



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Office of National Marine Sanctuaries
1305 East-West Highway, 11th Floor
Silver Spring, MD 20910

JUL 21 2016

Mr. Timothy E. Johns
Chair, Northwestern Hawaiian Islands
Coral Reef Ecosystem Reserve Advisory Council
c/o Papahānaumokuākea Marine National Monument
NOAA Inouye Regional Center
NOAA/NOS/ONMS/PMNM
1845 Wasp Blvd, Building 176
Honolulu, HI 96818

Re: Response to the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council's Letter Dated May 12, 2016

Dear Mr. Johns,

Thank you for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (NWHI CRER) Advisory Council's letter dated May 13, 2016. The council's incisive and critical questions continue to demonstrate a focus on resource protection that is vital in conserving the Northwestern Hawaiian Islands.

A potential national marine sanctuary designation for the NWHI CRER would involve a process with multiple steps. First, the NWHI CRER Advisory Council (RAC) should make a recommendation to the Office of National Marine Sanctuaries (ONMS). That recommendation would need to clearly address how a national marine sanctuary designation could benefit the management and conservation of the NWHI's marine resources beyond what is provided by the existing authorities.

After a submission to ONMS, NOAA would make a final decision on the recommendation. In the event NOAA decides to consider a potential sanctuary designation for the NWHI CRER, NOAA believes that a site nomination package (see 15 C.F.R. § 922.10) would not be necessary, as NOAA could directly pursue the formal designation process pursuant to Executive Order 13178. However, it is unlikely we would be able to rely on the proposed national marine sanctuary designation process that ceased in 2006. NOAA would have to re-initiate the designation process by first announcing, via a *Federal Register* notice, the intent to designate Papahānaumokuākea Marine National Monument as a new national marine sanctuary and ask the public for input through a formal scoping process (pursuant to the National Marine Sanctuaries Act and National Environmental Policy Act). Subsequently, depending on the comments received, should NOAA choose to move forward it would prepare new draft designation documents, including a new draft environmental impact statement (DEIS) that analyzes a range



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of alternatives and proposed regulations. Although we anticipate being able to use some of the underlying information in the original DEIS to inform this process, we cannot use the original or prepare a supplemental DEIS.

As to the Council's question about the effect of a potential sanctuary designation on the NWHI CRER's current protections a potential sanctuary designation would need to supplement, and not conflict with, any existing protections provided by Presidential Proclamations. For example, the resource protections in Presidential Proclamation 8031 would stand and serve as a "baseline" to which a sanctuary designation could add under the National Marine Sanctuaries Act and any implementing regulations.

I continue to be both impressed by and thankful for the significant contributions of time and energy exhibited by our volunteer advisory council members, and I encourage you to continue your support to help manage our special places and ask the challenging questions that keep ONMS informed.

Please do not hesitate to ask any further questions on this issue or any other.

Sincerely,



John Armor
Acting Director