

Papahānaumokuākea

MARINE NATIONAL MONUMENT



Management Plan Appendices: Supporting Documents & References

U.S. FISH AND WILDLIFE SERVICE • NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION • STATE OF HAWAII



VOL. III

Papahānaumokuākea Marine National Monument

Appendices

Supporting Documents and References

December 2008

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Papahānaumokuākea Marine National Monument

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APPENDIX A:
Permitting Process

**Papahānaumokuākea Marine National Monument
Monument Permit Application Unified Public Notification Policy**

Effective 02/01/08

Background

A permit is required for most activities allowed in the Papahānaumokuākea Marine National Monument (Monument), including Hawaiian Islands National Wildlife Refuge, the Midway Atoll National Wildlife Refuge, Battle of Midway National Memorial, Northwestern Hawaiian Islands State Marine Refuge, Kure Atoll Hawaii State Seabird Sanctuary, and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. Permit applications are accepted:

- February 1: For activities occurring between June 1 and August 31
- May 1: For activities occurring between September 1 and December 31
- September 1: For activities occurring between January 1 and May 31

Permit applications received after the deadline dates are not guaranteed to be processed before the associated activity period commences.

The following unified public notification policy will engage and inform the public of activities proposed to occur within the Monument. Posting of a permit application does not equate to permit approval. After posting, each application is thoroughly reviewed. Final permitted activities may differ from the proposed activities.

Policy

- Within 10 calendar days of receipt of application, a summary of the applicant's proposed activities will be posted on an agency web site for public viewing.
- Within 40 calendar days of receipt of application, full permit applications will be posted on an agency website for public viewing. A full application is one from which reviewers are able to evaluate the merits of the proposed activity.
- The permit application will be posted for a minimum of 30 calendar days prior to agency determination.
- Proposed activities that respond to urgencies, meet a high management priority, and are exigent in either opportunity or need for execution shall be considered separately. Examples of such occasions from the 2007 field season include providing twin monk seal captive care, as well as an unanticipated opportunity to gather critical mapping data.

It is noted that there are additional opportunities for public notification and input:

- Monument Regulations (50 CFR Part 404.11) require Monument permit applications for Special Ocean Use be posted for public notice and comment 30 days prior to the issuance of a Monument permit.
- Appropriate regulatory and environmental reviews (e.g. Environmental Impact Statements, Environmental Assessments, and Compatibility Determinations) related to Monument permit applications are posted for public comment.
- Monument permit applications that include proposed activities within the Northwestern Hawaiian Islands State Marine Refuge are posted to the Board of Land and Natural Resources (BLNR)

website for 7 days prior to the scheduled BLNR meeting as part of the overall Land Board submittal.

This policy provides guidance to the Co-Trustee representatives for public notification of permit applications for proposed activities in the Monument.

It is also important to note that the permit application that is posted may not include some of the detailed logistical and compliance information being considered prior to permit issuance. An activity may be provisionally approved based on the posted full application, but a permit will only be issued after the receipt of all required information (e.g. final crew/team roster, hull inspection certification, etc.).

Note to Readers:

In accordance with Presidential Proclamation 8031, which established Papahānaumokuākea Marine National Monument, applicants may seek one of six different Monument permits depending upon the type of activity they wish to pursue. Each permit type has a separate application and instructions. To reduce the size of this document, only one application and instructions—the one for research permits—is included in this Appendix. Applications and instructions for the other permit types are available at:

http://www.hawaiireef.noaa.gov/resource/permit_apply.html

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Papahānaumokuākea Marine National Monument
Research Permit Application Instructions
January 2008

Introduction

On June 15, 2006, President Bush established the Papahānaumokuākea Marine National Monument (Presidential Proclamation 8031, 71 FR36443, June 26, 2006) under the authority of the Antiquities Act (Act) (16 U.S.C. 431). The Proclamation reserves all lands and interests in lands owned or controlled by the Government of the United States in the Northwestern Hawaiian Islands (NWHI), including emergent lands and submerged lands and waters, out to a distance of approximately 50 nautical miles (nmi) from the islands. The outer boundary of the Monument is approximately 950nmi long by 100nmi wide, extending around coral islands, seamounts, banks, and shoals. The area includes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge and the Northwestern Hawaiian Islands State Marine Refuge.

The three principals with responsibility for managing lands and waters of the Monument, the Department of Commerce, Department of the Interior, and the State of Hawaii (collectively the Co-Trustees), work cooperatively to administer the Monument. This relationship is further described in the Memorandum of Agreement among the Co-Trustees signed on December 8, 2006.

Permit Application Deadlines

Permit applications must be received by:

- February 1: For activities occurring between June 1 and Aug 31
- May 1: For activities occurring between September 1 and December 31
- September 1: For activities occurring between January 1 and May 31

NOTE: Issuance of a Monument permit is dependent upon the completion and review of the application and Compliance Information Sheet.

Confidential Information

The Co-Trustees intend to post completed permit applications on the Internet for public review. Applicants are requested to indicate any information that is considered proprietary business information. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA) and all applicable State law. NOAA, the U.S. Fish and Wildlife Service and the State of Hawaii attempt to protect such proprietary information, consistent with all applicable FOIA exemptions in 5 U.S.C. 552(b) and applicable State law. Typically exempt information includes trade secrets, commercial and financial information (5U.S.C. 552(b) (4)). Personal information affecting an individual's privacy, such as personal telephone numbers and addresses will also be kept confidential

consistent with 5 U.S.C. 552(b) (6) and applicable State law. Unless such information is so identified, the application may be made available to the public in its entirety.

Intellectual Property

The permittee retains ownership of any data, derivative analyses or other work product, or any photographic or video material, or other copyrightable works, but the Federal Government and the State of Hawaii retain a lifetime, non-exclusive, worldwide, royalty-free license to use the same for government purposes, including copying and redissemination, and making derivative works.

Indemnification

The permittee and any person participating in any activity authorized by this permit shall release, indemnify, and hold harmless National Oceanic and Atmospheric Administration, the Department of Commerce, the U.S. Fish and Wildlife Service, the Department of the Interior, the United States Government, the State of Hawaii, and their respective employees acting within the scope of their duties from and against any claims, demands, actions, liens, rights, subrogated or contribution interests, debts, liabilities, judgments, costs, and attorney's fees, arising out of, claimed on account of, or in any manner predicated upon the issuance of this permit or the entry into or habitation upon the Papahānaumokuākea Marine National Monument or as the result of any action of the permittee or persons participating in the activity authorized by this permit.

Reporting Burden

Submittal of the information requested in these guidelines is required to obtain a permit pursuant to Monument regulations (50 CFR Part 404). This data is to evaluate the potential benefits of the activity, determine whether the proposed methods will achieve the proposed results, evaluate any possible detrimental environmental impacts, and determine if issuance of a permit is appropriate. It is through this evaluation that the Co-trustees are able to use permitting as one of the management tools to protect Monument resources and qualities.

Public reporting burden for this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated as:

- A. Twenty-four (24) hours per response for Special Ocean Use permits;
- B. Five (5) hours per response for General (Research, Conservation and Management, and Education), Native Hawaiian Practices, and Recreation permits;
- C. Four (4) hours per response for VMS installation and maintenance;
- D. Five (5) minutes per response for entry and exit notices and VMS certification;
- E. Five (5) seconds per response for hourly VMS reports.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Papahānaumokuākea Marine National Monument Permit Coordinator, 6600 Kalaniana'ole Hwy. # 300, Honolulu, HI 96825.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Directions for filling out the Monument Permit Application

1. Download the Research permit application. If you are unsure of the category for your proposed project, contact the Monument Permit Coordinator (contact information below).
2. Click on the document to open.
3. You will now be able to type in all the gray text field boxes and check boxes.
4. You will not be able to alter, copy, delete or modify the permit application questions and cover page in any way.

If you have difficulty filling out the application, contact the PMNM Permit Coordinator at (808) 397-2660 OR nwhipermit@noaa.gov.

Send Permit Applications to:

Papahānaumokuākea Marine National Monument Permit Coordinator
6600 Kalaniana'ole Hwy. # 300
Honolulu, HI 96825
nwhipermit@noaa.gov
PHONE: (808) 397-2660 FAX: (808) 397-2662

NOTE: SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. YOU ARE ALSO REQUIRED TO SEND ONE SIGNED ORIGINAL APPLICATION VIA MAIL TO THE MONUMENT OFFICE ABOVE:

Papahānaumokuākea Marine National Monument RESEARCH Permit Application Instructions

NOTE: *This Permit Application (and associated Instructions) are to propose activities to be conducted in the Papahānaumokuākea Marine National Monument. The Co-Trustees are required to determine that issuing the requested permit is compatible with the findings of Presidential Proclamation 8031. Within this Application, provide all information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic and cultural resources of the Papahānaumokuākea Marine National Monument (Monument).*

Permit Application Cover Sheet Summary Information

NOTE: The permit application cover sheet is intended to provide summary information on permit applications for activities proposed to occur in the Papahānaumokuākea Marine National Monument. Information submitted in this section will be posted on the Monument website to inform the public regarding projects proposed to occur in the Monument.

Applicant Name: Enter the name of the person who is in charge of the proposed activity and who will be responsible for all the personnel and actions under the authority of the requested Monument permit.

Affiliation: Specify the Applicant’s affiliation, if any, in relation to the proposed project.

Proposed Activity Dates: Specify the dates of your activities.

Proposed Method of Entry: Specify whether you will enter the Monument via vessel or aircraft.

Proposed Locations: Provide a brief summary of the location(s) for proposed activities (e.g. French Frigate Shoals, or 300-1500 meters depth east of Twin Banks, etc.). NOTE: Specific GPS and other location information are requested in the Monument Compliance Information Sheet.

Estimated number of individuals to be covered under this permit: Provide an ESTIMATE of the number of individuals (including Applicant) to be covered under this permit.

Estimated number of days in the Monument: Provide the ESTIMATED number of days in the Monument.

Description of proposed activities: Include a brief description of the proposed activities, including the following:

- Define the objective of the proposed activity (*The proposed activity will. . .*)
- Identify what the action will entail (*To accomplish this activity we would. . .*)
- Explain the benefit of the activity to the Monument (*This activity would help the Monument by. . .*)

Other information or Background: Include any other information relevant to your proposed activity summary.

Section A: Applicant Information

1. State the name and title of the Applicant. The Applicant is the individual who is in charge of the proposed activity and, therefore, responsible for all the personnel and actions undertaken under the authority of the any Monument Permit issued pursuant to this application. Attach the Applicant's CV, resume or biography if applicable.

1a. If you will not be present in the Monument for the proposed activities in your application, provide the full name(s), affiliation(s) and contact information of the person or persons responsible for ensuring the permit conditions are followed in the Monument. Attach their respective CV, resume, or biography if applicable.

2. State the Applicant's mailing address, phone number, fax number, and email address. If the Applicant is a student, state the Major Professor's contact information in addition to his/her own.

3. Specify the Applicant's affiliation, if any, in relation to the proposed project.

4. List all personnel roles and/or names. Include first and last name, position (Research Diver, Field Technician, Medical Assistant, etc.), affiliation, telephone number, and email address for each individual. If specific names of all participants are not known at the time this form is submitted, then specific roles must be provided as placeholders for numbers of persons requested to enter the Monument. The Application Review Committee may request resumes, biographies, or CVs for any personnel listed, at a later date. Attach additional information if necessary.

It is the Applicant's responsibility to keep Monument staff apprised of any proposed personnel changes. Full names of personnel and roles will be required in the Monument Compliance Information Sheet prior to issuance of a permit.

Section B: Project Information

5a. Project Location: Check the boxes of all applicable locations where the proposed activities will occur. Indicate whether your project will occur on land, in the ocean, or both. Also indicate whether your project will occur in deep water or shallow water, or both. Shallow water is defined by water less than 100 meters in depth. NOTE: Include alternate locations if appropriate.

* Location Description: Provide a description of the location of the proposed activity that includes sufficient detail. Refer to the Monument Compliance Information Sheet for information on including specific site and collection location(s).

5b. Check all applicable regulated activities proposed to be conducted in the Monument by the Applicant at any of the locations mentioned in 5a.

*Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging, or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving Monument resource.

*Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands.

*Anchoring means dropping anything on to the ocean bottom with the intention of holding something fast to the bottom. Generally an anchor secures a vessel, but it may also be used for a mooring or any other item.

*Deserting a vessel aground, at anchor, or adrift.

*Discharging or depositing any material into Special Preservation Areas or the Midway Atoll Special Management Area except vessel engine cooling water, weather deck runoff, and vessel engine exhaust.

OR

*Discharging or depositing any material or other matter into the Monument, or discharging or depositing any material or other matter outside of the Monument that subsequently enters the Monument and injures any resources of the Monument, except fish parts (i.e. chumming material or bait) used in and during authorized fishing operations, or discharges incidental to vessel use such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust.

*Touching any coral, living or dead.

*Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument.

*Attracting any living Monument resources.

*Sustenance Fishing means fishing for bottomfish or pelagic species within Federal waters, but outside of Special Preservation Areas, Ecological Reserves and the Midway Atoll Special Management Area, in which all catch is consumed within the Monument, and that is incidental to another activity permitted under Presidential Proclamation 8031.

*Subsistence Fishing means fishing for bottomfish or pelagic species in State waters in which all catch is for direct personal consumption within the Monument, and that is incidental to another activity permitted under Presidential Proclamation 8031.

*Swimming means entering the water and propelling oneself by movements of the limbs, without special equipment of any kind.

*Snorkeling means entering the water and swimming with the aid of a mask, snorkel, and fins, or any combination of the aforementioned equipment.

*SCUBA Diving means entering the water and submerging oneself with the aid of self-contained underwater breathing apparatus.

6. State the purpose of the proposed activities, including the goals and objectives of the activities.

7. The Secretaries of Commerce and Interior are required to determine that issuing the requested permit is compatible with the Findings of Presidential Proclamation 8031. Answer the Monument findings below and provide information that you believe will assist the Co-Trustees in determining your proposed activities are compatible with the conservation and management of the natural, historic and cultural resources of the Monument:

The Findings are as follows:

a. How can the activity be conducted with adequate safeguards for the cultural, natural and historic resources and ecological integrity of the Monument?

b. How will the activity be conducted in a manner compatible with the management direction of the proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument cultural, natural and historic resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects?

c. Is there a practicable alternative to conducting the activity within the Monument? If not, explain why your activities must be conducted in the Monument.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?

e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose.

f. Provide information demonstrating that you are qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

g. Provide information demonstrating that you have adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

h. Explain how the methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.

i. Has your vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031?

j. Demonstrate that there are no other factors that would make the issuance of a permit for the activity inappropriate.

8. Describe the procedures and methods you will use in performing the proposed activity while within the Monument.

Describe in detail how you will get to your work locations and specific sites (walking, climbing, wading, swimming, snorkeling, diving, boating, etc.). Will you need to enter a seabird colony? Will you need access to beaches? Will you work at night?

Will you request assistance from Monument staff to maintain the equipment or collect data or samples in association with the proposed activity in your absence or presence? If so, describe procedures for doing so including how often it is to occur and how long it will take per maintenance/data/sample collection event. Describe how you plan to compensate volunteers for the maintenance or data/sample collection work.

NOTE: If you will not collect specimens, you may enter “N/A” for questions 9-11 and skip to question 12a.

9a. List all specimens (organisms or objects) you plan to collect. If applicable, list each species common name, scientific name, number to be collected, maximum size of specimens to be collected, amount taken and the size of the organism from which you will take any sample(s), and general collection location requested in #5a. Also indicate whether you will take the whole organism or a subsample thereof.

9b. List the post project disposition of specimens. What will be done with the parts of samples that are not used in your initial analysis?

9c. Check the appropriate box to indicate if the organisms will be kept alive after collection. If the organisms are to be kept alive, state where will they be housed. (Provide the general site and/or location.) Also check the appropriate box to indicate if there is an open or closed-system for maintaining living organisms and if there is an outfall or discharge. If applicable, note whether the organisms will be kept with other species and if so, the species names of the other organisms. Will any organisms be released? If so, where?

