

5. Proposal to expand the Monument (Richmond, Kikiloi, Kaho‘ohalahala)

A. The cultural perspective: Dr. Kekuewa Kikiloi provided a brief overview of the individuals from diverse backgrounds who have coordinated to propose an expansion of the Monument. It is a community-driven process for greater ocean protection.

Dr. Kikiloi, an archaeologist, has been going up to the Monument for about 15 years, in which he has done about 11 research trips. He feels that the Monument is special because it is “where nature and culture are one.” His stated that when a biological system declines from climate change and anthropogenic impacts, there is also a loss of culture. Conversely, when a culture collapses from immigration of new people, homogenization of identity, and the introduction of new technologies, their traditional knowledge systems are not implemented to care for the environment. They face similar extinctions. As the two systems are symbiotic, the Monument is a model of how to restore both.

Native Hawaiians believe that the Monument is an intensely spiritual and cultural region, the sacred source of all life, the place where Hawai‘i and Hawaiians began. In legends and genealogies like the *Kumulipo*, all organisms came before us, then came man. We have an environmental kinship, as well as an obligation to take care of our elders. Many people believe that everything “cultural” in the Monument is on the islands, but this reflects a very continental perspective, in which land is life. For an island people who live as part of the water, water is part of their identity and life; it is not an empty void.

The ocean is a cultural seascape. Dr. Kikiloi emphasized the idea of pu‘uhonua (a place of refuge), a term used for the Monument by the late “Uncle” Buzzy Agard, then a member of the RAC. For Native Hawaiian environmental management, this is a very different idea in scale from kipuka, the small protected places in lava that are tiny refuges of biodiversity, the places where seeds start and spread over other areas to restore life after a lava flow.

At this opposite end of the spectrum, there is now an opportunity to create a pu‘uhonua, one of the largest protected areas in the world. One of the core beliefs of Native Hawaiians is mālama ‘aina, or care for the land. Dr. Kikiloi recalled Uncle Buzzy’s term of pu‘uhonua and aligned it with the Polynesian Voyaging Society’s message of mālama honua, or care for the earth. According to Dr. Kikiloi, the Polynesian Voyaging Society started out wanting to show that Hawaiians had not come to Hawai‘i by chance, that they had a sophisticated and highly effective traditional navigation system that could be used to sail all over the world. But largely from their experience in the Monument, their primary goal has changed to mālama honua, or global environmental protection. Hawai‘i has an opportunity to take the lead in large-scale ocean protection by creating a pu‘uhonua.

As a last point, Dr. Kikiloi advocated including OHA as a fourth co-trustee. He believes it is important to give indigenous people a role in managing their own place and resources. And he and the other supporters believe that OHA is the appropriate agency to fill that role. None of the current co-trustee agencies have as their primary purpose the well-being and interests of the Native Hawaiian people, but that is the primary purpose of OHA. Mr. Charles Kaaia noted that

the State is a co-trustee, and it is mandated to protect the rights and interests of Native Hawaiians. [Note: Dr. Kikiloi's PowerPoint presentation is available on the PMNM website.]

Mr. Tim Johns stated that because the RAC collectively has decades of experience with the NWHI, they already know why the Monument is important in terms of culture and biodiversity. They are primarily interested in hearing from the presenters the terms of what they are proposing, so that the RAC can decide what they want to support or not.

B. The scientific perspective: Dr. Bob Richmond began by listing the characteristics of an ideal marine protected area: location, content, size (bigger is better), remoteness, time for accumulating biodiversity, and compliance and enforcement. He believes the Monument has all the characteristics to make it an ideal marine protected area.

Species are safe within MPAs. Fishermen know that the best place to pick up fish is along their migratory corridors, just outside of a protected area. By expanding the boundary from 50 – 200 miles, more of the species' corridors of connectivity are protected, making the protections more effective.

