

**Papahānaumokuākea Marine National Monument  
Management Plan**

**Scoping Report  
Summary of Public Comments and Responses**

**U.S. Fish and Wildlife Service  
and  
National Oceanic and Atmospheric Administration**

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## 1.0 Introduction

This scoping report summarizes the issues and opportunities identified by the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA), their partners, and the public about management of the Northwestern Hawaiian Islands (NWHI). Extensive public outreach was conducted initially as part of the proposed designation of the NWHI as a National Marine Sanctuary. With the establishment of the NWHI as the Papahānaumokuākea Marine National Monument (Monument) in 2006, public comments were solicited and received for the draft Interim Midway Visitor Services Plan (IMVSP) and the draft Sanctuary Management Plan (SMP) as the basis for developing the Monument Management Plan (MMP) and associated Environmental Assessment (EA). The MMP will consist of Action Plans that will address a range of issues related to Monument management. This scoping report summarizes issues raised during these three public comment periods spanning a period of over seven years.

The Monument was established on June 15, 2006, via Presidential Proclamation 8031 under the authority of the Antiquities Act. NOAA and the FWS promulgated final regulations for the Monument under 50 *Code of Federal Regulations* (CFR) Part 404 on August 19, 2006. These regulations codify the scope and purpose, boundary, definitions, prohibitions, and regulated activities for managing the Monument. The proclamation was amended on March 6, 2007, to establish the name of the Monument and clarify some definitions. Many issues associated with the proposed sanctuary designation process have been settled through establishment of the Monument and these codified regulations, as well other relevant laws. Some issues raised in public comments on the draft IMVSP were addressed in the final IMVSP. Some new issues, identified since the establishment of the Monument, as well as previously identified issues will be addressed as part of the development of the MMP and EA. Finally, some issues are outside the scope of the Monument planning process. This document describes the issues and categorizes responses to these issues as:

- Issues settled by Presidential Proclamation 8031 establishing the Monument, Monument regulations, and other relevant laws
- Issues that have been previously addressed within the IMVSP and associated EA
- Issues to be addressed within the MMP and associated EA
- Issues outside the scope of the Monument management planning process.

Section 2.0 provides an overview of public and agency outreach efforts from the designation of the NWHI Coral Reef Ecosystem Reserve in 2000 through the notice to the public to prepare the MMP. Section 3 summarizes issues based on comments received from public and agency outreach, and organized by topic.

## 2.0 Overview of Public and Agency Outreach

Agency outreach and public input into the process that has led to the establishment of the Papahānaumokuākea Marine National Monument (Monument) began in 2000 with the Executive Order that established the NWHI Coral Reef Ecosystem Reserve and directed the Secretary of Commerce, in consultation with the Secretary of the Interior, to “initiate the process to designate the Reserve as a national marine sanctuary” and to establish “a Reserve Advisory Council (RAC) to provide advice and recommendations” in the designation and management of the sanctuary. Between 2000 and 2005, NOAA conducted an extensive scoping process, including over 100 meetings with jurisdictional agency partners, the RAC, the Western Pacific Fishery Management Council, non-governmental organizations, fishing and other stakeholder groups, and the public. Ten public scoping meetings were held and nearly 52,000 public comments were received, most supporting strong protection of the Northwestern Hawaiian Islands.

In preparation for reopening of its Midway Atoll visitor program, FWS developed a draft IMVSP, and received 6,282 responses (by letter, e-mail, or telephone call). This large response was likely due to the significant interest in the Monument, which was established during development of this plan. Along with the draft SMP, the IMVSP will become the basis for much of the MMP as this relates to the Midway Atoll National Wildlife Refuge. After establishment of the Monument on June 15, 2006, nine public information meetings were held on all main Hawaiian Islands. A total of 471 people attended these meetings. Overall, establishment of the Monument and the regulations codified under 50 CFR 404 were well received by the public, most of whom supported strong protection of the ecosystem of the Monument.