10. How will the collected samples be transported out of the Monument? Will samples be transported by vessel or aircraft? Will samples be transported frozen, in formalin, in alcohol, or other media?

11. Describe whether you are collaborating with others to reduce duplicative activities in the Monument or elsewhere in the State of Hawaii or other Pacific Remote Island National Wildlife Refuges. If you are collecting samples for someone else, stipulate to whom the samples will be

provided and give their Monument permit number. Also, list State of Hawaii and United States Fish and Wildlife Service permit numbers for any relevant collaborations or research related to this project, including projects in the main Hawaiian Islands and Pacific Remote Island National Wildlife Refuges. Provide information on permit applications for related research that are under review at any of the above agencies.

12a. Provide a complete itemized list of work related gear/equipment/supplies, including collecting equipment, radio isotopes, dive equipment, etc. that will be taken into and removed from the Monument. If you wish to store any items on any island between field seasons, request so here. Indicate how and where you propose the stored items be kept. If you propose to take any work or personal items ashore that will require use of resources (electrical, power, water, or other resources) also describe that in this section.

12b. For any Hazardous Materials also include the following information:

*List all hazardous materials by common name, proper shipping name, hazard class, and amount to be taken into the Monument. Provide a Material Safety Data Sheet for each hazardous material.

*Describe how each hazardous material will be contained and stored while in the Monument.

*Describe how each hazardous material will be used for the proposed activity. Describe how and when each hazardous material will be removed from the Monument.

NOTE: The Principal Investigator (Applicant) is responsible for disposal of, storage or unauthorized use of any left-over hazardous materials from any permitted activity.

13. If applicable, indicate the types of permanent or semi-permanent installments you would like to install in the Monument, and answer the following questions:

*What is it made of?

*What will be installed?

*How will it be installed?

*Where will it be installed?

*How long will it be installed?

*Will the installation require maintenance? If so, who will conduct the maintenance and how often?

*How and when will the installation be removed?

14. Provide information regarding the projected completion dates of the following: sample analysis, write-up and publication of information gathered within the Monument.

15. List all publications directly related to the proposed project:

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Papahānaumokuākea Marine National Monument
RESEARCH Permit Application

NOTE: *This Permit Application (and associated Instructions) are to propose activities to be conducted in the Papahānaumokuākea Marine National Monument. The Co-Trustees are required to determine that issuing the requested permit is compatible with the findings of Presidential Proclamation 8031. Within this Application, provide all information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Papahānaumokuākea Marine National Monument (Monument).*

ADDITIONAL IMPORTANT INFORMATION:

- Any or all of the information within this application may be posted to the Monument website informing the public on projects proposed to occur in the Monument.
- In addition to the permit application, the Applicant must either download the Monument Compliance Information Sheet from the Monument website OR request a hard copy from the Monument Permit Coordinator (contact information below). The Monument Compliance Information Sheet must be submitted to the Monument Permit Coordinator after initial application consultation.
- Issuance of a Monument permit is dependent upon the completion and review of the application and Compliance Information Sheet.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

Send Permit Applications to:

Papahānaumokuākea Marine National Monument Permit Coordinator

6600 Kalaniana'ole Hwy. # 300

Honolulu, HI 96825

nwhipermit@noaa.gov

PHONE: (808) 397-2660 FAX: (808) 397-2662

SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. FOR ADDITIONAL SUBMITTAL INSTRUCTIONS, SEE THE LAST PAGE.

Papahānaumokuākea Marine National Monument Permit Application Cover Sheet

This Permit Application Cover Sheet is intended to provide summary information and status to the public on permit applications for activities proposed to be conducted in the Papahānaumokuākea Marine National Monument. While a permit application has been received, it has not been fully reviewed nor approved by the Monument Management Board to date. The Monument permit process also ensures that all environmental reviews are conducted prior to the issuance of a Monument permit.

Summary Information

Applicant Name:

Affiliation:

Permit Category: Research

Proposed Activity Dates:

Proposed Method of Entry (Vessel/Plane):

Proposed Locations:

Estimated number of individuals (including Applicant) to be covered under this permit:

Estimated number of days in the Monument:

Description of proposed activities: (complete these sentences):

- a.) The proposed activity would...

- b.) To accomplish this activity we would

- c.) This activity would help the Monument by ...

Other information or background:

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial):

Title:

1a. Intended field Principal Investigator (See instructions for more information):

2. Mailing address (street/P.O. box, city, state, country, zip):

Phone:

Fax:

Email:

For students, major professor's name, telephone and email address:

3. Affiliation (institution/agency/organization directly related to the proposed project):

4. Additional persons to be covered by permit. List all personnel roles and names (if known at time of application) here (e.g. John Doe, Research Diver; Jane Doe, Field Technician):

Section B: Project Information

5a. Project location(s):

<input type="checkbox"/> Nihoa Island	<input type="checkbox"/> Land-based	<u>Ocean Based</u>	
<input type="checkbox"/> Necker Island (Mokumanamana)	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> French Frigate Shoals	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Gardner Pinnacles	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Maro Reef			
<input type="checkbox"/> Laysan Island	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Lisianski Island, Neva Shoal	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Pearl and Hermes Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Midway Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Kure Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Other			

NOTE: There is a fee schedule for people visiting Midway Atoll National Wildlife Refuge via vessel and aircraft.

Location Description:

5b. Check all applicable regulated activities proposed to be conducted in the Monument:

- Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving Monument resource
- Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands
- Anchoring a vessel
- Deserting a vessel aground, at anchor, or adrift
- Discharging or depositing any material or matter into the Monument
- Touching coral, living or dead
- Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument
- Attracting any living Monument resource
- Sustainance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserves and Special Management Areas)
- Subsistence fishing (State waters only)
- Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

6 Purpose/Need/Scope *State purpose of proposed activities:*

7. Answer the Findings below by providing information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Monument:

The Findings are as follows:

a. How can the activity be conducted with adequate safeguards for the cultural, natural and historic resources and ecological integrity of the Monument?

b. How will the activity be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument cultural, natural and historic resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects?

c. Is there a practicable alternative to conducting the activity within the Monument? If not, explain why your activities must be conducted in the Monument.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?

e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose.

f. Provide information demonstrating that you are qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

g. Provide information demonstrating that you have adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

h. Explain how your methods and procedures are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.

i. Has your vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031?

j. Demonstrate that there are no other factors that would make the issuance of a permit for the activity inappropriate.

8. Procedures/Methods:

NOTE: If land or marine archeological activities are involved, contact the Monument Permit Coordinator at the address on the general application form before proceeding, as a customized application will be needed. For more information, contact the Monument office on the first page of this application.

9a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):

Common name:

Scientific name:

& size of specimens:

Collection location:

Whole Organism Partial Organism

9b. What will be done with the specimens after the project has ended?

9c. Will the organisms be kept alive after collection? Yes No

• General site/location for collections:

• Is it an open or closed system? Open Closed

• Is there an outfall? Yes No

• Will these organisms be housed with other organisms? If so, what are the other organisms?

• Will organisms be released?

10. If applicable, how will the collected samples or specimens be transported out of the Monument?

11. Describe collaborative activities to share samples, reduce duplicative sampling, or duplicative research:

12a. List all specialized gear and materials to be used in this activity:

12b. List all Hazardous Materials you propose to take to and use within the Monument:

13. Describe any fixed installations and instrumentation proposed to be set in the Monument:

14. Provide a time line for sample analysis, data analysis, write-up and publication of information:

15. List all Applicants' publications directly related to the proposed project:

With knowledge of the penalties for false or incomplete statements, as provided by 18 U.S.C. 1001, and for perjury, as provided by 18 U.S.C. 1621, I hereby certify to the best of my abilities under penalty of perjury of that the information I have provided on this application form is true and correct. I agree that the Co-Trustees may post this application in its entirety on the Internet. I understand that the Co-Trustees will consider deleting all information that I have identified as "confidential" prior to posting the application.

Signature

Date

SEND ONE SIGNED APPLICATION VIA MAIL TO THE MONUMENT OFFICE BELOW:

Papahānaumokuākea Marine National Monument Permit Coordinator
6600 Kalaniana'ole Hwy. # 300
Honolulu, HI 96825
FAX: (808) 397-2662

DID YOU INCLUDE THESE?

- Applicant CV/Resume/Biography
- Intended field Principal Investigator CV/Resume/Biography
- Electronic and Hard Copy of Application with Signature
- Statement of information you wish to be kept confidential
- Material Safety Data Sheets for Hazardous Materials

**Papahānaumokuākea Marine National Monument
Compliance Information Sheet
Instructions**

NOTE: Issuance of a Monument permit is dependent upon the completion and review of the application and Compliance Information Sheet.

1. Updated list of participating personnel. List all personnel participating in the proposed activity. Include first and last name, position (John Doe, Diver; Jane Doe, Field Technician; Jerry Doe, Medical Assistant, etc.), affiliation, telephone number, and email address for each individual. If specific names of all participants are not known at the time this form is submitted, then specific positions must be provided as placeholders for numbers of persons requested to enter the Monument. The Application Review Committee may request resumes, biographies, or CVs for any personnel listed, at a later date. Attach additional information if necessary.

It is the Applicant's responsibility to keep Monument staff apprised of any proposed personnel changes. Full names of personnel and roles will be required in the Monument Compliance Information Sheet prior to issuance of a permit.

2. Provide additional detail on site locations here. Additional detail may include, but is not limited to: specific lat/long coordinates, habitat type, water depth, substrate type, etc. If appropriate, attach an Excel spreadsheet or Shape file to this sheet. Contact the Monument Permit Coordinator for additional instructions.

3. List permit numbers for all other related Federal or State Permits for which you have applied or received. These may include, but are not limited to, a Bird Banding Lab Migratory Bird Banding Permit, State of Hawaii Department of Land and Natural Resources Division of Forestry and Wildlife Permit, State Conservation District Use Permit, Endangered Species Act consultations, Marine Mammal Protection Act Permit, International Animal Care and Use Committee, or any University permits. Attach copies of permits already received. You will be required to provide copies of all required permits to the Monument permit coordination personnel prior to departure for the Monument.

List all permits you have received for the same or similar activities from any State or Federal entity.

3a. For each of the permits listed, identify any permit violations or any permit that was suspended, amended, modified, or revoked. Explain the circumstances surrounding the violation or permit suspension, amendment, modification or revocation.

4. Include a budget and funding sources specific to the proposed activities. **Salary information and detailed program budgets are not necessary.** List any in-kind contributions awarded for the proposed activities.

5. The “Activity start” and “Activity completion” must include the entire span of the proposed activity. In other words, these dates must specify if the proposed activity is a multi-year activity and if so, the duration the proposed activity is expected to be conducted in the Monument.

NOTE: Multi-year projects do NOT guarantee the issuance of additional permits in subsequent years.

If specific dates cannot be determined at the time of application, explain the reasons dates are pending (e.g., ship schedules, flight schedules). At minimum, describe the intervals of time you propose to visit the Monument, e.g. during a specific nesting season or quarterly, and the proposed duration of the proposal.

For Personnel Schedule, list those who will be in the Monument (specific locations) and for what periods of time. Attach additional documentation if necessary.

6. All persons covered under the permit are responsible for the cost of removing themselves from the Monument at the conclusion of the term of the permit, revocation, or other enforcement matters. Additionally, persons covered under the permit are responsible for the cost of removing themselves from the Monument in the event of a necessary medical evacuation, emergency evacuation, including weather, or for the cost of any necessary search and rescue operation. Demonstrate that all persons covered under the permit have either insurance coverage, adequate bond, or have other financial resources to pay Monument Co-Trustees for the cost of their necessary search and rescue and/or removal from the Monument.

NOTE: The State of Hawaii requires permittees to carry general liability insurance.

7. Check the appropriate box to indicate how personnel will enter the Monument. Note which vessel(s) or aircraft(s) will be used to transport personnel. If entering by a vessel which is not already permitted to enter the Monument in support of your proposed activity, you must include that respective vessel and its crew on this permit application. If entering by a vessel which is already permitted to enter the Monument in support of your proposed activity, state the vessel’s Monument Permit number here.

8. Check the relevant inspections that you will conduct prior to departure for the Monument. Include the dates of scheduled inspections. Upon completion of the inspections and any required cleaning operations, you will be required to provide proof of approved inspections and cleaning to Monument Permit coordination personnel.

All vessels must have at a minimum a Rodent Free Inspection, Hull Inspection, and Ballast Water Record Inspection no more than 14 days prior to departure for the Monument. If any small boat operations are proposed to occur within the Monument, then a Tender Vessel Fouling Inspection must occur in this time frame as well. If any gear will be placed or used in the water or on land, you must schedule an inspection of these items before departing for the Monument. For more information on arranging these inspections contact the Monument Permit Coordinator at (808) 397-2660, or nwhipermit@noaa.gov.

NOTE: Results of inspections may require cleaning operations such as rodent eradication, hull cleaning, or ballast water maintenance at your own cost before departing for the Monument. If proposed gear or materials are found to be contaminated with alien species you may be required to conduct specific cleaning measures or complete replacement of contaminated items at your own cost before departing for the Monument. Re-inspection may be required.

9. List all vessel information: Vessel name, owner, captain's name, vessel type, length, gross tonnage and vessel identification number. List vessel International Maritime Organization Number (if applicable), flag of origin, call sign, port of embarkation, total ballast water capacity volume (m³), total number of fuel tanks on ship, total number of ballast water tanks on ship, total fuel capacity and last port.

Indicate whether the vessel has a Marine Sanitation Device (MSD) and its type. Explain in detail how you will comply with the regulations regarding discharge in the Monument. If applicable, attach schematics of the vessel's discharge and treatment systems.

List all types and amounts of hazardous materials to be carried on board for vessel or tender vessel use.

Indicate that the vessel has a NOAA Office of Law Enforcement (OLE)-approved Vessel Monitoring System (VMS). Provide the name and contact information of the contractor responsible for installing the VMS system. For more information on NOAA OLE-approved VMS systems, refer to 50 CFR 407.11 (e) (f). This information can be located at: <http://hawaiiireef.noaa.gov/PDFs/VMSfdreg.pdf>

List the make and model of the VMS to be used while conducting activities in the Monument.

NOTE: All vessels entering the Monument MUST have an NOAA OLE-approved VMS System installed PRIOR to entering the Monument, "An owner or operator of a vessel that has been issued a permit for accessing the Monument must ensure that such a vessel has an operating vessel monitoring system (VMS) on board, approved by the OLE in the National Oceanic and Atmospheric Administration in the Department of Commerce when voyaging within the Monument" (50 CFR 404.5).

* NOTE: This question is not required if you are traveling aboard a NOAA vessel.*

10. List all workboats (tenders) which will be use to transport personnel, gear and materials within the Monument. Include information on the number of tenders/skiffs aboard the vessel and the specific types of motors on each tender/skiff.

Additional Information for Land Based Operations

ANSWER QUESTIONS IN THIS SECTION IF YOU WISH TO CONDUCT ACTIVITIES ON LAND

11. Answer the following questions:

*If personnel, gear and materials are to be transported to the Monument by vessel, how will personnel, gear and materials be transported between ship and shore?

*If applicable, how will personnel be transported between islands within any one atoll?

*Provide a time line of all significant transportation events for arrivals and departures.

12. Describe where personnel will sleep/eat/bathe while on the island(s). Note how many personnel will be using U.S. Fish and Wildlife Service and/or State of Hawaii supplied accommodations and for how long.

13. Describe office/desk/workbench/workshop/lab space you expect to use during the proposed activity on the island(s). Describe all electrical and water needs you expect to use during the proposed activity on the island(s). Describe what disposal route all of the water and hazardous materials will take (e.g., laboratory sink, drains, flow-through aquaria) and where these materials will ultimately end up.

NOTE: charging batteries, rinsing gear, cleaning tools, painting and maintaining equipment, etc., all take space and resources. Requesting use of these resources should be done in this section.

