

Frequently Asked Questions

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Division of Auguatic Resources

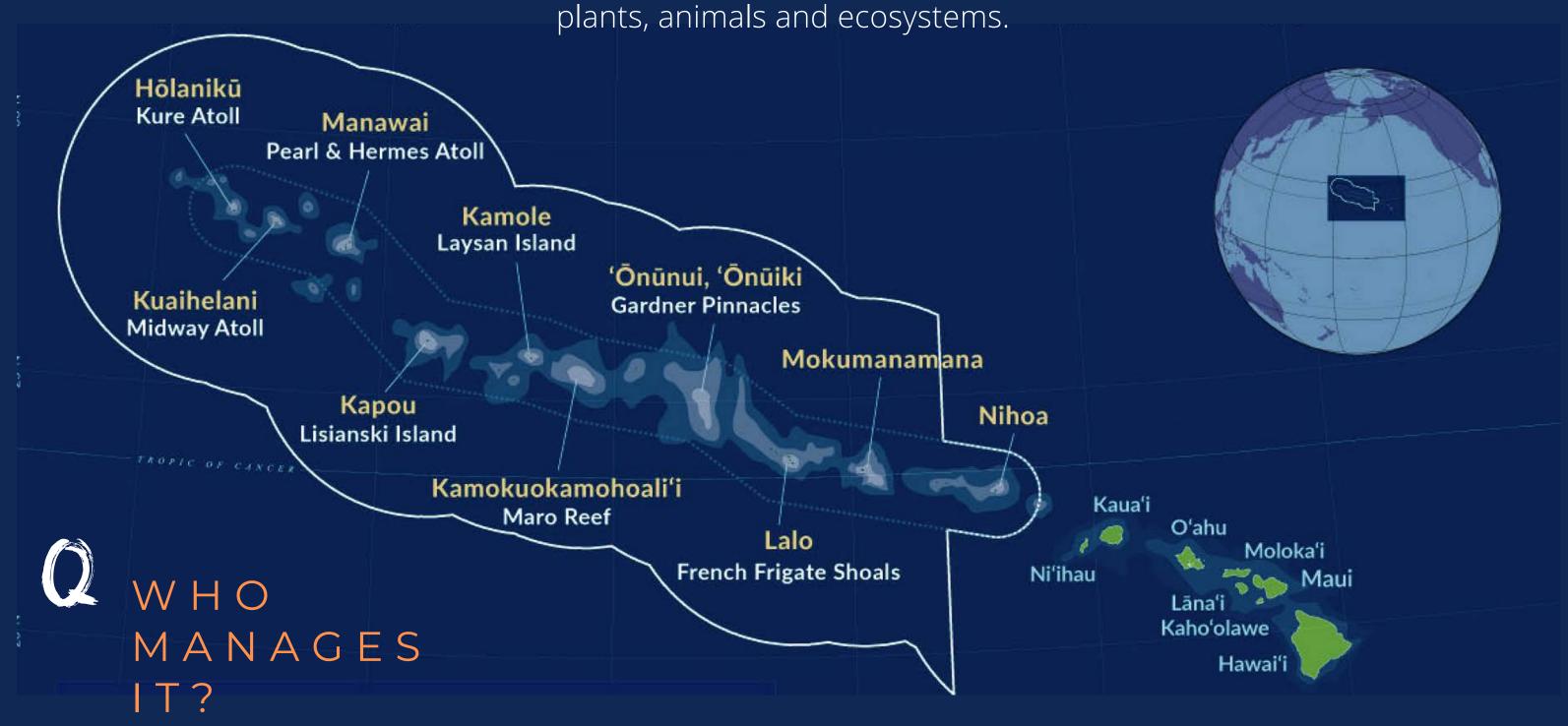






WHAT IS PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT?