The Western Pacific Warming Pool is expanding, pushing migratory pelagic fish to the north. The NWHI are in a band of much cooler water, and protecting this area means protecting a spot in the ocean that seems to have greater resilience to climate change.

Researchers have discovered that BFFs (big fat females) produce more eggs. When the size of the fish is doubled, the fecundity of the fish increases a thousand-fold. A larger protected area allows more fish to live longer, which will lead to a higher number of BFFs, which will lead to an overall increase in fish populations.

The deeper waters away from the islands have higher levels of endemism. A larger area of protection would benefit a larger number of endemic species. In terms of both biodiversity and fish population size, to use economic terms, an increased area of protection increases not just the principal, but also the interest. [Note: Dr. Richmond's PowerPoint presentation is available on the PMNM website.]

C. The ocean heritage perspective: Mr. Sol Kaho'ohalahala noted that in the *Kumulipo*, land mother (Papahānaumoku) and sky father (Wākea) united to form life on earth, and the first life form was a coral polyp. That is our past. The question now is what are we leaving future generations?

We need to pass on our sense of importance in caring for the land and ocean. Mr. Kaho'ohalahala is from the island of Lāna'i. They maintain a sustainable lifestyle based on traditional practices. Scientists say that 30% of the ocean needs to be protected to ensure adequate resources for future generations. But the environment is being destroyed and the resources are declining. We are leaving a greater responsibility to future generations.

He thought of this recently when his granddaughter did not want to eat a crab they had caught on the beach. He hesitated to even have her try it. He thought, "Am I giving her a taste of something

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that will disappear in her lifetime? Am I setting her up to want a resource she won't have?" In the end, he gave her a taste of the crab, and she liked it, and it served as a reminder of why he and the rest of the people of Hawai'i need to work to ensure a lasting ocean heritage. [Mr. Kaho'ohalahala's PowerPoint presentation is available on the PMNM website.]

D. Discussion: Mr. Johns asked the group of presenters if he was clear that they are proposing two things: an expansion of boundaries from 50 to 200 miles, and OHA as a fourth co-trustee. Mr. Kaho'ohalahala replied that that is correct, and that regarding the boundaries expansion, they are requesting to maintain the current southern boundary. Ms. Athline Clark asked the presenters what their desired action is. Mr. Kaho'ohalahala replied that they would like the RAC to send a letter to President Obama to show that the expansion is supported by the people of Hawai'i. He noted that the Native Hawaiian Cultural Working Group has already voted to support it and they have sent a letter to the President.

Ms. Linda Paul asked if the group had asked for the boundaries of the Coral Reef Ecosystem Reserve (CRER) to be expanded as part of the Monument expansion. The presenters replied no, that had not considered that. Tim asked them which agency will be responsible for the management of the newly expanded boundary; if the CRER is expanded, likely the lead agency will be the Office of National Marine Sanctuaries (ONMS), but if not, it could be the National Marine Fisheries Service (NMFS). Mr. Kaho'ohalahala replied that he is open to hearing more about the issue. Ms. Paul said that the boundary issues will have to be sorted out at the presidential level, but she is very concerned about preserving the current southern boundary, which goes about half-way through Middle Bank, as Dr. David Laist has said that protecting half the Bank is like not protecting it at all. Dr. Richmond agreed that science would recommend that, but it is not practical to try to include all of Middle Bank in the current expansion proposal. He said Middle Bank is a compromise area, and they feel it is more important to create the largest MPA in the world than it is to protect a specific bank.

Dr. Cindy Hunter stated that she has been convinced by the *Kānehūnāmoku* documentary earlier that it is important to protect the navigation training area of the NWHI because the training needs to occur beyond visible land. And she has been convinced by Dr. Daniel Wagner's presentation on the *Okeanos Explorer* expedition that the ocean is not an empty void, that there are rich communities of marine life in the waters farther out. She asked what the current protections are for these waters beyond the current Monument boundaries. Ms. Paul explained that within the Exclusive Economic Zone (EEZ), no foreign underwater mining can be done, but some companies have leased land. For now, people have been "staking claims" outside the EEZ, but pulling out resources from the ocean floor releases pollutants for miles. Dr. Hunter asked if the restrictions apply to only foreign companies, and Ms. Paul confirmed that domestic companies can do underwater mining outside the Monument but within the EEZ.