Papahānaumokuākea Marine National Monument Compliance Information Sheet

1. Updated list of personnel to be covered by permit. List all personnel names and their roles here (e.g. John Doe, Diver; Jane Doe, Field Technician, Jerry Doe, Medical Assistant):

2. Specific Site Location(s): (Attach copies of specific collection locations):

3. Other permits (list and attach documentation of all other related Federal or State permits):

3a. For each of the permits listed, identify any permit violations or any permit that was suspended, amended, modified or revoked for cause. Explain the circumstances surrounding the violation or permit suspension, amendment, modification or revocation.

4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information):

5. Time frame:

Activity start:

Activity completion:

Dates actively inside the Monument:

From:

To:

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application:

Personnel schedule in the Monument:

6. Indicate (with attached documentation) what insurance policies, bonding coverage, and/or financial resources are in place to pay for or reimburse the Monument trustees for

the necessary search and rescue, evacuation, and/or removal of any or all persons covered by the permit from the Monument:

7. Check the appropriate box to indicate how personnel will enter the Monument:

- Vessel
- Aircraft

Provide Vessel and Aircraft information:

8. The certifications/inspections (below) must be completed prior to departure for vessels (and associated tenders) entering the Monument. Fill in scheduled date (attach documentation):

- Rodent free, Date:
- Tender vessel, Date:
- Ballast water, Date:
- Gear/equipment, Date:
- Hull inspection, Date:

9. Vessel information (NOTE: if you are traveling aboard a National Oceanic and Atmospheric Administration vessel, skip this question):

Vessel name:

Vessel owner:

Captain's name:

IMO#:

Vessel ID#:

Flag:

Vessel type:

Call sign:

Embarkation port:

Last port vessel will have been at prior to this embarkation:

Length:

Gross tonnage:

Total ballast water capacity volume (m3):

Total number of ballast water tanks on ship:

Total fuel capacity:

Total number of fuel tanks on ship:

Marine Sanitation Device:

Type:

Explain in detail how you will comply with the regulations regarding discharge in the Monument. Describe in detail. If applicable, attach schematics of the vessel's discharge and treatment systems:

Other fuel/hazardous materials to be carried on board and amounts:

Provide proof of a National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement-approved Vessel Monitoring System (VMS). Provide the name and contact information of the contractor responsible for installing the VMS system. Also describe VMS unit name and type:

VMS Email:
Inmarsat ID#:

10. Tender information:

On what workboats (tenders) will personnel, gear and materials be transported within the Monument? List the number of tenders/skiffs aboard and specific types of motors:

Additional Information for Land Based Operations

11. Proposed movement of personnel, gear, materials, and, if applicable, samples:

12. Room and board requirements on island:

13. Work space needs:

DID YOU INCLUDE THESE?

- Map(s) or GPS point(s) of Project Location(s), if applicable
- Funding Proposal(s)
- Funding and Award Documentation, if already received
- Documentation of Insurance, if already received
- Documentation of Inspections
- Documentation of all required Federal and State Permits or applications for permits

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**PAPAHĀNAUMOKUĀKEA
MARINE NATIONAL MONUMENT
PERMIT TEMPLATE**



Permittee: _____

Permit Number: PMNM-200x-xxx

Effective Date: _____

Expiration Date: _____

Project Title: _____

This permit is issued for activities in accordance with Proclamation 8031 (“Proclamation”) establishing the Papahānaumokuākea Marine National Monument (“Monument”) under the Antiquities Act of 1906, 16 USC §§ 431-433 (“Antiquities Act”) and implementing regulations (50 CFR Part 404). All activities must be conducted in accordance with the Proclamation and the regulations (attached). No activity prohibited by the Proclamation or 50 CFR Part 404 is allowed except as specified below. Chapter 13-60.5, Hawaii Administrative Rules remains in effect for proposed activities in State waters.

Subject to the terms and conditions of this permit, the National Oceanic and Atmospheric Administration (NOAA), the State of Hawai‘i, and the U.S. Fish and Wildlife Service (collectively, the Co-Trustees) hereby authorize the permittee listed above to conduct _____ activities within the Monument. All activities are to be conducted in accordance with this permit. The permit application is incorporated into this permit and made a part hereof; provided, however, that if there are any conflicts between the permit application and the terms and conditions of this permit, the terms and conditions of this permit shall be controlling.

PERMITTED ACTIVITY DESCRIPTION:

The following activities are authorized by this permit:

1. _____

No further disturbance of the cultural or natural resources of the Monument is allowed.

**Papahānaumokuākea
Marine National Monument**
6600 Kalaniana‘ole Hwy
Suite 300
Honolulu, HI 96825

PERMITTED ACTIVITY LOCATION:

Other than entrance into the Monument, the permitted activities listed above are allowed at the following locations:

- 1.

GENERAL TERMS AND CONDITIONS:

In accordance with the Proclamation and applicable regulations, the permitted activities listed above are subject to the following general terms and conditions:

1. The permittee must sign and date this permit on the appropriate line below. Once signed and dated, the permittee must provide a signed original copy to the Monument official identified below. The permit becomes valid on the date the last Monument official signs the permit and shall remain valid for not more than one (1) year from that date.

Permit Coordinator
Papahānaumokuākea
Marine National Monument
6600 Kalanianaʻole Hwy. Suite 300
Honolulu, HI 96825

2. This permit is neither transferable nor assignable and must be carried by the permittee while engaging in any activity authorized by this permit. All other persons entering the Monument under the authority of this permit must provide the name of the permittee or the permit number to any authorized enforcement or management personnel upon request.
3. This permit may only be modified by written amendment approved by the Co-Trustees. Modifications to this permit must be requested in the same manner as the original request was made. Any modifications requested by the permittee, such as adding or changing personnel to be covered by the permit or to change the activities that are allowed, must be made in writing.
4. This permit is subject to suspension, modification, non-renewal, or revocation for violation of the Proclamation, implementing regulations, or any term or condition of the permit. Any verbal notification of a violation from an authorized Monument representative may require immediate cessation of activities within the Monument. The issuance of a permit shall not constitute a vested or property right to receive additional or future permits. This permit may, in the sole discretion of the Co-Trustees, be renewed or reissued. However, there is no right to a renewal or re-issuance of a permit. Failure to fulfill permit requirements may affect consideration of future permit applications.

5. Permit terms and conditions shall be treated as severable from all other terms and conditions contained in this or any other ancillary permit. In the event that any provision of this permit is found or declared to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining terms or conditions of this permit.
6. This permit does not relieve the permittee of responsibility to comply with all federal, state and local laws and regulations. Activities under this permit may be conducted only after any other permits or authorizations necessary to conduct the activities have been obtained.
7. The permittee may be held liable for the actions of all persons entering the Monument under the authority of this permit.
8. All persons entering the Monument under the authority of this permit are considered under the supervision of the permittee and may be liable in addition to the permittee for any violation of this permit, the Proclamation and implementing regulations in conjunction with this permit. The permittee must ensure that all such persons have been fully informed of the permit terms and conditions prior to entry into the Monument. Each such person must provide written acknowledgment to the permittee, prior to entry into the Monument, that he/she has received a copy of the permit, agrees to abide by all applicable terms and conditions, and may be liable for violations of the permit. The permittee shall maintain all signed acknowledgments and submit them with the summary report described in General Condition #22.b.
9. Notification of entry into the Monument must be provided at least 72 hours, but no longer than one month, prior to the entry date. Any updates to the list of personnel must also be provided at least 72 hours before entering the Monument. Notification of departure from the Monument must be provided within 12 hours of leaving the Monument. Notification may be made via e-mail, or telephone by contacting: E-mail: nwhi.notifications@noaa.gov; Telephone: 1-866-478-6944; or 1-808-395-6944. No other methods of notification will be considered valid.
10. The permittee and any person entering the Monument under the authority of this permit shall, before entering the Monument, attend a cultural briefing or view designated cultural informational materials on Papahānaumokuākea regarding the region's cultural significance and Native Hawaiians' spiritual and genealogical connection to the natural and cultural resources. Persons entering the Monument at Midway Atoll may satisfy this requirement upon arrival.
11. All vessels (including tenders and dive boats), engines and anchor lines shall be free of introduced species prior to entry into the Monument. To ensure this, all vessels, engines and anchor lines shall be inspected for potential introduced species prior to departing the last port before entering the Monument. No later than 24 hours prior to entry, the permittee shall provide the Monument Permit Coordinator with a report prepared by the individual conducting the inspection that: a) sets forth when and where the inspection

occurred; b) identifies any introduced species observed, including where found; c) summarizes efforts to remove any species observed; and d) certifies the vessel as free of all introduced species. The Monument Permit Coordinator shall review the report and, based on the review, may delay the entry into the Monument until all concerns identified by the Monument Permit Coordinator have been addressed.

12. All hazardous materials, biohazards and sharps, must be pre-approved by the Co-Trustees. For purposes of this permit, “hazardous material” has the same meaning as the definition found at 49 CFR §105.5 (U.S. Department of Transportation). All hazardous materials, biohazards and sharps must be stored, used, and disposed of according to applicable laws and Monument-approved protocols. The permittee, or a designated individual entering the Monument under the authority of this permit must be properly trained in the use and disposal of all such materials proposed. Proof of appropriate training may be required by the Co-Trustees. No such material may be left in the Monument after the departure of the permittee unless it has been previously approved by Monument staff. Immediately after the project is complete the permittee must remove all such materials from the Monument. The permittee will be responsible for all costs associated with use, storage, transport, training, disposal, or HazMat response for these materials.
13. All equipment or supplies brought into the Monument, or structures of any kind built in the Monument by the permittee are the responsibility of the permittee. All materials that are brought to the Monument by the permittee must be removed by the permittee except as otherwise permitted. Any permanent structures, equipment, or supplies that require maintenance, are determined to be unserviceable, or are a safety hazard, must be immediately repaired or removed from the Monument by the permittee. No structures, equipment, or supplies may be left in the Monument following the completion of the project except as listed in the permit.
14. If Monument staff are present at the field site, the permittee must meet with them before beginning permitted activities. Even with a valid permit, authorized Monument staff may prohibit entry into any location(s) within the Monument as they may deem appropriate to conserve or manage resources, particularly in areas where cumulative impacts of permitted activities are concentrated.
15. In order to facilitate monitoring and compliance, any person entering the Monument under the authority of this permit, including assistants and ship’s crew shall, upon request by authorized Monument enforcement personnel, promptly: a) allow access to and inspection of any vessel or facility used to carry out permit activities; b) produce for inspection any sample, record, or document related to permit activities, including data, logs, photos, and other documentation obtained under, or required by, this permit; and c) allow inspection on board the vessel or at the permittee’s premises of all organisms, parts of organisms, and other samples collected under this permit.
16. It is prohibited to possess or consume alcohol in the Hawaiian Islands National Wildlife Refuge in accordance with refuge regulations. Any violations will result in immediate

removal of the offender from the Monument at the individual's own cost. Offenders may not be readmitted to the Monument.

17. All persons entering the Monument under the authority of this permit are responsible for the cost of removing themselves from the Monument at the conclusion of the term of the permit or upon revocation or suspension of the permit. All such persons are also responsible for the cost of removing themselves from the Monument in the event of a necessary medical evacuation, emergency evacuation, including weather, or for the cost of any necessary search and rescue operation.
18. Except as expressly required by applicable law, the Co-Trustees are not liable for any damages to equipment or injuries to the permittee and persons entering the Monument under the authority of this permit. The permittee and any person entering the Monument under the authority of this permit shall release, indemnify, and hold harmless the National Oceanic and Atmospheric Administration, the Department of Commerce, the U.S. Fish and Wildlife Service, the Department of the Interior, the United States Government, the State of Hawai'i, and their respective employees and agents acting within the scope of their duties from and against any claims, demands, actions, liens, rights, subrogated or contribution interests, debts, liabilities, judgments, costs, and attorney's fees, arising out of, claimed on account of, or in any manner predicated upon the issuance of this permit or the entry into or habitation upon the Monument or as the result of any action of the permittee or persons participating in the activity authorized by this permit. In the event that a government employee, acting in his official capacity, is the permittee, or is entering the Monument under the authority of this permit, then he shall be subject to all applicable federal and State laws that pertain to claims by or against him predicated upon the issuance of this permit or entry into or habitation upon the Monument.
19. Monument managers or their designees may verbally require the permittee to modify or cease activities not identified in this permit if, in the opinion of the managers or designees, such action is necessary to limit disturbance to or protect Monument resources, to protect government equipment, or to ensure the safety of personnel. After providing such verbal instructions, the managers or designees will provide the permittee with a written modification, suspension or revocation to this permit at the earliest practicable opportunity. The failure to follow verbal instructions or modified permit terms, or to cease activities upon suspension or revocation of this permit, may constitute a violation of this permit, the Proclamation, the regulations, or other applicable law.
20. Disturbance of any cultural or historic property, including but not limited to Native Hawaiian cultural sites, burials, archaeological deposits, and WWII structures and features, such as stone walls and mounds, stone uprights, bunkers, batteries, camp sites, hospitals, housing areas, and radio towers; or the disturbance or collection of any historic or cultural materials and artifacts, including but not limited to bottles, dishes, cartridges, hospital materials, carvings, human remains, or Native Hawaiian bone or stone implements, found within the Monument, including the sale or trade in such items, is prohibited.

21. All Monument resources within the jurisdiction of the State of Hawai‘i are held in trust under the Hawai‘i State Constitution, Article XI, Sec. 1. The State of Hawai‘i and the Government of the United States reserve ownership or control, as the case may be, of Monument resources, both living and nonliving, that may be taken or derived from those found in the Monument.
22. The permittee must satisfy the following reporting requirements:
- a. For activities on State lands or within State waters, the permittee must submit a monthly report on the specified form.
 - b. The permittee must maintain a cruise log including, but not limited to: anchoring locations and small boat dive locations. The log must contain a description of cruise activities and the geographic locations of those activities. Within thirty (30) days after the end of the cruise or the expiration date of this permit, the permittee must submit the cruise log and a summary report of activities conducted under this permit. The permittee having authority over the vessel must maintain a vessel discharge log, which must be submitted with the cruise log.
 - c. Annual Report. The comprehensive annual report is a summary of all activities undertaken, including but not limited to: dates of all arrivals and departures from islands and atolls within the Monument, names of all persons involved in permitted activities, details of all specimens collected, handled, etc., any other pertinent information, GPS locations of all samples collected, transects, etc., results of work to date, copy of all data collected, and a proposed schedule of publication or production of final work. The report shall include a concise summary or abstract for use in Monument reports. Two hard copies and one electronic copy (Microsoft Word preferred, but not required), must be submitted to the Co-Trustees. The annual report is due by the end of the second week of January of the calendar year that follows the year that the permit was in effect or before a new permit is issued, whichever comes first. Subsequent annual reports are required each year until all data collected under research permits are fully analyzed.
 - d. The permittee must debrief the Co-Trustees following the completion of all activities in the Monument covered under this permit. The permittee must schedule the debriefing upon submitting the annual report.
 - e. The permittee must submit two copies of any article, publication, or other product created as a result of the information gained or work completed under this permit, including materials generated at any time in the future following expiration of this permit.
 - f. Any publications and/or reports resulting from activities conducted under the authority of this permit must include the notation that the activity was conducted

under permit number PMNM-200x-xxx. This requirement does not apply to publications or reports produced by the news media.

- g. All required submissions (including plans, logs, reports, and publications) shall be provided to the Monument official at the address indicated in General Condition #1.

- 23. All data acquired or created in conjunction with this permit will be submitted with the summary report, and annual report. Photographic and video material is considered data. The permittee retains ownership of any data, (including but not limited to any photographic or video material), derivative analyses, or other work product, or other copyrightable works, but the Federal Government and the State of Hawai'i retain a lifetime, non-exclusive, worldwide, royalty-free license to use the same for government purposes, including copying and dissemination, and making derivative works. The permittee will receive acknowledgment as to its ownership of the data in all future use. This requirement does not apply to data acquired or created by the news media.

- 24. Because photographic or video material that is created for personal use (i.e., not specifically acquired or created in conjunction with this permit) could unintentionally collect data that is also valuable for management purposes, the Co-Trustees reserve the right to request copies of any such material and the permittee agrees to provide a copy of such material within a reasonable time. The Co-Trustees may use such material for management purposes.

- 25. Any question of interpretation of any term or condition of this permit will be resolved by the Co-Trustees.

