where you get your fish from? So, even if I go make tuna sandwich, I go, that's commercial. And the question I would like to have answered maybe later is, has there been an economic impact statement made? In other words, every time you say anti-fishing or shut down commercial fishing, shut down commercial fishing. Who pays for that? Price is us the consumers in the end, yeah? We're going to pay one higher price because how much of it is being imported from outside? So, those things is, I would like that question to be answered. I read a document from NOAA relating to the seals. The baby seals was dying because the apex predators, the sharks and the uluas was overpopulated, never have fish. So, was it overfishing? That's the utopia that would happen that everybody is trying to shut fishing down is this imbalance. The baby seals never have enough. They couldn't compete with the sharks and the uluas, and they was dying off. I support management. I'm not saying that there shouldn't be no rules, I support management, but there's a difference between management and anti-fishing, and what I see is a lot of anti-fishing, and the difference is when you stay making rules and closures when the scientific data doesn't even back that up, or just because that going make me feel good for close um. That doesn't make sense. That's not management. You most likely is doing more harm than good to that ecosystem. So, I have to say that I don't trust government and nobody should trust government. Nobody should trust government. So, I cannot support this. I cannot support this. Mahalo [Thank you].

Gil Kualiʻi

Mahalo [Thank you] board for giving this opportunity again. Again, my name is Gil Kualiʻi, commercial fisherman out of Hilo and continue on the public testimony. Knowing that the sanctuaries are done deal, I would like to suggest that NOAA consider reining in the sanctuary to the existing Papahānaumokuākea Marine National Monument. If maintaining the eastern boundaries of the sanctuary consistent with the monument fulfills the purpose and policies of the NMSA as the EIS says, then why wouldn't maintaining the boundaries to the west follow the same logic? The monument expansion there is deep water. Anything that might be worth protecting is way too deep to be reached by fishermen, maybe miners, but not fishermen. In fact, sanctuaries and fishing can co-exist. All the other national marine monuments in the country allow for fishing in their management plan. So again, the question is why not here? The sanctuary is going to almost double the total area of national marine sanctuaries in the entire United States. What the hell? And the burden of protecting it is going to fall on us, the Hawaiian people. It's a burden because we, as Hawaiians, lose any future opportunities to fish in the Northwest Hawaiian Islands. The only traditional connection we'll have in the waters outside 50 miles is fishing and the spirituality and cultural connection to fishing will be lost because the Hawaiian people were not united in their fight to exercise it. I'm going to repeat this. The Hawaiian people not united. And I'll finish with another dilemma. How do we exercise our rights to fish if we cannot afford to do so? There needs to be a mechanism for Hawaiians to afford to go fishing in the Northwest Hawaiian Islands. And right now the only thing that I see on the table is being able to sell fish to pay for it, not to make money just to pay for a trip. Mahalo [Thank you] for opportunity to provide comment on this issue. I know that this meetings haven't been well attended, probably due to NOAA's covert advertisement efforts and because fishermen feel that it's a done deal already. But it's important because most of those comments you're getting are from people on the mainland and not from the people that this sanctuary will most affect, the Hawaiian people. Mahalo [Thank you].

Lori Buchanan

Aloha [Hello], my name is Lori Buchanan, community advocate. And I'm not representing the first testimony I did right now, but I'm really sad that Molokaʻi is the last one you guys list. In the future you should make um the first on the list. And the reason is because we're going to give you feedback that the way you guys have come this evening to present in this hearing is really inappropriate for Molokaʻi. This is not how we want to engage. I know it's a public hearing, but it also should be a time for education and outreach, and the way you set up like this is typical of the federal government, and it's not helpful for us. The way we relate to Molokaʻi is to sit in a public meeting and we listen to what everybody has to say and we ask questions and then that's how we learn. So, I just letting you guys know that I found this to be really not helpful for me. Also, when you were talking because of the complexity of the situation, I wish you had talked slower and louder, actually went point by point because as you've heard the second speaker say that he was here to learn. Also Captain Clay was here to learn. We all get to learn because none of us get paid. Like staff get paid to read hundreds of pages of this complex multi-management and actually how we going to be impacted on the ground. I do. I do my research. I do my homework and that's why I can come tonight and read off a paper, but I never get paid for that. I just care. And I know protecting our marine resources are important and I just made one decision sitting there tonight because you know what? Brother Godfrey is correct. He said every

time you go buy one tuna or eat one tuna sandwich, you supporting commercial fishing. So, after tonight I'm not going to be eating tuna or anything commercial because I no need, because I can be one subsistence. Like Walter said, we have a second economy on Molokaʻi. That's why it's important for us. I don't have to go to Papahānaumokuākea to go fish because we are lucky that we take care of our resources. So, in the future, because I've been telling NOAA this all my life and I'm pretty old right now. When you come to Molokaʻi, do some outreach, talk to people in the community. Don't come like this tonight, set up stuff and divide the community and put them into holes in silos and then tell them you cannot talk during one meeting and you only get three minutes in a big thing that is stressing you out looking at them. And I'm sorry only six people signed up for testify tonight, but don't do this to this community. Okay, thank you.