The Papahānaumokuākea Marine National Monument (or Monument) is one of largest protected wildlife areas in the world. It includes over 583,00 square miles of the Pacific Ocean and various small islands, islets and atolls that make up the northwestern extent of the Hawaiian Archipelago. It is home to significant native Hawaiian culture and heritage, historical resources from events such as the Battle of Midway, as well as unique and important



There are currently four state and federal agencies that comanage Papahānaumokuākea Marine National Monument (known as Co-Trustees):

1

State of Hawaii Department of Land and Natural Resources (DLNR)

2

National Oceanic and Atmospheric Administration (NOAA)

3

US Fish and Wildlife Service (FWS)

State of Hawaii Office of Hawaiian Affairs (OHA)

...SO, WHO IS RESPONSIBLE FOR WHAT?



DLNR:

Primary responsibility for the Northwestern Hawaiian Island Marine Refuge, the State Seabird Sanctuary at Kure Atoll, and all waters extending from land out to three nautical miles

NOAA:

Management of the marine areas (outside three nautical miles surrounding land), including the Northwestern

Hawaiian Islands Coral Reef Ecosystem Reserve

FWS:

Management of terrestrial areas of the Monument that overlay Midway Atoll National Wildlife Refuge (NWR), the Battle of Midway National Memorial and the Hawaiian Islands National Wildlife Refuge

OHA:

Responsible for protecting and promoting the rights and interests of Native Hawaiians, the cultural and natural resources of Hawai'i, programs and activities relating to Native Hawaiians, the assessment of the policies and practices of other agencies impacting Native Hawaiians, and for conducting advocacy efforts for Native Hawaiians as it pertains to the Monument



WHAT IS THE DIFFERENCE BETWEEN A MARINE NATIONAL MONUMENT AND A NATIONAL MARINE SANCTUARY?

MONUMENT

SANCTUARY

- Designated by the U.S.

 President through a presidential proclamation under the Antiquities Act
- Types of Marine Protected Areas
- Designated under the National Marine Sanctuaries Act either by NOAA (through nominations) or by Congress

- Usually managed by a group of federal and state agencies (i.e. DLNR, NOAA, and USFWS)
- Designation process does not
- Designation can be fairly quick depending on how a President chooses to develop and sign proclamation

require public participation, however,

it is encouraged

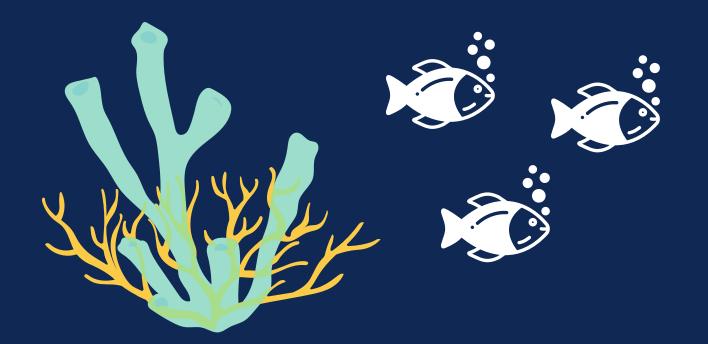
- Regulations are carried out by public review
 - Designation (and associated protections) can be more easily removed than a sanctuary designation

- Provide protection to oceans, estuaries, and fresh bodies of water
- Protect cultural and historic resources, iconic wildlife species and important ecosystems
 - Monuments and Sanctuaries both comprise the NOAA Office of National Marine Sanctuaries (ONMS)

- Management provided by NOAA's Office of National Marine
 - Designation process requires public engagement (community outreach, stakeholder involvement, citizen participation)
 - Often takes longer to designate than monuments
 - Sanctuary designation (and associated protections) is harder to remove than a Monument designation
- Requires a community Advisory Council comprised of local stakeholders (citizen, expert, and/or industry)

ARE THEY PROPOSING TO "RE-DESIGNATE" PAPAHĀNAUMOKUĀKEA FROM A MONUMENT TO A SANCTUARY?

No. The Monument will remain intact, the sanctuary designation will be in addition. The sanctuary designation process cannot change the current Monument designations or regulations in any way. What it would do is add a layer of protection to the area that would be harder to remove. So, you could consider it a supplement to the Monument and its existing protections.