Your signature below, as permittee, indicates that you accept and agree to comply with all terms and conditions of this permit. This permit authorized only those activities listed above. This permit becomes valid on the date when signed by the last Monument Official. Please note that the expiration date on this permit will not be extended by a delay in your signing below.

PERMITTEE

Date

Attachments (3):

- 1. Proclamation 8031, June 15, 2006
- 2. 50 CFR Part 404
- 3. Maps of the Papahānaumokuākea Marine National Monument

XX	Date
Chairperson	
Department of Land and Natural Resources	
State of Hawaii	

XX	Date
Superintendent	
U.S. Fish and Wildlife Service	
Papahānaumokuākea Marine National Monument	

XX	Date
Superintendent	
NOAA	
Papahānaumokuākea Marine National Monument	

APPENDIX B:
Midway Atoll Visitor Services Plan



Visitor Services Plan

for

**Midway Atoll National Wildlife Refuge,
the Battle of Midway National Memorial,**

and

**Papahānaumokuākea
Marine National Monument's
Midway Atoll Special Management Area**



Pete Leary/USFWS

December 2008

Visitor Services Plan
for
Midway Atoll National Wildlife Refuge,
Battle of Midway National Memorial,
and
Papahānaumokuākea Marine National Monument's
Midway Atoll Special Management Area

Prepared by:

U.S. Fish and Wildlife Service
Midway Atoll National Wildlife Refuge and
Pacific Islands Division of External Affairs and Visitor Services
Box 50167
Honolulu, Hawai'i 96850

in consultation with the
National Oceanic and Atmospheric Administration
and the
State of Hawai'i

Approved: _____


Carolyn Bohan, Regional Chief
National Wildlife Refuge System
Pacific Region

Date: _____

12/10/08

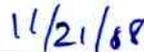
Midway Atoll National Wildlife Refuge, Battle of Midway National Memorial,
and Midway Atoll Special Management Area
Visitor Services Plan
Approval Submission
U.S. Fish and Wildlife Service, Pacific Region

In accordance with the National Wildlife Refuge System Administration Act of 1966, as amended, (16 U.S.C. 668dd-668ee) and Fish and Wildlife Service Manual Section 605, this visitor services plan has been prepared for Midway Atoll National Wildlife Refuge and the Battle of Midway National Memorial. In addition, it is incorporated into the Papahānaumokuākea Marine National Monument Management Plan to guide visitor activities within the Midway Atoll Special Management Area. This visitor services plan is compliant with Presidential Proclamation 8031 and was prepared in consultation with the Secretary of Commerce by Honolulu-based National Oceanic and Atmospheric Administration staff, the State of Hawai'i's Department of Land and Natural Resources, and the Office of Hawaiian Affairs. This visitor services plan is submitted for approval by the Regional Chief of the National Wildlife Refuge System for the Pacific Region.

Submitted by:



Susan White, FWS Superintendent
Papahānaumokuākea Marine National Monument



Date



Barry W. Steglitz, Project Leader
Hawaiian and Pacific Islands
National Wildlife Refuge Complex



Date

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Executive Summary

In 1996, the Fish and Wildlife Service (FWS) prepared a public use plan to guide visitor services on Midway Atoll National Wildlife Refuge. Since then, new laws and policies regarding wildlife-dependent recreation in the National Wildlife Refuge System have been promulgated, and a new visitor services plan is required to ensure recreational uses at Midway Atoll are compatible with the Refuge System mission and the purposes of the refuge and the Battle of Midway National Memorial. In addition, all recreational and special ocean use activities must be compliant with the requirements of Papahānaumokuākea Marine National Monument (Monument), designated in 2006.

This document was based on an interim plan to guide visitor activities on Midway Atoll until such time as the broader Monument Management Plan that meets the applicable requirements of a refuge comprehensive conservation plan and visitor services plan was completed. Although substantially the same as the Interim Visitor Services Plan for Midway Atoll, this plan is now a step-down plan to the overall Monument Management Plan. It was developed during initial implementation of the interim plan, and, therefore, evaluation and adaptive management of the visitor program is a key element of the Monument Management Plan's Midway Atoll Visitor Services Action Plan. FWS will continue to work closely with its Co-Trustees in the Monument, the National Oceanic and Atmospheric Administration (NOAA) and State of Hawai'i, as this visitor services plan is implemented.

This plan documents approved recreational activities at Midway Atoll and identifies the structure of the visitor services program. Special ocean uses that support recreational activities within the Midway Atoll Special Management Area are also addressed. The plan also outlines activities that honor and interpret the World War II history at Midway Atoll in recognition of its status as the Battle of Midway National Memorial, as well as opportunities to share the cultural significance of Papahānaumokuākea Marine National Monument to Native Hawaiians. It discusses operational limitations, biological constraints, and partnership opportunities beyond Midway Atoll.

Since 1995, FWS has been strongly committed to welcoming visitors to Midway Atoll. This is the first and only remote island national wildlife refuge in the Pacific – and the only place within Papahānaumokuākea Marine National Monument – to provide the general public with an opportunity to learn about and experience these unique ecosystems. A regularly scheduled visitor program operated on Midway Atoll until early in 2002 but ended when our cooperator left the atoll. Since then, visitors have arrived almost exclusively by the occasional cruise ship or sailboat, or for a Battle of Midway commemorative event. Through this visitor services plan, we will begin to offer limited opportunities to expand the visitor program to allow more people to experience Midway's wildlife and historic treasury.

The following wildlife-dependent recreational uses have been determined to be compatible at Midway Atoll Special Management Area and National Wildlife Refuge: wildlife observation and photography, environmental education and interpretation, and participatory research. Hunting and fishing, two recreational uses normally given priority on national wildlife refuges when compatible, will not take place at Midway Atoll. All animal species are protected by law or occur in numbers too low for harvest to allow hunting opportunities. Recreational fishing is precluded under Presidential Proclamation 8031, which designated the Monument.

Additional compatibility determinations allow for beach use activities such as swimming and volleyball, nonadministrative airport operations, limited outdoor sports such as bicycling and jogging, and amateur radio use. Each compatibility determination includes stipulations necessary to ensure protection of Midway's natural and historic resources. Any additional activities that may be proposed within Midway

Atoll National Wildlife Refuge would need to be evaluated through the compatibility determination process with formal public review. Activities that are determined to be compatible are authorized through the issuance of Monument permits, which fall within six permit types: conservation and management, research, education, Native Hawaiian practices, special ocean uses, and recreation.

Goals, objectives, and strategies for the visitor program are discussed in Chapter 4 of this plan. FWS will encourage individual visitors as well as organized groups to come to Midway. Opportunities for educator workshops in environmental education, formal classes, and distance learning will be implemented as funding permits. Improvements to trails and installation of blinds will benefit wildlife observation and photography opportunities, as will snorkeling and guided kayaking tours. Although not expected to be available in the early years of the visitor program, a dive program will be instituted as soon as practicable. Onsite and offsite interpretation of Midway Atoll's historic and wildlife resources will be enhanced.

In order to ensure a high quality visitor experience using the limited infrastructure currently available, the total number of overnight visitors that would be allowed on Midway Atoll at any one time will be limited to 50 people as long as this visitor services plan is effective. This number of visitors may be exceeded for short duration (less than a day) prearranged visits by ocean vessels or aircraft. In these cases, visitor activities are closely supervised and primarily consist of guided tours or participation in commemorative events.

For the next 4 years (2008-2011), visitor programs will operate from November through July, which coincides with the albatross season on Midway. The months of August through October are reserved primarily for planned construction and major maintenance activities.

With no additional FWS funding available to support a visitor program, visitation at Midway Atoll must be financially self-sustaining. Fees reflecting current actual costs for transportation, lodging, food services, and visitor services staffing are included in this plan. Additional permitting requirements also are discussed.

For the initial stage of the visitor program, FWS intends to operate primarily with its own staffing and with help from Monument Co-Trustees and volunteers. Outside entities may be needed to provide assistance with marketing the program and to establish a dive program at Midway; these options will be evaluated over the coming 2 years. In the longer term, and based on the results of the evaluation required in the Monument Management Plan's Midway Atoll Visitor Services Action Plan, other operational designs may be instituted.

Chapter 1 Introduction and Background

1.1 Introduction

On June 15, 2006, President George W. Bush established the Papahānaumokuākea Marine National Monument (Monument) by Proclamation 8031. The Monument incorporates the Hawaiian Islands National Wildlife Refuge, the Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, and State of Hawai‘i Northwestern Hawaiian Islands Marine Refuge and Seabird Sanctuary at Kure Atoll.

The Monument was established to protect the historic and scientific features of the Northwestern Hawaiian Islands and to enhance visitation in a special area around Midway Atoll (through the establishment of the Midway Atoll Special Management Area), provide for carefully regulated educational and scientific activities, preserve access for Native Hawaiian cultural activities, prohibit unauthorized access to the Monument, phase out commercial fishing over a 5-year period, and ban other types of resource extraction and dumping of waste.

Midway Atoll is located about 1,250 miles (2,012 km) northwest of Honolulu. It includes three small islands (Sand Island, 1,117 acres (452 ha); Eastern Island, 336 acres (136 ha); and Spit Island, 15 acres (6 ha)), an encircling protective coral reef, and submerged lands and waters out to the 12-nautical mile territorial seas (581,864 acres; 235,473 ha).

Midway Atoll is an unincorporated territory of the United States and is the only atoll/island in the Hawaiian archipelago not part of the State of Hawai‘i. Midway Atoll National Wildlife Refuge is owned and administered by the U.S. Fish and Wildlife Service (FWS) on behalf of the American people and has international significance for both its historic and natural resources.

1.2 Human History

Like on many of the low islands and atolls in the Northwestern Hawaiian Islands, the first visitors to what is now called Midway Atoll may have been Polynesians/Hawaiians exploring the Pacific in voyaging canoes. Unfortunately, no physical evidence of their visits remains, but oral histories and chants refer to distant low-lying islands with abundant birds and turtles. Native Hawaiians named the atoll “Pihemanu,” which means “the loud din of birds.”

Midway Atoll’s central location in the midst of the Pacific Ocean has made it a vital link in modern-day communication, transportation, and military history. The first recorded landing at Midway Atoll was made in 1859 by Captain N. C. Brooks. In 1867, the Secretary of the Navy sent Captain Reynolds to take possession of the islands for the United States. Efforts in the 1870s to open a channel in the reef were unsuccessful, and for the next 30 years visits to the atoll were limited to shipwreck survivors and bird feather collectors, who sought to satisfy the significant demand for feathers in the millinery trade. In January 1903, President Theodore Roosevelt placed the Midway Islands and environs “under the jurisdiction and control of the Navy Department” by Executive Order 199–A to stop the “wanton destruction of birds that breed on Midway.”

Midway’s role as an important communications link was established in 1903, when the Commercial Pacific Cable Company chose Sand Island for one of its relay stations. The cable link between Honolulu and Guam was completed on July 4, 1903, in time for President Roosevelt to send the first round-the-

world message wishing Americans a happy Independence Day. In 1905, the U.S. Lighthouse Service established a lighthouse on Sand Island.

In 1935, Pan American Airways established a seaplane base in the harbor and a small (but relatively luxurious) hotel on Sand Island. Midway became a regular fuel stop on a transpacific route that also included Honolulu, Wake Island, Guam, and Manila. The short-lived era of the “Clipper” seaplanes was an important chapter in aviation history.

Midway’s most significant historic role was as a military base. Military interest in Midway accelerated as World War II started in Europe. In 1941, the Naval Air Station was commissioned, altering the civilian character of Midway. On December 7, 1941, not only Pearl Harbor but Midway was attacked by the Japanese, who landed a direct hit on the power plant. First Lieutenant George Cannon was fatally wounded in the attack and became the first Medal of Honor recipient for the U.S. Marine Corps in World War II. On June 4, 1942, the atoll was again attacked, but the men stationed on the atoll played a significant role in the ensuing Battle of Midway, credited with turning the tide of the war in the Pacific. In July 1942, the Midway Submarine Advanced Base was formally established and operated until the end of World War II.

Though relatively quiet as a military base for several years after World War II, Midway’s importance returned in 1953 with the Cold War and the construction of the Distant Early Warning (DEW) Line. By 1958, Midway was an important part of the “Pacific Barrier,” which extended North America’s early warning system from Alaska to the mid-Pacific, and a significant construction program to support operations was underway. “Willy Victor” radar planes flew night and day as part of the DEW Line, and antenna fields covered the islands, part of an intricate chain of radar defenses. During the Vietnam War, Midway was one of the main aircraft and ship refueling stations, and it also hosted classified missile and submarine monitoring missions.

By the early 1990s, military activities significantly declined, replaced by new technologies and centralized operations. On October 1, 1993, Naval Air Facility Midway was operationally closed under the Base Realignment and Closure Act of 1990. Prior to the Navy’s departure in 1997, a massive cleanup effort removed all buildings and structures from Eastern Island, and many of the Cold War era buildings from Sand Island. A significant effort was made to remove the environmental contaminants left by more than 90 years of military operations. In transferring Midway to the FWS, the Secretary of the Navy remarked that Americans are “trading guns for goonies,” and a new era began.

1.3 Monument and Refuge History

1.3.1 Establishment of the Refuge, Memorial, and Monument

FWS staff have been conducting research and/or assisting the Navy with wildlife management issues on Midway Atoll for almost 50 years. Cooperative projects increased in the 1970s, addressing issues such as rodent control and lead poisoning in seabirds. A cooperative management plan developed by the Navy and FWS in the early 1980s further defined responsibilities and eventually led to establishment of an “overlay” national wildlife refuge on Midway in 1988. As on other military bases with similar arrangements, the Navy retained primary jurisdiction, while FWS staff provided wildlife management assistance.

When Naval Air Facility Midway was identified for closure in 1993, the Navy began planning to transfer the atoll to the FWS. On October 31, 1996, President William Clinton signed Executive Order 13022, directing the Secretary of the Interior, through the FWS, to administer Midway Atoll National Wildlife Refuge. The purposes of the refuge, as defined in the Executive order, are to maintain natural biological

diversity; conserve fish and wildlife and their habitats; fulfill international wildlife treaty obligations; provide opportunities for research, education, and compatible wildlife-dependent recreation; and recognize and maintain the atoll's historic significance.

On September 13, 2000, in accordance with language in the Fiscal Year 2000 Interior Appropriations Act, Secretary of the Interior Bruce Babbitt signed Secretary's Order 3217 designating the lands and waters of Midway Atoll National Wildlife Refuge as the Battle of Midway National Memorial "so that the heroic courage and sacrifice of those who fought against overwhelming odds to win an incredible victory will never be forgotten."

On June 15, 2006, President George W. Bush established the Papahānaumokuākea Marine National Monument (Monument) by signing Proclamation 8031. The Monument provides immediate and permanent protection for the lands and waters associated with the Northwestern Hawaiian Islands (NWHI), including Midway Atoll National Wildlife Refuge. According to the Proclamation:

The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), will have the primary responsibility regarding management of the marine areas, in consultation with the Secretary of the Interior. The Secretary of the Interior, through the Fish and Wildlife Service (FWS), will have sole responsibility for management of the areas of the Monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce.

As the only atoll currently open to public visitation in the Monument, Midway Atoll provides a window to the Monument.

1.3.2 Monument Vision, Mission, Guiding Principles, and Management Goals

Vision:

To forever protect and perpetuate ecosystem health and diversity and the Native Hawaiian cultural significance of Papahānaumokuākea.

Mission:

To carry out seamless integrated management to ensure ecological integrity and achieve strong, long-term protection and perpetuation of NWHI ecosystems, Native Hawaiian culture, and heritage resources for current and future generations.

Guiding Principles:

The Monument shall be managed in a manner that:

- is consistent with the Vision and Mission;
- recognizes that the resources of the Northwestern Hawaiian Islands are administered by the Co-Trustees for the benefit of present and future generations;
- affirms that the NWHI and its wildlife are important, unique, and irreplaceable;
- honors the significance of the region for Native Hawaiians;
- honors the historic importance of the region;
- incorporates best practices, scientific principles, traditional knowledge, and an adaptive management approach;
- errs on the side of resource protection when there is uncertainty in available information on the impacts of an activity;
- enhances public appreciation of the unique character and environment of the NWHI;
- authorizes only uses consistent with Presidential Proclamation 8031 and applicable laws;

- coordinates with federal, state, and local governments, Native Hawaiians, relevant organizations, and the public; and
- carries out effective outreach, monitoring, and enforcement to promote compliance.

