



# STATE ENVIRONMENTAL COUNCIL

DEPARTMENT OF HEALTH, STATE OF HAWAII  
235 South Beretania Street, Suite 702, Honolulu, HI 96813

Phone: (808) 586-4185  
Email: [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov)

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July 6, 2017

Monument Review, MS-1530  
Attn: Secretary Ryan Zinke  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

**Subject: Review of Certain National Monuments Established Since 1996; Notice of Opportunity for Public Comment, Docket ID DOI-2017-0002 Papahānaumokuākea Marine National Monument (PMNM)**

Dear Secretary Zinke,

I am writing today on behalf of the State of Hawai'i's Environmental Council regarding the recent expansion of the Papahānaumokuākea Marine National Monument (PMNM). We appreciate the opportunity to provide comments. The Environmental Council fully supports the establishment and subsequent expansion of the PMNM through Proclamation 8031 of June 15, 2006, as amended by Proclamation 8112 of February 28, 2007, and as further amended by Proclamation 9478 of August 26, 2016.

The Environmental Council is a board of appointed volunteers who constitute a broad and balanced representation of educational, business, and environmentally pertinent disciplines and professions. Among its duties, the Environmental Council acts as a liaison between the Hawai'i state government and the general public on matters concerning ecology and environmental quality.

During the summer of 2016, the Environmental Council considered whether to support the proposed expansion of the PMNM at two public meetings. At those meetings, we received written and oral comments from numerous stakeholders, including commercial fishermen, recreational hunters and fishermen, environmental groups, and research scientists. After careful deliberation of the comments received, the Environmental Council wrote a letter to the President of the United States dated July 15, 2016 in support of the proposed expansion of the PMNM. A copy of that letter is attached for your convenience.

Executive Order 13792 directed the Department of the Interior to consider

several factors in its review of whether certain national monuments reflect the requirements and original objectives of the Antiquities Act of 1906 (the Act), and appropriately balance the protection of landmarks, structures, and objects against the appropriate use of Federal lands and the effects on surrounding lands and communities. A summary of the factors to be considered is provided below, along with the Environmental Council's comments on each of those factors.

*(i) The requirements and original objectives of the Act, including the Act's requirement that reservations of land not exceed "the smallest area compatible with the proper care and management of the objects to be protected."*

The PMNM was designated as a national monument due, in part, to its unique geological and oceanographic features that provide habitat for thousands of marine species, including several endangered species. Many of these species rely on a broad area of the ocean for foraging, migration, and spawning.<sup>1</sup> Protection of the entire 200-mile Exclusive Economic Zone around the Northwest Hawaiian Islands is critical in order to properly manage these animals and their habitat.

*(ii) Whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, or other objects of scientific interest."*

The water and lands within the PMNM contain a unique, pristine ecosystem that remains a significant scientific interest because of its remote location, geological features, and diverse biological communities. The marine habitat and biodiversity protected by the PMNM will help mitigate the impacts of climate change by enabling a more resilient ecosystem.<sup>2</sup>

*(iii) The effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries.*

The prohibitions promulgated under the PMNM do not apply to actions associated with emergency response, law enforcement, or the U.S. Armed Forces, including the U.S. Coast Guard. Therefore, this designation does not adversely impact the readiness, training, and global mobility of the U.S. Armed Forces.

With the recently expanded area of the PMNM, nearly 40 percent of the 200-mile U.S. exclusive economic zone around the Hawaiian Islands is still open to U.S. fishing fleets. Despite the substantial loss of fishing grounds that occurred as a result of the 2016 expansion of the PMNM, Hawai'i's longline fishing fleet is on track to exceed its international quota for bigeye tuna for 2017 well before the end of the year.<sup>3</sup> This supports the notion that the fishery resource will not be under-utilized as a result of the recent expansion of the PMNM, and the sustainable yield for the region can be economically achieved with the current protections and fishing restrictions in place.