On April 4, 2007, the FWS and NOAA issued a *Federal Register* notice for preparation of the Monument Management Plan (MMP) and associated EA for the Monument. The public was directed to focus additional comments “on any new environmental issues identified as a result of new information or changed circumstances since the comment periods identified above.” A total of 298 letters from the public were received during the public comment period that ended on June 4, 2007.

## 3.0 Summary of Issues to be addressed by the Monument Management Plan and EA

A full Scoping Report that summarizes all issues raised over the course of this process is available at <http://www.fws.gov/pacificislands/monument.html> and <http://www.hawaiiireef.noaa.gov>. The following is a summary of only those issues that have not yet been settled by Presidential Proclamation 8031, Monument regulations, and other relevant laws; or previously addressed within the IMVSP and associated EA; or are outside the scope of the Monument management planning process. Thus, the following table summarizes only those issues to be addressed in the Monument Management Plan. Table 1 draws on specific comments, primarily from the latest public notice period, and Table 2 is a list of issue statements developed by the Monument Management Board (MMB), incorporating the history of public and agency input while provides a broader perspective.

**Table 1. Summary of issues to be addressed in the Monument Management Plan**

<b>Topic</b>	<b>Issue</b>	<b>Response</b>
<b>Management Plan Development</b>	Goals and Objectives for the proposed sanctuary should be the basis for the current plan	The new goals and objectives will be based on these, modified to satisfy mandates of all of the MMB
	Re-institute a citizens' advisory council and cultivate partnerships between State, Federal and Non-governmental organizations	The Constituency building Action Plan will describe MMB strategies for public involvement. Coordination with the military, development of international initiatives, and interagency and international cooperation for the protection of endangered species is discussed in various action plans.
	Native Hawaiian concepts and techniques have proven to be effective in resource management	Native Hawaiian input, including traditional management concepts, will be incorporated throughout the MMP.
<b>Permitting</b>	Institute a coordinated permit system, with an adequate public notice period, appropriate transparency and review by independent experts (follow the process developed by the State)	Developing a unified permit process is one of the biggest tasks for the MMB. This process will be fully developed in the Permitting Action Plan, and will address unification of applications, provide for public input.
	Rule violators should have their permit revoked and receive appropriate penalties	The penalty for permit violators will be explored in the MMP, and will encompass all permit types throughout the Monument.
	The permit process must have strict controls to limit cumulative impacts, and unforeseen impacts from new technologies	The Permitting Action Plan will provide a mechanism to track all permitted activities and assess the potential of cumulative impacts on the ecosystem.
	Facilitate multiple public and private uses	Human uses will be addressed in the Permitting Action Plan and Midway Visitor Services Action Plan. Private uses will be strictly limited outside of the Midway Atoll Special Management Area
<b>Extractive Activities</b>	Bioprospecting should not be allowed in the Monument.	All proposed activities that are approved will be issued a permit under one of the existing permit types, must meet Proclamation findings, and abide by the same strict requirements that will be developed for all permitted activities.
	Little is known about the impact of sustenance fishing, so it should not be permitted.	Sustenance fishing will be regulated on a permit-by-permit basis with details addressed in the Permitting Action Plan.
<b>Research</b>	The increased level of research now occurring highlights the need for a risk assessment analysis and a risk monitoring protocol	Protocols exist and more are being developed to minimize adverse impacts from science activities. The MMB is developing a stand-alone Monument research plan that will prioritize key management question and describe the suite of research methods that may be used to address existing data gaps that need to be filled to answer these questions. The accompanying Environmental Assessment will analyze the potential impacts of these research activities.
	Develop and update a Research Management Plan with prioritization of research projects that are necessary for effective management of the region and improve management-decision making	
	The interdependence of species across the archipelago is poorly understood and appropriate monitoring and research are needed to protect the ecosystem and cultural resources	Research and monitoring are important activities to support effective management of the NWHI. All Action Plans in the MMP will be developed using the best available science to undertake activities in a manner that ensures ecosystem diversity, integrity and health and cultural resource protection, preservation and interpretation.