Goals:

- Goal 1. Protect, preserve, maintain, and where appropriate restore the physical environment and the natural biological communities and their associated biodiversity, habitats, populations, native species, and ecological integrity.
- Goal 2. Support, promote, and coordinate research, ecosystem characterization, and monitoring that increases understanding of the NWHI, improves management decisionmaking, and is consistent with conservation and protection.
- Goal 3. Manage and only allow human activities consistent with Proclamation 8031 to maintain ecological integrity and prevent or minimize negative impacts for long-term protection.
- Goal 4. Provide for cooperative conservation, including community involvement, that achieves effective Monument operations and ecosystem-based management.
- Goal 5. Enhance public understanding, appreciation, and support for protection of the Monument’s natural, cultural and historic resources.
- Goal 6. Support Native Hawaiian practices consistent with long-term conservation and protection.
- Goal 7. Identify, interpret, and protect Monument historic and cultural resources.
- Goal 8. Offer visitor opportunities at Midway Atoll to discover and appreciate the wildlife and beauty of the NWHI, enhance conservation, and honor its unique human history.

1.4 Purpose and Need for the Visitor Services Plan

This Visitor Services Plan is incorporated as Appendix C of the Papahānaumokuākea Marine National Monument Management Plan to provide additional detail to implement the Midway Atoll Visitor Services Action Plan. It is based primarily on the Interim Visitor Services Plan approved on May 23, 2007, and incorporates the same compatibility determinations that were approved on that date (see Appendix D of the Monument Management Plan).

In 1996, FWS prepared a public use plan to guide visitor services on Midway Atoll National Wildlife Refuge. Since then, the National Wildlife Refuge System Improvement Act of 1997 (an amendment to the National Wildlife Refuge System Administration Act of 1966) set new standards for visitor programs on refuges, and in 2006, new guidance was issued in the form of FWS Manual chapters regarding wildlife-dependent recreation. In accordance with the National Wildlife Refuge System Administration Act of 1966, as amended, and FWS guidance, this visitor services plan is required to ensure recreational uses are compatible with the Refuge System mission and the purposes, goals, and objectives of the refuge and national memorial. In addition, all recreational activities must be in compliance with Proclamation 8031 and its codifying regulations at 50 CFR Part 404.

This plan documents approved recreational activities at Midway Atoll and identifies the structure of the visitor services program. Special ocean uses that support recreational activities within the Midway Atoll Special Management Area are also addressed. The plan also outlines activities that honor and interpret the World War II history at Midway Atoll in recognition of its status as the Battle of Midway National Memorial, as well as opportunities to share the significance of Papahānaumokuākea Marine National Monument to Native Hawaiian culture. It discusses operational limitations, biological constraints, and partnership opportunities beyond Midway Atoll.

This plan is partially based on experiences with Midway visitors since 1996, but also reflects new information and new requirements. In 2005, a *Midway Atoll National Wildlife Refuge Visitor Program Market Analysis and Feasibility Study* was completed by Pandion Systems, Inc., of Gainesville, Florida, under contract to FWS. The complete study is available on the FWS Website at <http://www.fws.gov/midway>. This visitor services plan also reflects insights gained from their study.

Furthermore, Proclamation 8031 reinforced the importance of Midway as a vital link to the Northwestern Hawaiian Islands ecosystem, especially as an opportunity for visitors to experience, learn about, and appreciate the area. This visitor services plan not only addresses various FWS policy requirements, but goes beyond those requirements and looks at Midway Atoll as a “window to the Monument.” Here visitors may learn about the broader Monument, and the interrelationships among the islands and the wildlife moving on, between, and among them, and the significance of the area to Native Hawaiian culture.

Since 1995, the FWS has been strongly committed to welcoming visitors to Midway Atoll. This is the first and only remote island national wildlife refuge in the Pacific to provide the general public with an opportunity to learn about and experience these unique ecosystems. With this visitor services plan, we rededicate our efforts to share the atoll’s wildlife and historic resources with the world.

1.5 Internal/External Issues

In August 2007, as part of the Monument management planning process, the following issues were identified related to visitor use at Midway Atoll. These issues will all be addressed in the appropriate sections below and within pertinent sections of the Monument Management Plan.

Midway Atoll NWR – Access and Permitting	<i>What is the appropriate total number of people to visit, work, and volunteer on Midway?</i>	The 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 Co-Trustee 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.
Midway Atoll NWR – Interpretation	<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>	The determination to preserve, restore, reuse, or demolish a given building has to be done case by case, as the state of each building, its relative historic importance, interpretive opportunities, and the cost to restore and maintain varies widely. Decisions will likely be controversial, as Midway means different things to different people. An appropriate balance of on-island and off-island interpretation is needed and will be further addressed in the MMP.
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During development of the Interim Visitor Services Plan, issues raised included the fee structure, natural resource protection, historical recognition, authorized uses, cruise ship impacts, visitor capacity, length of visits offered, and type of facilities offered, infrastructure capacity, and transportation. These issues and comments included within 6,282 letters, e-mails, or telephone calls were addressed in the final Interim Visitor Services Plan.

In April 2008, the Draft Visitor Services Plan was released for public review and comment as part of the Draft Papahānaumokuākea Marine National Monument Management Plan. Some of the concerns raised in the 6,458 public comments on the draft plan focused on the visitor program, including potential human impacts and the biological carrying capacity of Midway Atoll, cumulative impacts over time, visitor program costs, incorporating education regarding the Monument’s significance to Native Hawaiians, preventing the introduction of alien species, expanding recreational activities, monitoring visitor impacts, and closing Midway to all tourism activities. These concerns are addressed within this final Visitor Services Plan and in Volume IV of the Monument Management Plan.

1.6 Local Setting

1.6.1 Community Description

Midway Atoll is so remote (about 1,250 miles from Honolulu, its nearest major city) that it must operate independently as its own small town. It provides its own power system, water treatment and distribution, facilities maintenance, sewage treatment, waste management systems, communications systems, and all the other operational necessities found in a small municipality.

The refuge is currently staffed by nine full-time FWS employees, one of whom is stationed in Honolulu. A few volunteers (normally one to four) assist the refuge staff in biological and habitat management activities. The atoll also hosts transient¹ researchers, other FWS employees, or U.S. Coast Guard personnel on an occasional basis. During “construction season,” from August through October, as many as 30 additional workers may be on the island. NOAA and the State of Hawai‘i will also base a small number of staff (8-10 people) on Midway, as outlined in the Monument Management Plan, 3.6.3, Coordinated Field Operations Action Plan and the Midway Conceptual Site Plan (Volume IV). The refuge has contracted with a private entity to operate the infrastructure of the atoll. The contractor currently has approximately 50 employees on Midway.

Island residents live in renovated Navy housing, including single family homes, duplexes, and Bachelor Officers Quarters (BOQ). One BOQ (known as Charlie Barracks), which contains 36 rooms, has been set aside for transient and visitor use. Almost all of the residents and transients eat at the “Clipper House,”

¹ Transients include those coming to Midway Atoll for official duties, e.g., refuge employees, Co-Trustee staff, Coast Guard or other law enforcement entities, contractors, researchers, other federal or state employees, or other permitted personnel.

where three meals a day are served buffet style. Most supplies, particularly foodstuffs, are flown to the island on chartered aircraft. Approximately once a year, a barge brings in equipment, food, and supplies too large or heavy for the aircraft. Fuel to operate the generators and small vehicles and to refill chartered aircraft is brought by fuel barge about once a year. All fuel deliveries operate in compliance with FWS regulations and the Midway Atoll Spill Prevention Control and Countermeasure Plan.

Current funding to operate Midway Atoll comes from FWS, supplemented by Federal Aviation Administration funding that fully covers airport operations costs and a share of infrastructure operations costs. A small amount of funding is generated by other users of the atoll, such as other federal agencies conducting activities on Midway.

1.6.2 Travel Links

The only means of accessing Midway Atoll are by air or vessel. Midway has a fully certified airport known as Henderson Airfield, maintained to standards specified in Federal Aviation Administration Title 14 Code of Federal Regulations, Part 139. Midway is used as a required emergency landing site for extended twin-engine operations (ETOPS) flights across the Pacific Ocean. Under current regulations, twin-engine aircraft must be within a maximum of 180 minutes from a Part 139 certified airfield in case of an emergency. Midway's 7,900-foot runway is capable of handling almost any type of aircraft.

As a Navy base, numerous facilities were built to support a variety of vessel types. Small boats can enter the inner harbor and moor dockside or in the harbor. Larger vessels resupplying the island and research vessels generally come into the cargo pier, inside Midway's lagoon but outside the inner harbor. Large passenger vessels are required to remain outside the reef and shuttle their passengers in via tenders due to port security requirements.

1.6.3 Visitor Services Opportunities (Beyond Midway)

When Midway Atoll was opened to the public in 1995, it became the first and only remote refuge in the Pacific open to public visitation. The other islands in the Northwestern Hawaiian Islands are protected within the Hawaiian Islands National Wildlife Refuge (from Nihoa to Pearl and Hermes Atoll) or in the State of Hawai'i's Seabird Sanctuary at Kure Atoll. Because of their fragility and sensitive wildlife, these other islands and atolls are all closed to public use.

The Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve was established adjacent to and seaward of the seaward boundaries of the State of Hawai'i and Midway Atoll National Wildlife Refuge in 2001, and is administered by NOAA. The area was under consideration for designation as a national marine sanctuary until the entire region was set aside as a Marine National Monument. As required in the Presidential proclamation establishing the Monument, special ocean uses such as ecotourism may be permitted outside the Midway Atoll Special Management Area if:

- the activity will directly benefit the conservation and management of the Monument;
- the activity is for research or education related to the resources or qualities of the Monument;
- the public is provided an opportunity to review the application for a special ocean use permit at least 30 days before the permit is issued; and
- the activity does not involve the use of a commercial passenger vessel.

The State of Hawai'i also administers submerged lands and waters out to 3 nautical miles from the islands and atolls except at Midway. In 2005, the State created a marine refuge in those waters with regulations prohibiting commercial and recreational fishing. Other uses (such as research, education, and Native Hawaiian cultural practices and subsistence fishing) are regulated by Monument permit.

Although numerous visitor opportunities exist in the main Hawaiian Islands or at other islands in the Pacific, none offer the unique combination of natural and historic resources found at Midway Atoll.

Chapter 2 Significant Features

2.1 Terrestrial Resources

Humans have greatly changed Midway Atoll from its original form. Only Spit Island has the general terrestrial habitat characteristics of an undisturbed atoll island, though it probably formed as an unintended result of channel dredging. Although the combined effects of dredging and filling, seawall construction, and importation of soil and many nonnative plant species has greatly expanded and altered the original acreage of Midway, it is still a wildlife habitat of worldwide importance.

The earliest botanical descriptions of Midway were made in 1902. Since then, 222 different plant species have been identified. Twenty-eight species are native and 2 are questionably indigenous to Hawai‘i. One plant species, *Cenchrus agriminoides* var. *laysanensis*, is listed as endangered, but it has not been observed on Midway since the early 1900s. More than 190 exotic species are found on Midway, including some that are invasive and affect wildlife habitat. Ecological restoration efforts are underway to eradicate the worst invasive plants, control others, and revegetate with native species.

Since the first insect (a moth) was described from Midway in 1894, more than 300 species of arthropods and land snails have been found on Midway, most introduced aliens.

Almost 2 million breeding seabirds of 19 species make Midway one of the most important breeding areas of seabird conservation in the Pacific. Midway hosts the world’s largest populations of both the Laysan albatross (452,609 nesting pairs in 2007) and black-footed albatross (25,320 nesting pairs). Midway’s breeding populations of white terns, black noddies, and red-tailed tropicbirds constitute the largest colonies in the Hawaiian archipelago. After eradication of rats in the mid-1990s, the Bonin petrel colony at Midway has rebounded to more than 32,000 pairs. One or two endangered short-tailed albatrosses generally visit Midway each year, although none have nested since the 1960s.

In 2004, 20 endangered Laysan ducks were transported to Midway from their home at Laysan Island in the Hawaiian Islands National Wildlife Refuge. Biologists hope to establish a second “insurance” population of this endemic duck. The birds adapted well to the seeps created on Sand Island and surprised biologists by breeding during their first year, with 12 ducklings successfully fledging. An additional 22 ducks were transported to Midway in 2005, most of which were introduced to Eastern Island. By the end of 2007, almost 200 Laysan ducks were living on Midway Atoll.

Midway also serves as an overwintering area for several arctic migrant shorebirds, including the rare bristle-thighed curlew. The availability of predator-free islands on which this large shorebird can spend its nonbreeding season is essential, because they become flightless during their molt. Many other migratory birds also visit Midway, some regularly and some rarely.

2.2 Marine Resources

Midway Atoll is one of the northernmost coral atolls in the world, presenting a unique opportunity to study the effect of colder waters on the growth, development, and ecology of coral reefs. Its neighbor, Kure Atoll, is the northernmost atoll in the world. Midway Atoll drops off steeply outside the barrier reefs, making it possible to observe in a relatively small area the different organisms and communities associated with pelagic, reef crest, ocean facing reef slope, deep reef, and lagoon habitats.

The lagoon is filled with dense networks of linear reticulated and circular reefs that trap sand washed over the northeastern reef rim. As in many atoll lagoons, sediments limit coral growth at Midway except in the

deeper central lagoon where a modest amount of finger coral gardens still exists. Meadows of seagrass are common in the lagoon, as are rock-boring urchins, calcareous green algae, and brown turban algae. The deep southern ship channel between the ocean and lagoon was dredged during the World War II era and has substantially modified circulation and lowered lagoon water levels. Together with lagoon reefs, these changes reduced or blocked water circulation in much of the lagoon and created higher levels of turbidity. Coral bleaching episodes were reported in 2000 and 2004 at Midway and the neighboring atolls of Kure and Pearl and Hermes. Lagoon lobe and finger corals have declined during the past decade, although blue encrusting coral continues to thrive.

Massive spurs and grooves consisting mostly of coralline algae face the open ocean along the northwest to southwest perimeter reefs and protect the atoll from heavy wave action common during the winter months. These massive reefs offer evidence of the importance of coralline algae as a major reef builder in the far end of the Northwestern Hawaiian Islands. Corals on ocean facing reef habitats are generally not as abundant compared to neighboring atolls to the southeast, but are common in a few sheltered reefs and especially on shallow back-reefs and lagoon pinnacles. High concentrations of the rock-boring urchin *Echinometra* are presently eroding much of the shallow perimeter reef crests dominated by coralline algae. Although not grazing corals directly, the sea urchins are hollowing out the dead interior skeletons of living lobe corals and undermining other attached corals.

A total of 32 species of stony coral have been recorded at Midway, mostly *Pocillopora*, *Porites*, and *Montipora*, plus one zoanthid soft coral, *Palythoa*. Blue encrusting coral tentatively identified as *Montipora* cf. *turgecens* occurs in spectacular formations in the lagoon and back reef habitats and may be endemic to the Northwestern Hawaiian Islands.

The first systematic marine invertebrate survey was conducted at Midway in 1997. It documented 316 invertebrate species, 250 of which had not been previously recorded at Midway. Crustaceans were the dominant macroinvertebrates, composing 46 percent of the total species.

More than 100 species of algae are known from Midway, including 35 previously unrecorded species at Midway and 1 seaweed species new to science, *Dudresnaya babbittiana*. One alien algae, one alien fish (blueline snapper), and four alien marine invertebrate species are established at Midway as found in 2000-2003 surveys. Incidental observations of two other introduced species, blacktail snapper and bluespotted grouper, have occurred at Midway in the last decade.