All terrestrial areas would remain part of the Marine National Monument and would retain their existing designations (e.g. Kure Atoll Wildlife Sanctuary, Midway Atoll National Wildlife Refuge, the Hawaiian Islands National Wildlife Refuge, the Battle of Midway National Memorial). However, all marine areas within the Monument (including State waters and the expanded area) could potentially become part of the proposed national marine sanctuary.



The Northwest Hawaiian Islands (NWHI) have a long history of various government protections throughout the years, including establishing the current Marine National Monument (see timeline below). A sanctuary designation is simply the newest layer of protection that is being directed to by Congress to begin considering in order to adequately protect these important ecosystems from increasing threats such as marine debris, invasive species, and climate change.

A HISTORY OF PROTECTION

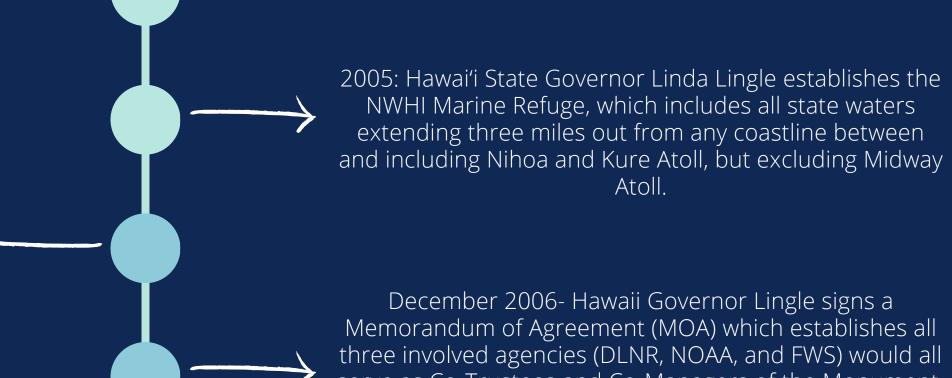
2000 and 2001: President Clinton issues an Executive Order to begins the development of a plan to protect the Northwest Hawaiian Islands (NWHI) and its coral reef ecosystem. With the help of the public, the NWHI Reserve and the NWHI Coral Reef Ecosystem Reserve is created.

June 2006- President George W. Bush signs a Presidential Proclamation to establish the NWHI Marine National Monument which includes the NWHI Coral Reef Ecosystem Reserve, the Midway Atoll National Wildlife Refuge, the Hawaiian Islands National Wildlife Refuge, the Battle of Midway National Memorial, Kure Atoll Wildlife Sanctuary, and the Hawai'i State NWHI Marine Refuge (and their existing authorities).

2007: The name of the Monument is changed to the Papahānaumokuākea Marine National Monument.

2016: President Obama signs a Presidential Proclamation establishing a Monument Expansion Area which increases the area of Monument from 139,793 square miles to 582,578 square miles (nearly the size of the Gulf of Mexico). NOAA is directed to consider designating the area as a National Marine Sanctuary.

2020-2021: President Donald Trump signs a bill to begin the process of designating the Monument into a National Marine Sanctuary, and Congress directs NOAA to begin the designation process.



December 2006- Hawaii Governor Lingle signs a Memorandum of Agreement (MOA) which establishes all three involved agencies (DLNR, NOAA, and FWS) would all serve as Co-Trustees and Co-Managers of the Monument. The MOA states that the Co-Trustees must develop a Monument Management Plan for cooperative management.

2008: The Monument Management Plan is published. It includes management needs, action plans, and corresponding desired outcomes.

2017: A new Memorandum of Agreement (MOA) is signed adding OHA as the fourth Co-Trustee of the Monument.

Currently: Cooperative planning by all four Co-Trustees is ongoing for the Sanctuary designation as well as an updated Monument Management Plan



HOW WOULD A SANCTUARY DESIGNATION AFFECT THE STATE OF HAWAII AND ITS RESIDENTS?