<b>Habitat and Ecosystem Impacts</b>	Develop management protocols to minimize the risks from vessel groundings, release of hazardous materials and other hazards	Conservation, protection, management, and care of natural and cultural resources are the primary goals of the Monument and will be addressed in some manner in every Action Plan.
	All permitted activities must be rigorously monitored for acute and cumulative impacts, including habitat alteration, introduction and spread of invasive species, and other human-induced impacts	The Proclamation specifically restricts the Co-trustees from issuing any permit that does not employ adequate safeguards for Monument resources. The permitting process that will be described in the Permitting Action Plan will include the development of a tracking system to monitor the cumulative level and types of activities occurring on a spatial and temporal scale throughout the Monument.
	How will habitat alteration and associated impacts due to existing conditions or natural phenomena be addressed?	The Alien Species and Habitat Conservation Action Plans will discuss strategies for recovering damaged ecosystems.
	Lead-based paint has a serious detrimental impact on the albatross at Midway	Lead-based paint on buildings at Midway Atoll is being removed as rapidly as possible at existing funding levels. This issue will be addressed in detail in the MMP.
	A thorough and independent evaluation and assessment of management activities is needed to ensure the best possible protection is afforded Monument resources	Evaluating the success of management actions to protect and conserve Monument resources is a high priority. An Evaluation Action Plan will be developed to ensure that management actions are achieving stated goals and objectives for the Monument.
	A cap should be placed on total number of visitors to Midway	FWS limited the maximum number of overnight visitors to 40 in the MIVSP; the maximum number of day visitors is of less concern, as these people remain on existing roads and trails, and their presence does not impact Midway's resources. The issue will be reconsidered in the MMP.
<b>Military Activities</b>	Military activities occurring within or near to the Monument and their impacts need to be fully described.	The MMP and associated EA will describe coordination with the military to identify their present and future activities in the NWHI in order to minimize any potential adverse effects to monument resources.
<b>Education and Outreach</b>	The plan should have a strong focus on increasing public understanding and appreciation of the NWHI	Education and outreach constitute a large component of the MMP and will be addressed cooperatively in the Constituency Building and Ocean Ecosystem Literacy Action Plans by the Co-trustee agencies.
	The stories of Midway veterans should be collected to enhance the historical value of the Monument	The U.S. Navy videotaped several Battle of Midway veterans in the mid-1990s, and that video is frequently shown to visitors at Midway. We would welcome additional opportunities to interview veterans to preserve their personal experiences at Midway.
	What types of exhibitions and programs will be developed for the majority of the public who will not be able to visit the Monument?	Opportunities and locations to include information about Papahānaumokuākea Marine National Monument will be explored within the Constituency Building and Outreach Action Plan in the MMP.
<b>Information Management</b>	How will information be managed across multiple agencies, including the large research program and multi-use permitting program?	Synthesis of information for management purposes will be covered in the Information Management Action Plan
<b>Enforcement</b>	Enforcement is a critical part in ensuring the protection of the Monument	The Enforcement Action Plan will provide for the assessment and fulfillment of enforcement needs throughout the Monument.