A total of 266 species of fish, including 7 pelagic species, have been recorded at Midway. Some of these species are either not found in the main Hawaiian Islands or are very rare. Despite its low species diversity, Midway's reef fish biomass is higher than in the main Hawaiian Islands, largely due to lower fishing pressures. Midway and its neighboring atolls have the highest rates of endemic reef fishes within the archipelago, with up to 52% of all fish observed being endemic species.

Many Midway species grow to larger than average size. All trophic levels are well represented, including jacks and four species of sharks. Several species of fish found elsewhere only in deep waters are found at shallow diving depths at Midway, including the endemic Hawaiian black grouper (hapu'upu'u).

Threatened Hawaiian green turtles are frequently seen inside the lagoon and basking on beaches. No turtle nesting had been documented until successfully hatched eggs were discovered on Spit Islet in July 2006. High surf uncovered the eggs, which probably hatched in 2005. In 2007, a successful sea turtle nest was documented on Sand Island. Endangered hawksbill sea turtles are infrequently seen in the lagoon. About 65 endangered Hawaiian monk seals are usually present at Midway at any one time, and pupping levels have increased significantly since 1996, with a record number of 17 in 2004. However, as

is common throughout the Hawaiian Islands, survivorship of juveniles is low and contributes to the endangered status of the species. In an effort to increase survivorship, NOAA-Fisheries established a captive care program on Sand Island in 2006. Six females were released in March 2007.

Approximately 200-300 Hawaiian spinner dolphins rest within Midway's lagoon and forage outside the atoll. Bottlenosed, striped, spotted, and rough-toothed dolphins may occasionally be seen in the open ocean, as well as beaked, pilot, and endangered humpback whales.

2.3 Historic Resources

2.3.1 Early Cultural Resources Investigations

Study of Midway's heritage resources was initiated in 1986 by the National Park Service when it conducted a survey of World War II-era properties eligible for designation as a National Historic Landmark. Nine structures, all defensive positions on the west side of Sand Island, were identified on Midway that convey a close association with the pivotal Battle of Midway, including ammunition magazines (ARMCO huts), a pillbox, and gun emplacements. Later that year, the nine defensive positions on Sand Island identified as eligible by the National Park Service and surrounding buffer areas were designated as a landmark.

Between 1992 and 1994, the Navy sponsored studies of the Naval Air Facility on Midway, including archival research, interviews, and field surveys. The initial field effort consisted of an architectural history survey of the structures, buildings, and objects located on Sand and Eastern Islands.

The study of Cold War Resources was conducted in 1993-94 by contractors hired by the Department of the Navy in order to identify the most important Cold War-era resources, even though they were less than 50 years old, as part of the Base Closure process. The historian hired to conduct the inventory, research, and make recommendations regarding the significance of the buildings on Midway was a specialist in the Cold War period. The Cold War-era buildings were constructed on Midway between 1957 and 1969. The recommendation accepted by the Navy was that the Cold War-era buildings and structures on Midway lacked architectural merit, were not directly associated with President Nixon's visit, and do not convey a direct link to the events that occurred during the Cold War. The Navy subsequently demolished many of the Cold War-era buildings and structures prior to the transfer to the FWS.

In addition to the landmark structures, 69 buildings, structures, and objects associated with the 1903-1945 historic period on Sand and Eastern Islands were determined to be eligible according to criteria established for the National Register. The properties evaluated as significant are associated with three major themes: colonization, initial years of base construction and the Battle of Midway, and 1942-1945 base construction.

Archaeological surveys of Sand and Eastern Islands were conducted in 1992 and 1994. Surface inspections, 68 subsurface core samples, and 5 shovel-test units revealed no evidence of Polynesian/Hawaiian or pre-1900 historic period cultural remains. A literature review of Hawaiian legends found numerous references to distant low-lying islands with abundant birds and turtles but no clear tie to Midway. However, like many low islands and atolls in the Northwestern Hawaiian Islands, Midway may have been visited by Polynesians/Hawaiians in their extended travels. Prior to extensive military-era construction, these islands were periodically scoured by storms and high winds that may have removed or buried evidence of use.

2.3.2 Programmatic Agreement and Treatment of Midway’s Historic Properties

In 1996, the Navy’s Pacific Division, Naval Facilities Engineering Command; the Advisory Council on Historic Preservation; and FWS signed a programmatic agreement directing how Midway Atoll’s historic properties were to be treated during the closure of Naval Air Facility Midway. These properties were assigned to one of six categories of preservation treatment: reuse and maintain, secure and abandon in place, abandon in place and leave as is, fill or cover, relocate, or demolish. FWS was required to prepare a long-term Historic Preservation Plan, which it completed in 1999.

2.3.3 Historic Preservation Plan

The June 1999 *Midway Atoll National Wildlife Refuge Historic Preservation Plan* defines a program to integrate historic preservation planning with the wildlife conservation mission of FWS at Midway Atoll. The plan focuses on the long-term management conditions and goals for preserving and stabilizing historic properties. It also recommends procedures for treating new discoveries, caring for museum collections, and implementing a visitor program that includes historic preservation work. The plan will be revised and updated over the coming year. In the future, the Co-Trustees will incorporate submerged cultural resource protection into such plans.

Chapter 3 Limitations on the Visitor Program

3.1 Visitor Access

The wildlife treasury that makes Midway Atoll so special for visitors also requires certain restrictions be placed on visitors for the protection of plants and animals. As on all national wildlife refuges, wildlife takes priority. Albatross nesting within the main housing areas of Sand Island continues successfully, even in the presence of human residents, but management measures are necessary to control human access to the nesting habitat of more sensitive bird species and the beach areas frequented by monk seals and sea turtles.

To maximize visitor safety and minimize wildlife disturbance and habitat degradation, land-based visitor activities (other than walking, bicycling, and refuge manager-approved interpretive programs) will be restricted to daylight hours (legal sunrise to legal sunset), and water-based to ½-hour after legal sunrise to ½-hour before legal sunset. Vessels involved in the visitor program must return to dock at least 1 hour before sunset to allow sufficient time for search and rescue operations if necessary.

To prevent disturbance of petrel and shearwater burrows, visitors and residents will be required during their initial orientation and through appropriate handout material to remain on paved or gravel roads and designated trails. The trails that are open for visitor use will be clearly marked on maps (see Figure 3.1.1). North Beach from Rusty Bucket to the old fuel farm is considered a ‘trail.’

All of the beaches on the western half of Sand Island are closed to public access to protect Hawaiian monk seals from disturbance, although there will be opportunities for beach viewing access from a primitive walking trail to designated viewing sites. “Turtle Beach,” located on the eastern side of Sand Island from the old seaplane ramp to Cross Point and several wetlands inhabited by endangered Laysan ducks are also closed to visitors. For visitor safety, the fuel farm and active airport runways are closed to the public, except for designated crossing points on the runways.

Spit Island is closed to all public access, and Eastern Island is open only to visitors with FWS or FWS-trained escorts on scheduled trips. Since 1988, all beach areas (including all beach crest vegetation to its deepest extent inland), lagoon waters, and ocean waters to a depth of 20 fathoms – except on Sand Island and its harbor – have been designated critical habitat for Hawaiian monk seals. Power boats engaged in recreational activities are not allowed within buffer areas of at least 500 feet around Eastern, Spit, and most of Sand Island (see Figure 3.1.2), although they may transit to the pier on Eastern Island for interpretive tours and volunteer work. No visitors will be allowed to come in contact with coral reefs. Water activities will avoid preferred monk seal and sea turtle resting habitat areas on these reefs.

To protect threatened and endangered species, visitors are required to remain at least 150 feet away from Hawaiian monk seals, short-tailed albatrosses, and sea turtles on land or in the water. This distance is recommended under Watchable Wildlife guidelines. Disturbance or harassment of these species is a violation of the Endangered Species Act. Collection of live or dead wildlife, including feathers, bones, eggs, shells, and coral, also is prohibited under 50 CFR 27.61. Objects of antiquity are similarly protected from removal under 50 CFR 27.62, and military shipwrecks and aircraft wrecks are also protected under the Sunken Military Craft Act of 2005 and other statutes.

All visitor activities allowed under this visitor services plan, as authorized by compatibility determinations, will occur within the Midway Atoll Special Management Area. No excursions beyond that boundary will occur.

Refuge staff and volunteers are working diligently to remove invasive species from Midway Atoll. Although the battle is far from won, we want to ensure no additional invasive species – particularly plants and insects – are inadvertently introduced to the atoll, or conversely, taken from Midway and introduced into Hawai‘i or elsewhere. To help prevent this, an inspection program will be implemented both before departure from Honolulu and before departure from Midway. In addition, visitors going to Eastern Island will be asked to check their gear for mice before departure to prevent accidental introductions. Prior to returning to Sand Island, they will be asked to clean their shoes, clothing, and gear to prevent spread of the invasive black mustard onto Sand Island.

Passengers arriving by vessel are required to clean their footwear before coming ashore. Sailboats are inspected by FWS staff upon arrival and before docking to ensure they are rat free.

In addition, all permitted vessels must have their hulls inspected and cleaned when required, including the visual inspection of anchors and tender vessels. Proclamation 8031 prohibits the release of ballast water within the Special Management Area. Protocols have also been developed and will be enforced for the treating of snorkel and dive gear to prevent the inadvertent introduction or transmission of alien species.

To minimize conflicts between aircraft and birds in flight, all visitor flights from November through July will be scheduled to arrive and depart Midway at night, unless specifically authorized by the refuge manager.

3.2 Visitor Capacity and Scheduling

Many of Midway’s infrastructure systems (i.e., water, sewer, power generation) were originally designed to service a population of up to 5,000 individuals. However, Sand Island’s current population of FWS employees and volunteers, contractors, etc., is fewer than 100 people. FWS is concluding several millions of dollars of construction downsizing the primary infrastructure systems in order to create long-term efficiencies. These new, more economical and efficient systems are designed to support a population of no more than 200 individuals, including interagency personnel, volunteers, researchers, and visitors engaged in any activity. In addition, the infrastructure downsizing will be done in a manner that incorporates the latest in environmentally sustainable technologies.

In order to ensure a quality visitor experience using the limited infrastructure currently available, the total number of overnight visitors allowed on Midway Atoll at any one time will be limited to no more than 50 people. At the time of writing, a maximum of 24 rooms are available for visitors, which may be more restrictive than the 50 person limit depending on multiple occupancies of the same rooms. All visitors must stay in existing facilities; the policy to disallow camping continues due to potential impacts on wildlife habitat and the species themselves. Although visitors arriving by sailboat will not require rooms, they will still be counted toward the total number of overnight visitors since they may require other infrastructure support such as fresh water and food. In addition to lodging, other factors such as the number of visitors who can be accommodated on the aircraft and in our dining facility limit the total number of visitors.

Due to other infrastructure or visitor safety limitations, all visitors may not be able to engage in the same activity at one time (e.g., snorkel boat capacity, a limited number of approved guides, etc.). Children are welcome at Midway, though parents are cautioned that limited medical facilities are available in this remote location. Parents will be responsible for monitoring their children’s activities.

The 50-visitor limit may be exceeded for short duration (less than a day) prearranged visits by ocean vessels or aircraft. In these cases, visitor activities are closely supervised and primarily consist of guided tours or participation in commemorative events.

For the next 4 years (2008-2011), visitor programs will operate from November through July, which coincides with the albatross season on Midway. To ensure the safety of visitors and enhance their experience on Midway, visitor programs will be concentrated in this 9-month timeframe. The months of August through October are reserved for planned construction and major maintenance activities. Very few rooms will be available during these months due to the number of contractors on island, and aircraft capacity will be needed both for contractors and supplies.

3.3 Monitoring Visitor Impacts

Midway Atoll Monument staff will monitor the impacts of visitors and other users on wildlife and historic resources to ensure continuing compatibility, as required by Monument and FWS policies. Monitoring methodology to assess impacts on seabirds, Hawaiian monk seals, sea turtles, corals, and fishes has been developed by the refuge biologist based on previous work on other refuges and protected areas, in consultation with the Co-Trustees. The visitor program supervisor, in consultation with the FWS and NOAA cultural resources program staffs, will monitor impacts on historic resources. Impact monitoring of marine resources will be conducted in partnership with NOAA using the multiagency monitoring protocols developed collaboratively since 2000.

Based on FWS experience from 1996-2002, when up to 100 overnight visitors were allowed on Midway at any one time, we anticipate few impacts as long as visitors comply with refuge and Monument rules and regulations. A refuge officer has been hired to enforce these rules and regulations, as well as to assist with coordinated law enforcement throughout the Monument. Additional refuge officers may be detailed to Midway for special events or activities. Under the National Wildlife Refuge System Administration Act, the refuge manager has the authority to close areas, halt activities, or restructure visitor programs if necessary to protect wildlife or historic resources or to ensure a quality visitor program.

3.4 Midway Atoll Law Enforcement Activities

Lands within the National Wildlife Refuge System are generally considered strict liability lands, where the visitor is responsible for knowing the rules. Because of the “closed until open” concept of the National Wildlife Refuge System Administration Act of 1966, as amended, everything is initially prohibited. Because activities conducted in the Monument are prohibited without an appropriate permit, this same concept applies. A refuge may be opened to particular uses or a suite of uses through a finding of appropriateness, when required, and approved compatibility determinations. The public may then be notified of this opening through one of several mechanisms found in Title 50 of the Code of Federal Regulations 25.31: conspicuously posted signs, special regulations published in 50 CFR 26.33, maps, or other appropriate methods that give the public actual or constructive notice of the permitted activity.

At Midway, the public review and comment period associated with development of the interim visitor services plan, as well as issuance of this plan, serve as constructive notice to the visitor under the strict liability standard. Additionally, the mandatory visitor orientation presentation within 24 hours of arrival; visitor access maps provided at that orientation, posted throughout the island, and contained in information notebooks in each room; signs; and other information found within the information notebooks located in each hotel room provide the visitor with additional actual or constructive notice.

A visitor found in violation of these rules may be issued a Notice of Violation, or arrested in the most serious cases. A Notice of Violation usually includes an option for paying a fine under an established Forfeiture of Collateral Schedule or appearing in court before a Magistrate Judge. In addition, depending on the violation, other applicable laws and penalties will apply.

Monument permits will incorporate all applicable requirements, and the signed Monument permit also serves as actual notice of these requirements.

Chapter 4 Visitor Services Standards

4.1 Welcome and Orient Visitors

“We will assure that refuges are welcoming, safe, and accessible. We will provide visitors with clear information so they can easily determine where they can go, what they can do, and how to safely and ethically engage in recreational and educational activities. Facilities will meet the quality criteria defined in [policy]. We will treat visitors with courtesy and in a professional manner.”
Fish and Wildlife Service Manual, 605 FW 1

Goal 8. Offer visitor opportunities at Midway Atoll to discover and appreciate the wildlife and beauty of the NWHI, enhance conservation, and honor its unique human history.

Objective 1 Provide visitor opportunities for at least 500 overnight visitors annually, with no more than 50 overnight visitors at any one time.

Strategy 1.1 By June 2009 and based on a completed Midway Conceptual Site Plan, seek funding to establish additional housing opportunities for individuals and groups.

Strategy 1.2 By December 2010, seek larger capacity aircraft to service Midway Atoll on a regular basis.

Strategy 1.3 Limit the total number of overnight visitors to no more than 50 at any one time to match the existing infrastructure, ensure a quality program, and limit impacts to wildlife.

Strategy 1.4 Work with private and educational groups to arrange facilitated visits to Midway.

Strategy 1.5 Offer a minimum of four 3- to 7-day visits annually for independent travelers to come to Midway on less structured visits.

Discussion: The limit of no more than 50 overnight visitors on Midway at any one time reflects the limited capacity of our means of transportation and island infrastructure. While Strategy 1.2 is to continue to seek a larger capacity aircraft to service Midway Atoll, our Fiscal Year 2008 aircraft charter company operates a Gulfstream G-1 aircraft with 19 seats and a weight capacity of 3,200 pounds. Therefore, it is likely that no more than 15 seats will be available on any flight. In general, visitor groups will be transported on separate charter flights from those that bring food; mail; supplies; repair parts; and FWS, contractor, and Co-Trustee staff to and from the atoll. Most visits will be for one week at a time, although occasionally a shorter-term visit may be offered.