Mr. Joshua DeMello noted that the mining is managed by the Bureau of Ocean & Energy Management (BOEM), and he asked the presenters what problem they are trying to solve that needs expansion of the Monument as a solution. He posited that expansion will hurt the livelihoods of those in the fishing community. Mr. Johns asked if the Western Pacific Fisheries Management Council (WesPac) would support the expansion if fishing is allowed. Mr. DeMello felt that WesPac most likely would. Mr. Kaho'ohalahala described a circumstance in Lāna'i in

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which one of their harbors was closed to fishing for safety reasons because there were too many fishing boat accidents. For 40 years, the only fishing allowed in the harbor has been hook-and-line fishing from shore. The State Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR) has been monitoring the fish stock levels in the harbor, and the number of fish there is “incredible.” He affirmed that it is a benefit to all to have refuges.

Mr. Johns asked the presenters if they are advocating for additional resources for management if the boundaries are expanded. Mr. Richmond confirmed that they are discussing how increasing boundaries increases the need for protection capabilities. Ms. Paul asked Mr. DeMello how much fishing occurs annually in the 50 – 200 mile area beyond the Monument. He replied that he did not have the numbers at hand. Dr. Don Schug said there were 89 vessels fishing in the Monument in 2014. Dr. Schug then asked how the expansion effort would affect the sanctuary designation process. Mr. Johns responded that the President does not have the authority to designate a sanctuary, only to recommend that they go through the process. Ms. Athline Clark confirmed that sanctuary designation is a congressional act.

Returning to the fisheries question, Dr. Bill Gilmartin stated that the effect of long-line fishing is not just a matter of catch level; the issue of bycatch has not been addressed. Dr. Gail Grabowsky asked if it is possible that catch levels might actually go up? Dr. Richmond affirmed that they would, that with a greater level of protection in the managed area, the fish live longer and have higher reproductive rates, and the “spillover” from the managed area into the outer areas increases, which actually helps the long-line fisheries. He noted that in the Philippines, when they restricted the fishing area by 50%, their catch levels actually went up by 200%.

Mr. Eric Roberts stated that he was not aware of the Coast Guard being approached with questions, and he wanted to know if additional enforcement would be needed. Dr. Richmond replied yes, protection is only as good as enforcement. Additionally, in response to the earlier question of what problem they are aiming to solve, he said that the major threat is over-fishing, which has already occurred.

Ms. Tammy Harp felt that OHA as a fourth co-trustee warranted more discussion. Mr. Kaaiaai stated that because OHA is a State agency, the State then would be represented twice. Mr. Rick Gaffney pointed out that currently the federal government is represented twice. Dr. Kikiloi added that OHA has been a co-manager since 2008 and has demonstrated its ability to cooperate with the other agencies. They also have financially supported many Native Hawaiian activities in the Monument. Mr. DeMello asked the presenters if they would consider recommending that the co-trustee be whatever independent Native Hawaiian government is established, with OHA as a “placeholder” until that establishment. Mr. Johns added that the Kaho‘olawe Island Reserve Commission (KIRC) is set up that way. Dr. Kikiloi felt that this arrangement is not necessary because when that independent government is established, all of OHA’s resources will go to it.

The discussion had not finished, but Mr. Johns wanted to keep to the schedule to allow time for public comment, and the RAC agreed to continue the discussion afterward.

