



Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council

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July 24, 2017

Dear Secretary Ross:

We write to you as the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council (council) to provide comments for Executive Order 13795 which directed the Secretary of Commerce to review three technical factors in relation to six national marine sanctuaries and five marine national monuments that have been designated or expanded since April 28, 2007.

The council is a community-based advisory group consisting of representatives from various user groups, government agencies, and the public at large in the main Hawaiian Islands. Members are Native Hawaiian, fishing, business, conservation, science, education, and community representatives.

We urge the Department of Commerce to maintain all national marine sanctuaries and marine national monuments as designated and/or expanded. We recommend that the Secretary reject any attempts to engage in energy or mineral exploration or production or any other activities that are not conducive to the continued conservation and protection of the six national marine sanctuaries and five marine national monuments under review.

Per the three technical factors solicited, because the limited 30-day period does not permit in-depth comments, our correspondence address the three technical factors in more general terms and relate only to Papahānaumokuākea Marine National Monument (PMNM).

(A) An analysis of the acreage affected and an analysis of the budgetary impacts of the costs of managing each National Marine Sanctuary or Marine National Monument designation or expansion:

The protected area for Papahānaumokuākea Marine National Monument was prompted for designation and expansion due to its intrinsic value as well as the benefits it provides to the ecosystem and humanity. While the previous boundary of PMNM included vital habitat for a number of species, the acreage did not fully protect habitat and travel routes for several species including highly mobile predators such as tiger and Galapagos sharks, and twenty-four species of whales and dolphins. Three of these species are listed under the Endangered Species Act as threatened or endangered: sperm whales, fin whales, and sei whales. The expansion area also

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includes important foraging areas for the critically endangered Hawaiian monk seal, whose population has shown signs of rebounding in recent years after years of decline.

The Hawaiian Islands Humpback Whale National Marine Sanctuary was created by Congress in 1992 to protect humpback whales and their habitat in Hawai'i. The PMNM expansion area is utilized by humpback whales as a wintering area, a time in which the species mate, give birth, and nurse their young.

Important geological features are located in the expanded area acreage, including more than 75 seamounts, as well as a non-volcanic ridge that extends southwest toward the Johnston Atoll. Together, these features form biodiverse hotspots in the open-ocean that provide habitat for deep-sea species, including sponges, other invertebrates, fish, and colonies of corals many thousands of years old.

It is important to recognize that the size and boundaries designated for the expansion were reduced from the original proposal offered by Native Hawaiians in order to ensure that small-boat fishers could continue to access their traditional fishing grounds.

Regarding the budgetary impacts of costs of managing PMNM, the council does not manage or analyze this budget and therefore offers no comment on this matter. However, the council is comprised of 52 members who have provided and continue to provide thousands of volunteer hours and therefore reduces government costs by donating time to provide advice to sanctuary management.

(B) An analysis of the adequacy of any required Federal, State and tribal consultations conducted before the designations or expansions:

Papahānaumokuākea is held in the highest regard and respect by Native Hawaiians, from which it is believed all life began, and to which ancestral spirits return after death. Indigenous people initiated the effort to designate and expand PMNM to ensure that biocultural resources are safeguarded from any extractive, commercial, or industrial activities that are incompatible with Native Hawaiian traditional beliefs.

As evidence of this, many community groups, organizations, and other organized bodies supported the designation and expansion. We note only two of many for brevity:

The Office of Hawaiian Affairs (OHA) is a semi-autonomous state agency created by the 1978 Hawai'i State Constitutional Convention and elected by Hawai'i's general electorate to better the conditions of Native Hawaiians.

The elevation of the Office of Hawaiian Affairs to a monument co-trustee position of

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Papahānaumokuākea rightfully placed the Native Hawaiian voice at all levels of decision making in the governance of PMNM. This act was applauded, and also supported by its trustees, as it values the integration between traditional knowledge and contemporary science in management activities.

The Papahānaumokuākea Native Hawaiian Cultural Working Group (CWG) provides counsel to the Monument Management Board for PMNM and is made up of over 50 individuals—from kūpuna (elders) to cultural practitioners—located across all of the main Hawaiian Islands, each with a strong tie to Papahānaumokuākea. The CWG voted and approved the PMNM expansion proposal and were also consulted by the previous administration.

Further, in May 2016 federal representatives engaged in listening sessions in Hawai'i with various stakeholders, including Native Hawaiians, regarding the expansion.

In August 2016, meetings jointly hosted by NOAA and the U.S. Fish & Wildlife Service were held and more than 300 individuals attended, with the overwhelming majority testifying in support of expansion. Finally, there was also a public written comment period, with over 97% of the nearly 6,800 comments in favor of the expansion.

c) The opportunity costs associated with potential energy and mineral exploration and production from the Outer Continental Shelf, in addition to any impacts on the production in the adjacent region:

The council believes that the natural treasures and unique cultural connection to Papahānaumokuākea is of infinite value to the future health of the planet. The importance of this area to Native Hawaiians, and the incredible variety of marine species, a quarter of which are found nowhere else on Earth, does not compare to the potential economic gain of resource extraction and the corresponding habitat destruction that cannot be acceptably mitigated, minimized, or fully replaced. There are no known energy deposits in PMNM and commercial mineral resources have not been indicated. Additionally, the known and potential impacts of energy and mineral exploration, including effects of seismic exploration on marine mammals, should be taken into consideration.

Many refer to Papahānaumokuākea as the Northwestern Hawaiian Islands. Yet this is an inaccurate reference. The Hawai'i archipelago is a continuous, connected place in which the health of Papahānaumokuākea affects the health of the populated Hawaiian Islands and the well being of its people and must be safeguarded. Marine mammals do not recognize jurisdictional lines but rather invasive activity into their habitat, which extractive resource activity would involve.

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In conclusion, we urge all decision makers involved in the review process to retain the boundaries and regulations of Papahānaumokuākea Marine National Monument.

Sincerely,

Solomon Pili Kaho'ohalahala

Chair, Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council

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