Of the 36 rooms in our guest lodging facility (Charlie Barracks), 24 rooms generally will be available for overnight guests at any one time (except from August through October). The remaining rooms may occasionally be available, but often will be occupied by off-island staff, Co-Trustee staff, and contractors. The seating capacity at Midway’s dining facility is likewise limited. Although meal times can be staggered to accommodate larger numbers of people on island, aircraft seating and lodging still limit the size of the program.

FWS Monument staff, in coordination with NOAA, will evaluate other types of aircraft that could safely and more cost-effectively transport visitors to Midway Atoll. We will work with the Department of the Interior's Office of Aircraft Services and NOAA's Marine and Aviation Operations office to identify suitable potential bidders for an aircraft charter service. Our goal would be to be able to transport 25-30 visitors to and from Midway per flight. We also continue to evaluate the island infrastructure to identify additional needs for visitor housing, food services facilities, etc., for future planning and budget development purposes.

Since 2002, various private groups have inquired about the possibility of bringing structured groups of people to Midway for 2 to 7-day visits. FWS will encourage such visits, working with the organizers to arrange trips in the most cost-efficient manner possible. These groups will be led by a FWS-approved guide who has been thoroughly briefed in refuge and Monument rules and regulations, and all proposed activities on Midway Atoll will be approved in advance by the refuge manager in compliance with Monument regulations and necessary permit conditions.

Although most visits would be part of structured programs, we intend to offer at least four 3- to 7-day periods annually when individuals may come to Midway to enjoy the atoll's historic and wildlife resources in a less structured manner. Such visitors would participate in available guided activities but would not be with an organized group. All of the rules and restrictions that apply to other visitors would apply to independent travelers. These independent travelers would require more oversight by Monument employees than organized groups, but still deserve the opportunity to visit their public lands.

Objective 2 On an annual basis, provide up to three day-long visitor opportunities for larger groups of people to learn about and enjoy Midway Atoll's distinctive wildlife and historic resources.

Strategy 2.1 Continue to allow up to three opportunities each year for groups of 50-800 visitors to participate in day-long special events and walking tours.

Discussion: For the past several years, Midway has hosted from one to four large groups of visitors to learn about the atoll's wildlife and historic resources. In addition, visitors have the opportunity to learn about the Monument's Native Hawaiian cultural significance. These groups have ranged in size from 250 to 1,800 people. These groups may arrive via aircraft or passenger vessels. All groups must meet all Monument findings and requirements as specified in Presidential Proclamation 8031 and 50 CFR 404.11, including obtaining the appropriate (usually Special Ocean Use) Monument permit. In order to protect Midway's natural and historic resources, while still providing limited opportunities for group visitation, the Monument Management Board will approve no more than three permits for large groups (ranging in size from 50 to 800), and as in the past, all visits will be related to the atoll's wildlife and historic resources. In addition, no more than 400 visitors will be allowed to come ashore at any one time, unless refuge management has approved a higher number (e.g., for very limited and special circumstances such as to participate in a ceremony commemorating the anniversary of the Battle of Midway).

These large-group visits are generally scheduled months in advance of the visit. In order to ensure these short-term visits do not conflict with overnight visitors, we will make every effort to avoid scheduling overnight visitor trips at times when large day-long groups will be present.

Because Midway does not have the infrastructure to support such large groups overnight, they typically arrive after sunrise and spend from 8 to 12 hours on Sand Island. Group sponsors provide water and food for their passengers and remove all trash generated by the visit from the atoll upon departure. Prior to arrival, passengers participate in an orientation session to ensure a safe visit for both humans and wildlife.

They also learn during these orientations about the natural and historic resources of Midway Atoll as well as of the broader Monument, and about the cultural significance of the NWHI to Native Hawaiians.

Passenger vessels bringing large groups of visitors to Midway remain outside of the southern reef at the channel entrance and offload their passengers in groups of up to 100 in the ships' tenders. These small boats come into the inner harbor, where the passengers disembark and are divided into groups for a 2-3 hour interpretive walking tour along existing roads and trails to specific sites where Monument staff, National Park Service, or volunteer interpreters provide informative talks. Tour guides from the ship accompany each group to ensure the passengers remain on the clearly marked guided tour route. Visitors return to the vessel at the end of their tours. No more than 400 passengers will be allowed ashore at any one time, unless refuge management has approved a larger number to participate in a special event (e.g., a special ceremony commemorating the Battle of Midway).

In addition to Monument permit conditions such as hull inspections, specific vessel monitoring systems, and discharge limitations, the refuge requires specific conditions be met by passenger vessels. These passenger vessel requirements are included in Appendix I (Operational Protocols) of the Monument Management Plan and include such conditions as arrival and departure times, port security requirements, and additional staff requirement costs at Midway Atoll that must be covered by the vessel company.

Monument staff who assist in providing interpretation for the visitors and monitor their activities while on Midway typically accompany passengers arriving by aircraft. Groups of approximately 25 people each are guided along existing roads and trails from one interpretive station to the next through maps and signage. During albatross season, aircraft are not permitted to depart until after sunset to reduce the potential risk to albatross and humans.

Objective 3 Provide visitor opportunities for private sailboat crews.

Strategy 3.1 Continue to allow private sailboat crews with prior approval to stop at Midway Atoll and moor in the inner harbor. All sailboats must obtain a Monument permit and meet Monument requirements during their voyage.

Discussion: Although the number of sailboats visiting Midway Atoll varies from year to year, the average number seeking prior permission to land is about five per year. Midway Atoll is not en route to normal sailboat destinations in the Pacific, and due to prevailing winds and currents, it is difficult to sail from Midway back to Honolulu. Those that do come to Midway generally stay only a few days, remaining overnight on their vessels. Occasionally they eat some of their meals at the Clipper House dining facility.

Objective 4 Ensure all visitors feel welcome, enjoy a safe experience, and understand refuge and Monument rules and regulations during their stay on Midway Atoll.

Strategy 4.1 Ensure visitors with disabilities feel welcome at Midway and enjoy a quality experience. Opportunities to improve existing facilities for the disabled will be evaluated within 1 year and funding for improvements will be sought thereafter.

Strategy 4.2 Ensure all visitors arriving at Midway Atoll receive advance materials regarding the sensitivity of Midway's resources and participate in a mandatory orientation briefing within 12 hours after their arrival.

Strategy 4.3 On an ongoing basis, maintain notebooks in each visitor room with maps and information on safety, wildlife viewing etiquette, regulations, and emergency contacts.

Strategy 4.4 Staff the visitor center at least 4 regularly scheduled hours a day during workweeks so that visitors can ask questions and seek additional information.

Strategy 4.5 By June 2015, complete installation of directional, regulatory, and interpretive signage as proposed in the Midway interpretive plan and sign plan.

Strategy 4.6 Continue monitoring visitor satisfaction surveys on a weekly basis, adjusting the visitor program, visitor facilities, and maintenance schedules as appropriate.

Strategy 4.7 By March 2009 and biennially thereafter, assess the results of monitoring visitor activities for impacts to wildlife and historic resources, level of visitor satisfaction, financial stability of the program, level of staffing, and program structure resulting in recommendations for improvement.

Strategy 4.8 Based on the assessment above, seek funding, authority, or other needs to implement the recommendations.

Discussion: Opportunities to enhance accessibility for all visitors will be sought throughout implementation of the visitor program. Wheelchair-accessible lodging is currently available for visitors in Bravo Barracks on Sand Island. The boardwalk leading to the dining facility also is accessible. Due to Sand Island's mostly flat terrain, most of the roads are passable for all visitors. A review of Midway's facilities with particular attention to their accessibility was completed in 1997 and another will be conducted within the next year.

Advance materials will be provided to registered visitors with helpful hints about what to bring to Midway, how to avoid introducing new invasive species, how to avoid disturbing wildlife, and what to expect on the atoll. Since 1995, all visitors arriving at Midway Atoll have been required to attend a mandatory orientation session led by FWS personnel, even those who may have participated in a pre-trip briefing. During this time, visitors learn about some of the natural and historic resources of Midway Atoll, cultural resources of Papahānaumokuākea Marine National Monument, rules and regulations that protect wildlife, and personal safety information. They are provided maps and other information to make their visit more enjoyable and educational. The schedule of the briefing varies by the time the aircraft/vessel arrives on Midway, but it always occurs within 12 hours. As a helpful reference, each guest room will have a notebook containing this information. These notebooks will be updated on a regular basis. Information on natural, military, and other hazards will be included in both the orientation and the reference notebooks. Staffing the visitor center at least 4 hours per day will allow visitors the opportunity to seek answers to any questions.

For passenger vessels, briefings are either given on board the ship prior to arrival or, if no FWS-approved guides are on board, via written materials developed by the vessel company in coordination with FWS and Monument Co-Trustees. For larger groups arriving by aircraft, the orientation is conducted either at the airport prior to departure or during the flight. Since all large-group visitors are guided in small groups from one site to another along existing roads, these methods of orientation suffice.

We try to minimize the number of signs on Midway both to reduce impacts on wildlife and to allow visitors to have a more natural experience. Street signs have been lowered to minimize collisions by birds in flight. During 2009, refuge staff will analyze the need for additional signage and complete a sign plan in consultation with Co-Trustee staff.

Because of the age of Midway’s infrastructure, the atoll’s harsh climate, and the difficulty of getting materials and supplies to the atoll, maintenance of visitor facilities is a major and expensive endeavor. Efforts will be made to improve these facilities during 2008-2011. However, to ensure a minimal level of funding is available, visitor program fees will be structured to cover maintenance costs for lodging and dining facilities, on-island means of transportation (e.g., golf carts and bicycles), and at least some of the interpretive facilities. FWS will also work with its other partners on Midway to seek funding for island infrastructure maintenance and repair.

FWS’ contractor will seek feedback regarding visitor satisfaction. A previous questionnaire distributed by a private partner at Midway provided valuable insight into how we could improve our visitor program. FWS, contractor, and Co-Trustee staff will work together to make appropriate changes to enhance the visitor experience based on this feedback.

After 1 year of operation, FWS will evaluate the visitor program and work with the Co-Trustees to form recommendations for its improvement. As feasible, these recommendations will be implemented. Such assessments will continue on at least a biennial basis.

4.3 Provide Quality Hunting Opportunities

“Hunting is a wildlife-dependent recreational use and, when compatible, an appropriate use of resources in the Refuge System. Hunting programs will meet the quality criteria defined in [policy] and, to the extent practicable, be carried out consistent with State laws, regulations, and management plans.”

Fish and Wildlife Service Manual, 605 FW 1

Midway Atoll has no available hunting opportunities because all of its animal species are protected by law as either nongame species or threatened or endangered species, or they occur in numbers too low for harvest (e.g., migratory waterfowl).

4.4 Provide Quality Fishing Opportunities

“Fishing is a wildlife-dependent recreational use and, when compatible, an appropriate use of resources in the Refuge System. Fishing programs will meet the quality criteria defined in [policy] and, to the extent practicable, be carried out consistent with State laws, regulations, and management plans.”

Fish and Wildlife Service Manual, 605 FW 1

Consistent with relevant law, FWS grants wildlife-dependent public uses, including fishing, special consideration on national wildlife refuges. When determined compatible, wildlife-dependent public uses receive priority consideration over all other uses of a refuge. In this instance however, Midway Atoll is managed not just as a national wildlife refuge but as part of the Monument. In accordance with Proclamation 8031 “[r]emoving, moving, taking, harvesting, possessing, injuring, disturbing, or damaging; or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving Monument resource” is prohibited without a permit, and recreational permits cannot be issued

for activities that result in the extraction of Monument resources. Therefore, sportfishing at Midway Atoll is not allowed.

4.5 Provide Quality Wildlife Observation and Photographic Opportunities

“Visitors of all ages and abilities will have an opportunity to observe and photograph key wildlife and habitat on the refuge when it is compatible with refuge purpose(s). Viewing and photographing wildlife in natural or managed environments should foster a connection between visitors and natural resources . . .

Fish and Wildlife Service Manual, 605 FW 1

Goal 5. Enhance public understanding, appreciation, and support for protection of the Monument’s natural, cultural, and historic resources.

Goal 8. Offer visitor opportunities at Midway Atoll to discover and appreciate the wildlife and beauty of the NWHI, enhance conservation, and honor its unique human history.

Objective 5 Within 3 years, improve wildlife viewing and photography opportunities for all visitors to Midway Atoll.

Strategy 5.1 Maintain and monitor use of the West Beach trail to provide visitors an opportunity to view wildlife on West Beach without disturbance.

Strategy 5.2 Construct a migratory bird/Laysan duck observation blind by March 2009.

Strategy 5.3 Working with Monument Co-Trustees, re-establish an active dive program for visitors on Midway by May 2011.

Strategy 5.4 In Fiscal Year 2010, seek funding for two new boats to support the visitor program, one capable of carrying at least 25 visitors to Eastern Island, the other to support the dive program.

Strategy 5.5 By 2011, establish remote viewing cameras to transmit live video of terrestrial and marine species and their habitats to the visitor center and other locations beyond Midway Atoll.

Discussion: At few other places in the world can visitors be so totally surrounded by wildlife. Midway’s seabirds have little fear of humans, and visitors are offered opportunities to observe and photograph them from the time they arrive until they leave. To enhance their experience and ensure their expectations are met, a wildlife calendar has been developed showing what species are present at Midway during each month of the year. Existing bird and fish checklists have been reviewed and updated, then printed for distribution. A wildlife map of Midway Atoll shows visitors where they might have the best opportunity to see specific wildlife species. These documents will also be available on the Midway Atoll website and Monument’s web sites.

In 1997, West Beach – wrapping all the way from Rusty Bucket around Frigate Point – was closed to protect Hawaiian monk seals that use the beach for resting and pupping. To continue to allow visitors to reach historic resources in that area and to expand their opportunities to see the wildlife resources of Midway, FWS constructed a trail through the ironwood forest adjacent to West Beach, in consultation

with NOAA-Fisheries. At several locations along the trail, spur trails leading to overlooks were marked and native vegetation planted to create natural wildlife viewing blinds. That trail was renovated in 2008 to ensure visitor safety and to ensure the viewing blinds are effective in screening visitors from resting monk seals. Maintenance of the trail will be ongoing, and visitor use will be monitored to ensure wildlife resting on the beach are not disturbed.

Unlike the albatrosses and some other seabird species, Laysan ducks are frequently secretive and wary of humans. To increase opportunities for visitors to see this highly endangered species, an accessible observation/photography blind will be constructed at the water catchment basin in 2009. If needed, a spotting scope may be added to the blind to enhance viewing opportunities.

A limited water-based wildlife observation program began in 2008, using existing refuge boats. FWS and its partners will seek additional resources to expand the program. Because of the inherent safety concerns of any water-based activities, particularly in such a remote location, strict standards and rules will be established and enforced before any visitors are allowed to engage in these activities.

Snorkeling and guided kayaking opportunities are offered during daylight hours only (one-half hour after sunrise to one hour before sunset) to learn about and enjoy Midway's marine resources. Small groups of up to eight snorkelers per guide are taken by FWS-approved guides to specified locations within the lagoon to enjoy snorkeling within the lagoon and adjacent to the reef (except within the 500-foot buffer zone identified in Figure 3.1.2). Snorkeling sites are rotated to reduce marine impacts and avoid preferred monk seal and sea turtle haulout sites. Visitors are also allowed to snorkel near the cargo pier as long as no monk seals are in the vicinity. Use of the "buddy system" is required.

Guided kayaking tours of the lagoon will also be offered in groups of no more than six kayakers. All participants will be carefully instructed in kayak safety and wildlife/marine resource viewing etiquette before launching the boats. Kayakers will launch from Sand Island and may tour only from the cargo pier across the northern beach, around Rusty Bucket to Frigate Point. All kayak tours must remain at least 150 feet from shore to avoid disturbing resting monk seals on the beach. Kayaker tours will remain at least 500 feet from shore at West Beach if a monk seal mother and pup are present. FWS or FWS-approved kayak guides will be trained in kayak operation and in radio contact with employees on Sand Island. Individuals may not take kayakers out on their own. Kayaking tours will not be allowed to head toward Eastern Island or Spit Island, or to approach the reef. No snorkeling will be conducted from kayakers.

