



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of National Marine Sanctuaries
1305 East-West Highway
Silver Spring, Maryland 20910

William
Dear Mr. Ailā:

October 28, 2021

Thank you very much for your letter dated August 26, 2021. The Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (Reserve) Advisory Council (RAC) has been an invaluable forum for collaboration over the last two decades and a source of critical advice and guidance. NOAA's Office of National Marine Sanctuaries would like to provide you with the following information in response to your thoughtful questions regarding the national marine sanctuary designation process for Papahānaumokuākea Marine National Monument (PMNM).

The level of protection within the Monument currently in effect will not be reduced by the process to designate PMNM as a national marine sanctuary. To ensure this, Congress gave NOAA very clear direction that a future action will “supplement and complement, rather than supplant, existing authorities.” In addition to these directives, the National Marine Sanctuaries Act (NMSA) provides “authority for comprehensive and coordinated conservation and management of ... marine areas, and activities affecting them, in a manner which complements existing regulatory authorities” [NMSA Section 301(b)(2)]. Existing regulatory authorities applicable to PMNM and any future national marine sanctuary include Executive Order (EO) 13178, Presidential Proclamations 8031, 8112, 9478, and the regulations at 50 CFR § 404.

As directed by EO 13178, NOAA established the RAC pursuant to NOAA's authority under Section 315 of the NMSA (“Advisory Councils”) to provide advice and recommendations on the “Reserve Operations Plan” and the designation and management of any future national marine sanctuary. The scope of RAC advice and recommendations would be commensurate with the boundaries of a new national marine sanctuary, and would include the NWHI Coral Reef Ecosystem Reserve. The designation process will not diminish the RAC's ability to continue to serve as it was authorized by Executive Order 13178.

As you know, the 2008 Monument Management Plan will undergo revisions based on input from the Monument Management Board and through a public process. The new management plan will build off of the previous content, much of which is still being implemented. However, there are several elements of the plan that are in need of updating including the inclusion of the Office of Hawaiian Affairs as a Co-Trustee, new data and research that has been compiled and analyzed over the last 10 years, more of a climate change focus and integration of the cultural values and principles outlined in the recently published Mai Ka Pō Mai Native Hawaiian



Guidance. In addition to the statements outlined in the letter, answers to the four questions you submitted are provided below:

Q. What are the legal requirements and options for applying all the legal protections of the Reserve and the Monument to the Monument Expansion Area as part of a sanctuary?

A. Presidential Proclamation 9478 provides the framework for management of the Monument Expansion Area. As part of the sanctuary designation process, NOAA will consider public input and decide whether sanctuary resources in the expanded area require additional protections, in addition to those afforded under Presidential Proclamation 9478.

Q. Can a new Sanctuary Management Plan be given an expanded title to clarify that both the Monument and a sanctuary will continue to exist [e.g., Papahānaumokuākea Marine National Monument and National Marine Sanctuary Management Plan].

A. The title of the management plan can reflect the existence of both the national marine sanctuary and monument. The foundational framework of any Sanctuary designation process and updates to the Monument Management Plan will be the same and build off of each other.

Q. What are the options for sanctuary designation timing? Does this have to be done now?

A. Congress has directed NOAA to initiate the process to designate a national marine sanctuary and this process has become a NOAA priority.

Q. Does the Western Pacific Regional Fisheries Management Council have to consider the Proclamations and EOs as the basis for any regulations for fishing that they might draft during this process?

A. Consistent with Section 304(a)(5) of the NMSA, the fisheries council must consider the goals and objectives of the proposed national marine sanctuary. In accepting or rejecting the council's suggestions, the Secretary of Commerce will ensure that the proposed regulations comport with Executive Order (EO) 13178 and Presidential Proclamations 8031, 8112, 9478.

Sincerely,



John Armor
Director