Kaleo Cravalho

Hello, my name is Kaleo Cravalho. Okay, just to let you guys know. Yeah, one thing with pono [moral/righteous] practice yah, information for the community would've been so helpful for a lot of the lawaiʻas [fisherman], commercial or non-commercial, to get input. So, upon you guys soliciting that this meeting, especially for our district over here, our Molokaʻi district, it was poorly represented. That people like myself who holoholo [gather] a lot, love the ocean, I understand conservation, but I was raised up the way, what we do. You guys talk about sustainability, a lot of times get guys talk but they no go ocean. I don't really come up and speak. I like good things in the ocean because I love the ocean. But you guys think about it. I say, can tuna, you guys talking about can tuna, us guys, we grab my kui [spearfishing stringer] go right there. Holoholo [Gather]. Right there. We get kau kau [food], fresh. Okay, subsistence. Bring them to meaʻai [food, eat], let the family eat. So, how much of you guys love poke bowls? I mean it's a big fad right now. Big money. 63% of ours can come from where? I mean NOAA, you guys get all the information. 60% of our catch, our fish, come from where? Not Hawaiʻi? Not Hawaiʻi, not from the Hawaiians. So, we get them coming in from outside, international competition. So economically viable. If one commercial fisherman, one Hawaiian, one kanaka [Hawaiian person], like go over there and bring fresh fish, not frozen, fresh back to Hawaiʻi nei [here] for the people to meaʻai [food, eat] because not everybody lawaiʻas [fishes]. Not everybody fish. Some people depend on going to the store. So, what that one happened to our economic value or our culture, we don't like eat canned tuna; we like them fresh. You guys like eat canned tuna every time? I don't know. I like them right there, right there. So, if you guys thinking about this, I don't support this, not the way you guys are going about it. You think about it, our kanakas who do go out there and catch fresh, they bring them home, they didn't have to flash freeze them right there, like what you see and what we getting, and why are we depending on outside? Every time we're importing things from outside fish to come into Hawaiʻi. Why when those Northwest fish is right there where closer to Hawaiʻi, and you guys get China, the fleets out there, and you guys get Japan over there fishing all in our Hawaiian waters, but what about our people. So, you guys got to consider that, please. Mahalo [Thank you].

Godfrey Akaka, Jr.

Yeah, this only for me. One more quick comment. So, nobody wants subsistence fishing over there, Papahānaumokuākea, nobody because it's unsustainable. So, even if you make it closed for commercial and open for subsistence fishing, the subsistence fishers cannot afford to go

around there. They have to have a way to be sustainable to make money for the gas that's going to go all over there. So, I just wanted to make that one last comment. Mahalo [Thank you].

Anonymous

Mahalo [Thank you]. I think one of the only comments that I had so far, not being too up on what's going on, but I think commercial fishing should be allowed with regulations, especially regarding invasive species. There's a lot, toʻau and taʻape. I also think that you should pay Hawaiian fishermen to go up there and pay them for the catch, especially for those types of fish. Especially if you like talk about conservation. We should get those species out of our waters. Thank you.

Patrisha Alvarez

I just wanted to add to my testimony that we are in support because if we don't do this sanctuary boundary, then other large companies in large ships such as China, Japan, all these other big boats who have the funding to do these big boat factories, they'll be coming in and stealing all the fish. So, if we maintain it and keep it as a sanctuary, then we will be prohibiting other large companies from coming in. So that's why I support it.

Nani Kawaʻa

Aloha [Hello]. My name is Nani Kawaʻa and I'm an educator at Molokaʻi High School and I didn't know about this meeting, so I agree with Lori. The turnout is really poor because I think a lot of people didn't know about it. This is so valuable. I'm trying to teach our young people respect for the ocean, but if I don't know what's going on, I didn't see any advertisement, I didn't see it on Facebook anywhere. If it wasn't for the cook who is my educational assistant, I wouldn't have known about this meeting. So, that's just my suggestion because I would like our young people to be able to make informed decisions and I cannot have a say tonight because I don't have enough knowledge of the subject. So, that's all I have to say and that's just my comments. Thank you.

AMERICA'S UNDERWATER TREASURES