XI. Public Comment

Mr. Kaaiyai stated that he is “a home rule guy.” The proposal to the President was made by a group of Native Hawaiians, but their views do not represent that of all Native Hawaiians. As a Native Hawaiian, he is opposed to the expansion. The submerged lands of the EEZ are ceded lands (former lands of the Hawaiian monarchy, which were ceded to the U.S. government upon annexation, and which were later given back to the State to be held in trust for Native Hawaiians), and the expansion would be giving over more of them to the federal government. This flies in the face of the Hawaiian sovereignty movement. Moreover, the expansion would close more than 50% of State waters to fishing.

Mr. Johns asked if it has been established that the EEZ area is ceded lands. Mr. Kaaiyai responded that it has not been legally decided; someone would have to submit a case to court for decision. Ms. Paul explained that if Hawai‘i seceded, ceded lands would extend out 200 miles; while it is part of the U.S., ceded lands extend 3 miles into the water.

XII. Discussion (Continued)

Discussion continued: Mr. Johns asked if the MMB supports having OHA as a fourth co-trustee; the RAC likely would support this if the MMB feels it aids in their management. Mr. Matt Brown responded that the Governor of Hawai‘i sent a letter indicating he supports OHA becoming a fourth co-trustee. The other agencies have not yet taken a position on the matter and cannot make a statement before that decision is made. Mr. Johns asked for the MMB to let the RAC know when it makes a decision, and Mr. Brown agreed.

Mr. Johns asked the RAC what they feel should be done at this point. Dr. Hunter felt that the RAC should say *something*, and she suggested a general statement about supporting an expansion of the Monument that preserves the three-way governance. Dr. Kem Lowry suggested leaving it more broad, perhaps supporting the expansion in a way that preserves the current management system. Ms. Jessica Wooley suggested taking action to support the general concept of expansion with the details to be worked out at a later time. Ms. Paul motioned to support expansion with further discussion on any issue on which the RAC could not reach consensus that day. All supported the motion. Mr. Johns suggested doing “straw poll” on several sub-items of expansion, and all agreed.

The general results of the straw poll are as follows, with earlier polls totaling 11, but the last poll totaling 10 because one member had to leave early [note: 8 are needed for quorum]:

1. Expand the boundaries from the current 50 miles to the 200-mile limit of the EEZ: 10 were in favor; one withheld support of the boundary expansion as proposed unless Middle Bank could be included, rather than preserving the current southern boundary.
2. Include OHA as a fourth co-trustee: 9 were in favor; one did not support the point; one supported it tentatively but wanted more discussion.
3. Expand the CRER with the Monument expansion: All 11 were in favor.
4. Accommodate discharge in the 50 – 200 mile area, as vessels could not avoid discharging while traversing such a large area: All 11 were in favor.
5. Increase management and enforcement resources with the expansion: All 11 were in favor.

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6. Accommodate long-line fishing in the 50 – 200 mile area: 4 were in favor, 4 were against, and 2 were not clearly for or against it.

Although it was not part of the straw poll, Ms. Paul indicated that she also wanted further discussion of the sanctuary overlay issue, perhaps with information on how it was handled in American Samoa, and the RAC agreed. Ms. Clark asked if there is general support on expansion. Mr. Johns affirmed that that had already been discussed and there is general support for expansion. Mr. Gaffney motioned to more specifically approve the general concept of expansion, as well as the three sub-points of consensus (expand the CRER, accommodate discharge, and increase management and enforcement capabilities); Dr. Hunter seconded the motion and all approved.

Items for the next meeting and next meeting date: The next regular meeting is July 28, 2016. The RAC requested a special ad hoc meeting sometime in June, exact date to be determined, to further discuss the four sub-points on which they did not reach consensus (the boundaries/Middle Bank, OHA as a fourth co-trustee, accommodation for long-line fisheries, and the added item of governance/sanctuary overlay). Although a letter can be drafted before the June meeting, it would be held until after the June meeting.

The draft letter to Mr. John Armor: Mr. Gaffney moved to accept the letter as submitted in draft form to John Armor regarding the sanctuary designation process. Linda seconded the motion, and all were in favor.

XIII. Adjourn

The meeting was adjourned at 4:40 p.m.