*(iv) The effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries.*

During the public hearings that the Environmental Council held in the summer of 2016, several parties indicated strong concerns about the loss of fishing grounds for the U.S. flagged fishing vessels based out of Hawaii. They indicated that approximately 10% of the annual catch over the past five years by the longline fishing industry is collected within the recent expansion area. However, the testimony of oceanographers and biologists demonstrated that this relatively small loss of fishing grounds will be offset by the numerous benefits associated with expansion of the PMNM. For instance, as female pelagic fish such as a tuna grow larger, their productivity increases dramatically.<sup>4</sup> Ultimately, areas outside of the PMNM will benefit due to spillover from the protected area.

*(v) Concerns of State, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes, and localities.*

The recent expansion of the PMNM was supported by the mayors of all four counties in Hawaii, the governor of Hawaii, and numerous state agencies. The boundary at 163° West Longitude preserves access to an important fishing area around NOAA Weather Buoy 51101, a particular concern of stakeholders from Kauai and Niihau.<sup>5</sup>

*(vi) The availability of Federal resources to properly manage designated areas.*

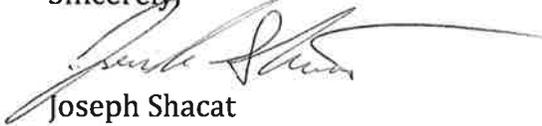
There is an existing infrastructure of federal and state agencies who actively coordinate management of the PMNM. Moreover, the recently expanded area of the PMNM may actually be easier to manage from an enforcement perspective, since the U.S. Coast Guard will have more time to respond to vessels that enter the area for suspected illicit purposes. Additionally, the presence of a single boundary for both the PMNM and the U.S. exclusive economic zone, instead of multiple boundaries at different distances from land, simplifies the process for enforcement personnel to identify unlawful entry into the protected area.

*(vii) Other such factors as the Secretary deems appropriate.*

It should be noted that the Act authorizes the President to reserve parcels of land as a part of the national monuments, but does not authorize the President to subsequently remove parcels of land that were previously designated as monuments. We believe that any proposed removal or withdrawal of lands from the PMNM would require congressional approval.

The Environmental Council appreciates your careful consideration of this important matter, and we look forward to realizing the many benefits associated with the PMNM.

Sincerely,



Joseph Shacat  
Chairperson

- c: The Honorable David Ige, Governor of the State of Hawai'i  
Jared Kushner & Stephen Miller, Senior Advisor to the President, White House  
Executive Office  
Ted Boling, Acting Director, White House Council on Environmental Quality  
Hawai'i State Legislature  
Hawai'i Congressional Delegation  
Suzanne Case, Chair, Department of Land and Natural Resources, State of Hawai'i  
Colette Y. Machado, Chairperson, Office of Hawaiian Affairs Board of Trustees  
The Honorable Wilbur Ross, Secretary of Commerce  
Benjamin Friedman, Acting Administrator & Under Secretary of Commerce for  
Oceans & Atmosphere

<sup>1</sup> Croll, D. A., Tershy, B. R., Hewitt, R. P., Demer, D. A., Fiedler, P. C., Smith, S. E., ... & Urban, J. (1998). An integrated approach to the foraging ecology of marine birds and mammals. *Deep Sea Research Part II: Topical Studies in Oceanography*, 45(7), 1353-1371.

<sup>2</sup> Toonen, R. J., Wilhelm, T. A., Maxwell, S. M., Wagner, D., Bowen, B. W., ... & Friedlander, A. M. (2013). One size does not fit all: The emerging frontier of large-scale marine conservation. *Marine Pollution Bulletin*, 77(1-2), 7-10.

<sup>3</sup> [http://www.fpir.noaa.gov/SFD/SFD\\_regs\\_3.html](http://www.fpir.noaa.gov/SFD/SFD_regs_3.html). Accessed on July 6, 2017. Web page updated July 3, 2017.

<sup>4</sup> Farley, J. H., Davis, T. L. O., Bravington, M. V., Andamari, R., & Davies, C. R. (2015). Spawning dynamics and size related trends in reproductive parameters of southern Bluefin tuna, *Thunnus maccoyii*. *PLoS ONE*, 10(5), e0125744. <https://doi.org/10.1371/journal.pone.0125744>.

<sup>5</sup> Wiens, R. (2016). Schatz releases marine reserve plan. *Honolulu Civil Beat*, June 16, 2016.