In short, there would be no change to the current management structure of Papahānaumokuākea.

A sanctuary designation would not change the current Monument designations in any way, nor would it overrule or invalidate any existing Monument rules and regulations, including State of Hawai'i jurisdiction and authority. The existing orders and regulations remain in place, and the co-management between the four Co-Trustees would remain the same. Additional protections or regulations may be put into place after going through an extensive environmental review and public comment process, but current protections would not be decreased.



WOULD A SANCTUARY DESIGNATION CHANGE FISHING REGULATIONS AT PAPAHĀNAUMOKUĀKEA?

CURRENT FISHING RULES:

Currently, there are regulations for fishing within Papahānaumokuākea Marine National Monument. However, these regulations differ slightly between the Original Boundary that was established in 2006, and the Expanded Boundary which was established in 2016.

Regulations within the Original Monument Boundary:

- You may not fish (commercially or recreationally) or possess fishing gear unless it is stowed away and is not easily accessible
- You may not remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving thing

Regulations within the Extended Boundary:

- You may not fish commercially or possess commercial fishing gear unless it is stowed away and is not easily accessible
- You may not remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving thing, except for during permitted non-commercial fishing
- Non-commercial fishing is allowed, only if the fish was caught in a sustainable way, and cannot, either in whole or in part, be sold, bartered or traded (most be kept for one's own use).



POTENTIAL CHANGES TO FISHI

As part of the sanctuary designation process, the Western Pacific Fishery Management Council (WPFMC or WesPac) has an opportunity to draft fishing regulations for the proposed sanctuary, using guidance from NOAA's National Marine Sanctuary Program (NMSP). If NOAA finds these draft regulations do not align with the proposed sanctuary's goals and objectives, NOAA will reject them and prepare draft fishing regulations that do so.

In short, there are no changes to fishing regulations at Papahānaumokuākea yet. However, it is still to be determined whether regulations may change with a Sanctuary designation. State agencies and public stakeholders will be given ample opportunity for public comment and involvement in this process, and will be kept informed about any new developments along the way.

Q WHAT WOULD THE SANCTUARY DESIGNATION PROCESS LOOK LIKE?

The sanctuary designation process includes the development of an Environmental Impact Statement (EIS) which is an environmental review document required by both the National Environmental Policy Act (NEPA) and the Hawai'i Environmental Policy Act (HEPA). The state and federal requirements will be fulfilled in tandem. This joint review process is a public process which includes preparing several draft documents with significant opportunities for public review, comment, and involvement.

The EIS will be completed in partnership of all four Co-Trustees with the lead agency being NOAA ONMS and the State of Hawaii DLNR participating as a cooperating agency. It will be in conjunction with creation of a Sanctuary Management Plan and an update to the existing Monument Management Plan which is currently 13 years old and does not include critical new information, such as the inclusion of the Office of Hawaiian Affairs (OHA) as a co-trustee.

Hawaiian culture is a foundational element of the management of Papahānaumokuākea. Spiritual and cultural relationships will continue to be perpetuated and honored in this special place and will be the forefront of the goals and principles guiding the analysis and decisions of the EIS and the Managment Plans.



Q WHERE CAN I GO TO FIND MORE INFORMATION ON THIS PROCESS OR GET INVOLVED?

The EIS Preparation Notice (EISPN) for the proposed sanctuary was published in the December 8, 2022 edition of the State of Hawaii Office of Planning and Sustainable Development's periodic bulletin *The Environmental* Notice which can be found at https://planning.hawaii.gov/erp/environmental-notice/.

> The federal Notice of Intent (NOI) for sanctuary designation can be found at https://www.govinfo.gov/content/pkg/FR-2021-11-19/pdf/2021-25207.pdf

Public scoping meetings and pubic comment periods on the EISPN and NOI have closed, but new opportunities for public involvement are forthcoming and will be posted in several places including the DAR website, in The Environmental Notice, and on NOAA's website at https://sanctuaries.noaa.gov/papahanaumokuakea/.