**Table 2. Issue Statements for the Monument Management Plan**

<b>Topic</b>	<b>Issue</b>	<b>Response</b>
<b>Access and Permitted Activities</b>	<i>What decisions will be made in the MMP regarding Monument access and permitted activities?</i>	The types of activities allowed and requirements for access are regulated through a permitting process detailed in 50 CFR 404. The MMP's Permitting Action Plan will identify strategies to develop a streamlined and effective permit approval and issuance process and describe how data obtained from permits will be used to assess cumulative impacts and improve long-term monitoring and protection of Monument resources. Other action plans will identify strategies and activities related to human access, types of activities allowed, limits and controls.
	<i>Will commercial fishing be permitted?</i>	Commercial bottomfishing will be permitted by NOAA Fisheries for the eight active vessels grandfathered until June 15, 2011, through Presidential Proclamation 8031. The Proclamation also includes regulations that restrict fishing in Ecological Reserves and Special Preservation Areas, set an annual catch limit and require the fishing vessels to comply with the same rules as other Monument permit holders.
<b>Management Capacity and Operations</b>	<i>What facilities, vessels and levels of staffing and funding are needed to effectively operate and protect the resources of the Monument?</i>	Each action plan will identify the specific needs required to accomplish the goals and objectives of that plan. The MMP will also identify areas where needs overlap and resources can be shared while still accomplishing the goals of each action plan. In these cases, references will be made to other action plans, providing a more accurate overall needs assessment.
	<i>What decisions will be made in the MMP regarding how the Co-Trustee agencies will operate as a management body and how they will coordinate with other agencies and the public?</i>	The coordinated management regime establishing the Monument Management Board was outlined in a Memorandum of Agreement signed by the Co-Trustees in December 2006. It will be the basis for further defining roles and responsibilities in carrying-out the operational and management activities of the MMP. Several mechanisms for future coordination with other agencies, community organizations, and the public will also be identified in the plan.
	<i>How will law enforcement needs for Monument management be addressed?</i>	The Enforcement Action Plan will outline the shared and coordinated responsibilities among the MMB enforcement agencies and the U.S. Coast Guard, and identify barriers to and opportunities for effective law enforcement. It will also address improving permittee compliance through effective outreach and education.
	<i>How will military activities be managed in the MMP?</i>	Activities of the Armed Forces that could occur within the Monument are beyond the scope of MMB management activities.
<b>Research and Monitoring</b>	<i>What type of research programs will be established and how will they be coordinated and directed to ensure we gather information that will help to protect and manage Monument resources while minimizing damage to the ecosystem?</i>	The MMP will have action plans as well as a separate Monument Science Plan that requires research to be management-driven, by furthering an ecosystem-level understanding of the Monument or improving detection of and response to human-created threats and restoration of damaged ecosystems. Scientists must comply with the findings outlined in the Proclamation in designing their projects, while the MMP will establish a process to identify criteria and assess impacts for evaluating all proposed research and monitoring activities in the Monument.

<b>Outreach, Education, and Visitation</b>	<i>How will the MMP address public use, interpretation, and environmental education opportunities for the Monument?</i>	Midway Atoll, with its existing infrastructure and history of human activity, will serve as the on-site “window to the Monument,” and visitation opportunities will be described in the Midway Visitor Services Plan of the MMP. The Mokupāpapa: Discovery Center in Hilo, the National Marine Sanctuaries office in Honolulu, and lectures and other types of outreach from Monument staff and trained volunteers will provide opportunities to “bring the place to the people rather than the people to the place” and will be discussed in the Ecosystem Literacy Action Plan.
<b>Public Involvement</b>	<i>How can the public be involved in managing and conserving the Monument?</i>	The Constituency Building and Outreach Action Plan will present strategies for involving the public in promoting protection and awareness of Monument resources, which could include public meetings, workshops, establishing citizen advisory groups, friends groups, volunteering opportunities, and other possibilities.
<b>Habitat and Ecosystem Impacts</b>	<i>How will terrestrial and marine habitats, fish and wildlife be managed in the Monument?</i>	The MMP and Science Plan will identify a range of activities to address local threats (e.g., spread of alien species, contaminant spills) as well as global threats (e.g., sea level, temperature, and chemistry changes) to understand and protect Monument resources. Management actions will be aimed at maintaining biological integrity, diversity, and ecosystem health and will be performed in a manner that does not cause any significant impacts to Monument natural and cultural resources.
	<i>What type of information and direction will be provided in the MMP regarding global climate change and sea level rise?</i>	Development of a Conservation Science Plan will address the threat of global climate change, including new research models to help predict sea level rise and the possible impacts to Monument species and habitats, and will consider options for monitoring climate change and sea level rise as a part of a global network of information.
	<i>How will the MMP address threats to the Monument’s ecosystem?</i>	The MMP will identify known threats to the ecosystems of the Monument, such as marine debris, environmental contaminants, and invasive species, and propose actions and activities that can reduce or potentially eliminate damage to marine and terrestrial resources.
	<i>How will the MMB prevent the discharge of contaminants into the Monument and respond to unforeseen incidents?</i>	The Presidential Proclamation established strict standards to prevent pollution from vessels while operating in the Monument. The MMP will establish procedures for coordinated emergency response in event of an accidental or negligent pollution event and will identify a process to assess natural resource damages and implement compensatory restoration projects.
	<i>What will the MMB do to cleanup contamination caused by past human activities in the Monument?</i>	Contamination hazards exist across the Monument, with particular issues at Midway that are known to impact the health of the Laysan Albatross. The Restoration Action Plan will identify and assess known hazards, and provide cleanup strategies and funding requirements, and detail other relevant factors to remediate hazards at the most critical of these sites.
<b>Native Hawaiian Culture</b>	<i>How will the MMB take care of Native Hawaiian cultural resources?</i>	The MMP will outline a range of strategies and activities for cultural resource protection, identification, documentation, preservation, traditional use, interpretation, and education that will implement Native Hawaiian cultural and historic resource preservation, protection and perpetuation methods. Through the Office of Hawaiian Affairs, Native Hawaiian Working Group, and Action Plans specific to Native Hawaiian interests, the MMB will incorporate Native Hawaiian resource management skills and knowledge across all programs.



<b>Historic Preservation Issues</b>	<i>How will the Monument manage post-contact (historic period) cultural resources?</i>	The MMP will outline a range of strategies and activities to identify, document, preserve, reuse, and interpret post-contact historic resources 1) from Midway Atoll, 2) submerged under the ocean, and 3) from exploration, commerce, war, and conservation throughout the Monument. Many of these activities, particularly for structures and buildings at Midway and sunken ships, are currently ongoing.
<b>Midway Atoll NWR – Access and Permitting</b>	<i>What is the appropriate total number of people( to visit, work, and volunteer) that Midway Atoll can support?</i>	Midway’s Interim Visitor Services Plan identified up to 40 overnight visitors at one time and at least 300 visitors per year as appropriate given the current staffing and infrastructure. The proposed MMB operational hub at Midway Atoll, including new programs and staff, would further strain the island’s operational infrastructure and potentially increase wildlife disturbance. The MMP will propose establishing a carrying capacity and maximum number of people on Midway, a site plan for the allocation of land uses, and facilities needed to balance people and wildlife.
<b>Midway Atoll NWR – Management Capacity and Operations</b>	<i>How will the Management needs of Co-Trustees be incorporated into Midway operations without negative consequences to the natural and historic resources?</i>	The MMP presents strategies and activities in a Site and Operations Action Plan that address facility and operational needs throughout the Monument, including at Midway. Conserving natural resources, preserving historic resources, and incorporating cultural considerations are all components of the action plan.
<b>Midway Atoll NWR – Interpretation</b>	<i>How will visitors be provided information to introduce and sensitize them to the fragile Midway Atoll ecosystem and history? To what extent should new interpretive and educational exhibits be placed at Midway?</i>	The Midway Interim Visitor Service Plan offers several opportunities to interpret the natural and cultural features of the Monument, including guided tours, self-guided interpretive walks, guided boat trips, interpretive exhibits and signs, and programs and presentations focusing on wildlife, historic structures, artifacts, memorials, and key sites. The MMP will address expanding the current visitor program to represent the entire Monument.
	<i>To what extent should historic structures be preserved and restored for interpretation on Midway?</i>	Decisions to preserve, restore, reuse, or demolish buildings will be determined on a case by case basis, as the state of each building, its relative historic importance, interpretive opportunities, and the costs to restore and maintain vary widely. An appropriate balance of on-island and off-island interpretation is needed and will be further addressed in the MMP.