Visitors may also want to explore the coral reefs in waters inside and outside the lagoon through SCUBA diving. Monument staff will work toward re-establishing a dive program by May 2011, through the use of a concessionaire. As a preliminary step toward a dive program, the refuge manager has determined guided dive tours focused on wildlife observation and photography would be a compatible wildlife-dependent use. Divers would be accompanied by a certified master diver, with a maximum of six divers per one dive master. The dives would be specialized for divers interested in marine life and underwater photography, and all NOAA-Fisheries guidelines for viewing marine mammals and sea turtles would be met. No night diving would be allowed due to increased shark activity. Typically, this would be a seasonal activity, generally from May through September when the seas are calmer. Specific Monument protocols to ensure invasive species and disease are not transmitted through snorkel and dive gear will be implemented.

Although live-aboard dive cruises are offered on the Island of Hawai'i and many other areas of the Pacific, Midway's remote location would mean vessels would need to be in transit for many days before reaching the atoll to dive, and that they would need to transit the waters of the Monument. It is highly unlikely such a vessel could meet the environmental standards required of vessels within the Monument.

Any request for such use at Midway Atoll would require the approval of the Co-Trustees through the permitting process under a Special Ocean Uses permit. Large group day visitors are only onsite for sufficient time to allow terrestrial tours and occasionally the opportunity to swim off the North Beach. No other alternatives (e.g., snorkeling or diving) will be allowed. All requirements outlined in the compatibility determinations for wildlife observation and nonwildlife-dependent recreational activities would apply.

As technology improves and funding becomes available, we will work with our Co-Trustees to provide opportunities to broadcast live images of sensitive species such as the short-tailed albatross, Hawaiian monk seal, and Laysan duck and coral reef habitats to the visitor center on Sand Island and perhaps to the main Hawaiian Islands (such as at the Mokuapāpapa Discovery Center in Hilo) and beyond through the National Marine Sanctuary Program’s web portal (<http://www.oceanslive.org/portal/>).

Objective 6 Work with and encourage qualified groups or individuals to develop specialized wildlife-dependent programs such as wildlife monitoring, photography, and art in 2009 and beyond.

Strategy 6.1 Continue to seek new vendors who would be interested in bringing groups to Midway.

Discussion: In the *Midway Atoll National Wildlife Refuge Visitor Program Market Analysis and Feasibility Study*, Pandion Systems, Inc., recommended several target audiences within the broad category of sustainable ecotourism, including specialized programs such as service learning activities, photography tours, writing and artist workshops, and educational tours. The FWS and Monument Co-Trustees agree and will continue to explore opportunities to reach such vendors. Since these programs generally bring a leader/guide/instructor with them, we need only ensure their understanding and compliance with rules and regulations and provide local expertise as needed. Proposed activities that would generate revenue or profits would require Monument Special Ocean Use permits.

4.6 Develop and Implement Quality Environmental Education Programs

“Through curriculum-based environmental education packages based on national and State education standards, we will advance public awareness, understanding, appreciation, and knowledge of key fish, wildlife, plant, and resource issues. Each refuge will assess its potential to work with schools to provide an appropriate level of environmental education. We may support environmental education through the use of facilities, equipment, educational materials, teacher workshops, and study sites that are safe, accessible, and conducive to learning.”
Fish and Wildlife Service Manual, 605 FW 1

Goal 5. Enhance public understanding, appreciation, and support for protection of the Monument’s natural, cultural, and historic resources.

Objective 7 Beginning in 2008, develop and provide annual wildlife-dependent educator and conservation leader workshops at Midway Atoll targeting a mix of formal and informal educators and community and conservation leaders and building upon Navigating Change curricula and vision.

Strategy 7.1 Working with the Navigating Change Educational Partnership, conduct annual, week-long educator, conservation, and community leader workshops on Midway, based on the program developed by the educator focus group in 2008.

Strategy 7.2 By 2012, hold one educator workshop on expanding Navigating Change curricula to meet the needs of intermediate and high school classrooms.

Discussion: One goal of these educator and conservation leader workshops is to inspire a new group of educators to use environmental education as a method of connecting students and lifelong learners to Hawai‘i’s wildlife and culture. Another goal is to have participants in these workshops actually propose and implement an environmental stewardship program in their community, utilizing their experience at Midway as inspiration. Over the past 5 years, the partners have joined together to create Navigating Change, a project conceived by the Polynesian Voyaging Society and focused on raising awareness and ultimately motivating people to change their attitudes and behaviors to better care for our islands and ocean resources. A standards-based educational curriculum for fourth and fifth graders was released by the partnership in 2005, and more than 15 workshops have been conducted on the main Hawaiian Islands to introduce the curriculum to local teachers. The major themes included within the curriculum could provide the stepping stones for future development of educational activities such as telepresence and distance learning projects.

The target date for the first workshop on Midway would be summer 2009. Agency planning began in 2007, and the members of an educator focus group held a planning workshop in January 2008. Co-Trustee education staff will be coordinating and conducting these workshops with input from previous classes of workshop attendees, collectively referred to as Alaka‘i. By 2012, a workshop will focus on designing upper grade level curriculum components as an extension of Navigating Change. Each workshop could take approximately 15 participants.

Objective 8 Beginning in 2009, facilitate at least two opportunities per year for educational groups or private/nonprofit environmental or historical organizations to conduct wildlife dependent or history courses or administer informal educational camps.

Strategy 8.1 During 2009, seek partners who may be interested in offering educational programs on Midway Atoll and set schedules for trial courses or camps in 2010.

Strategy 8.2 By March 2010, Monument staff will develop, design, and offer a mandatory 1-day orientation that all guides and instructors must attend before hosting a class on Midway for the first time.

Strategy 8.3 Assist with classes/camps on Midway, providing guidance to avoid impacts on wildlife resources and monitoring group activities.

Strategy 8.4 By 2010, collaborate with universities to offer semester internship opportunities for students interested in biological studies.

Strategy 8.5 By 2012, develop dormitory-style or other lower-cost housing, classrooms, and laboratories in support of longer-term classes on Midway.

Strategy 8.6 Investigate opportunities to bring select middle and high school students to Midway for courses in atoll ecosystems by 2015.

Discussion: Organizations have already shown their interest in using Midway for educational experiences, since it provides unparalleled wildlife dependent educational opportunities. Organizations will be held responsible for providing instructors and leading their participants. The Co-Trustees will provide guidance during the mandatory advance orientation. When possible, Monument staff can provide learning opportunities that engage participants in biological and historical projects such as habitat restoration or historic preservation. FWS staff will also monitor group activities to ensure Midway’s wildlife and historic resources are protected.

The Co-Trustees support expanding environmental education opportunities to the extent feasible on Midway Atoll. Developing lower-cost housing and increasing classroom and laboratory space will facilitate these programs. An opportunity to study Midway’s unique natural resources could be the catalyst to inspire lifelong devotion to the field of science.

Objective 9 Develop and implement new tools to bring the place to the people rather than the people to the place (with an emphasis on students) by 2010.

Strategy 9.1 Install appropriate technologies to make distance learning possible from Midway Atoll by 2009.

Strategy 9.2 Initiate a distance learning program from Midway Atoll to bring the Monument to classrooms across the Nation by 2010.

Discussion: FWS has long been interested in offering a distance learning program from Midway, but doing so from such a remote location is challenging. As technologies improve, the Co-Trustees will evaluate the possibility of establishing such a program that could bring the Northwestern Hawaiian Islands into Hawai‘i classrooms in particular, but also to other educational venues. In order to provide support for staff, researchers, and distance learning, NOAA is exploring opportunities to install high-speed satellite uplinks on Midway Atoll.

4.7 Provide Quality Interpretation of Key Resources

<p>“We will communicate fish, wildlife, habitat, and other resource issues to visitors of all ages and abilities through effective interpretation. We will tailor core messages and delivery methods to provide interpretation to refuge visitors and present them in appropriate locations.” <i>Fish and Wildlife Service Manual, 605 FW 1</i></p>

The rich natural and human history of Midway Atoll provides a unique opportunity to promote visitor understanding of and appreciation for America’s natural and historic resources. Interpretation provides opportunities for visitors to make their own connections to the resource so that a sense of stewardship and respect for these resources develops. To ensure our interpretive products remain focused, we develop interpretive themes that guide development of all interpretive products on the refuge.

The primary interpretive themes for Midway Atoll are adapted from those of the Monument:

- Encircled by the earth’s largest ocean, the small islands and coral reefs of the Northwestern Hawaiian Islands provide a scarce and safe haven for diverse native wildlife species to raise their young; to rest, grow, and play; and to survive into the future.
- These remote atolls host a complex reef ecosystem dominated by apex predators and rich in species found nowhere else in the world.

- Just as human actions can destroy wildlife and their habitat, people can restore island and reef ecosystems to benefit both wildlife and mankind through research, sound science, and special care.
- Stories, ancient chants, and archaeological remnants connect ancient Polynesians to the Northwestern Hawaiian Islands not only geographically but also spiritually.
- Throughout history, Midway has served as a vital outpost for humans as they explored their world, expanded their horizons, protected their boundaries, and sought peace in the world.
- Brave young men – far from home and loved ones – risked their lives at Midway to defend America, and in doing so, turned the tide of war in the Pacific to ensure our freedom.

These themes are designed to encompass the tremendous wildlife and historical treasury found at Midway. Through a variety of interpretive methods, these themes will be conveyed to our visitors.

Goal 5. Enhance public understanding, appreciation, and support for protection of the Monument’s natural, cultural, and historic resources.

Goal 7. Identify, interpret, and protect Monument historic and cultural resources.

Goal 8. Offer visitor opportunities at Midway Atoll to discover and appreciate the wildlife and beauty of the NWHI, enhance conservation, and honor its unique human history.

Objective 10 By 2012, develop a Midway Atoll interpretive plan that will be incorporated into a Monumentwide interpretive plan addressing key interpretive sites and activities.

Strategy 10.1 Develop detailed and site-specific descriptions of interpretive facilities, exhibits, signs, programs, trails, etc., that will meet the goals of the Monument, the interests and needs of Midway’s visitors, and the unique and meaningful features of the Monument’s natural and cultural resources.

Discussion: A Midway-specific interpretive plan will guide the development of additional interpretive facilities, exhibits, etc. It will be based on the Monument’s interpretive themes and include information on project priorities, costs, staffing needs, and schedules.

Objective 11 Continuously improve onsite interpretation and interpretive facilities to better educate visitors about the natural resources of Midway Atoll and the Northwestern Hawaiian Islands.

Strategy 11.1 Offer wildlife-oriented guided tours to all visitors on at least a weekly basis.

Strategy 11.2 Transition the wildlife-related visitor center into a Papahānaumokuākea Marine National Monument visitor center by September 2009, to provide an educational window to the Monument. Annually review the exhibits and update them as needed and as described in the Midway Atoll interpretive plan.

Strategy 11.3 Provide additional opportunities for visitors to learn about ongoing management and research projects through field talks and evening programs.

Strategy 11.4 Offer evening programs in the Midway theater, including slide talks, videos, and other presentations on the Monument’s natural and human history.

Strategy 11.5 Support and monitor an expanded Friends of Midway Atoll National Wildlife Refuge gift store, ensuring merchandise offers accurate and educational messages.

Discussion: The refuge interpreters will offer guided walks and bicycle/golf cart tours focused on natural history themes on at least a weekly basis. To ensure a quality experience, tour groups will be no larger than 25 people (except during large group visits). Tour routes will vary depending on the physical ability of the participants, the weather, and wildlife use patterns. All visitors should have the opportunity to tour Sand Island. Dependent upon the weather and availability of transportation, visitors may also have the opportunity to have a guided tour of Eastern Island, which will combine both natural and historic resource features. Tours on Eastern Island generally walk from the boat pier to and along the historic World War II runways and Battle of Midway memorials. All beaches on Eastern Island are closed to visitors to protect Hawaiian monk seals and sea turtles, and tour routes will vary to accommodate wildlife needs.

Self-discovery and exploration is a key component of the Midway experience. To enhance their experience, interpretive panels regarding Midway's natural resources will be placed at a limited number of remote locations along existing trails on Sand Island, as identified in the Midway Atoll interpretive plan. These panels may include reminders of wildlife viewing etiquette, as appropriate. If a significant number of non-English-speaking visitors come to Midway, translated versions of these panels will be made available as handouts.

The natural resource interpretive exhibits in the Midway visitor center will be reviewed for currency and updated as necessary, working in cooperation with the Co-Trustees. As the "window to the Monument," the focus of the exhibits will be broadened to include the natural resources of the entire Monument.

Researchers and biologists will be encouraged to offer field talks to describe their work and/or provide insights into the world of individual wildlife species. NOAA-Fisheries has expressed an interest in providing guided tours to view monk seals in an unobtrusive manner, and frequently researchers provide presentations or demonstrations to broaden knowledge of their activities. By better understanding the needs of each species for its survival, visitors will gain knowledge of how they can help protect these animals.

Over the years, numerous films and documentaries about the Battle of Midway and other aspects of the atoll's history and its wildlife have been produced. Sharing these with visitors in the historic Midway theater enhances their learning experience and enjoyment.

Through the Friends of Midway Atoll National Wildlife Refuge, a gift store on Midway offers visitors the opportunity to purchase Midway Atoll-related items such as books, posters, postcards, coffee mugs, tee shirts, and note cards. Refuge staff will monitor sales items to ensure they accurately interpret refuge and Monument natural and historic resources. These items will also be available on the Friends website, broadening the distribution of these interpretive materials.

Objective 12 By 2010, improve onsite interpretation and interpretive facilities to better educate visitors about the Battle of Midway National Memorial, Midway's human history, and Native Hawaiian culture.

Strategy 12.1 Offer a history-oriented guided tour to all visitors on at least a weekly basis.

Strategy 12.2 Working with the Office of Hawaiian Affairs and the Native Hawaiian Cultural Working Group, add a Native Hawaiian cultural component to Midway's orientation session, visitor center exhibits, and outreach materials.

Strategy 12.3 Partner with NOAA to develop interpretive materials and displays for the temporary museum about the submerged historic sites (shipwrecks and aircraft) located within the Monument to enhance existing historic interpretation.

Strategy 12.4 By December 2010, seek funding to restore a historic building to house a permanent museum/library to recognize and honor Midway’s – and the Northwestern Hawaiian Islands’ – distinguished history.

Strategy 12.5 By December 2012, complete restoration of a historic building to house the museum and develop and install the interpretive exhibits as identified in the Midway Atoll interpretive plan.

Strategy 12.6 Annually review, update, and/or replace exhibits within the museum to ensure they appropriately represent the Monument.

Discussion: Much like the natural history tours, historic resource guided tours will be offered by refuge staff on at least a weekly basis. To ensure a quality experience, tour groups will be no larger than 25 people (except during large group visits). Depending upon the physical ability of the participants, the weather, the length of the tour route, and the potential impacts on wildlife, these tours may be on foot, by bicycle, or by golf cart. On Sand Island, the history tour will be separate from the wildlife-oriented tour; on Eastern Island, both topics will be covered in one visit.

Sand Island’s historic structures are found in all corners of the island. A self-guided historic resource tour map with descriptive information was developed in 1996 and was updated in 2008 for current visitor use. Interpretive panels regarding several of Midway’s historic resources were produced in 2002. Because the regularly scheduled visitor program was no longer active, the panels were temporarily placed on portable stands for use only during large group visits. Now that visitors are returning on a more regular basis to Midway, these panels have been mounted as originally planned at their designated sites to bring history to life along the self-guided tour.

As the “window to the Monument,” interpretation at Midway will be broadened to include information about the Northwestern Hawaiian Islands’ importance in Native Hawaiian culture. All interpretive materials and presentations will be reviewed to ensure the islands’ cultural resources are appropriately represented.

History-related exhibits are currently housed on the first floor in the airport hangar. Because that location is rarely visited by visitors and because the building is deteriorating, the exhibits are being moved to a new temporary location in the visitor center in 2009. The new site will be more readily accessible to visitors.

In the longer term, one of the historic buildings – probably within the “Midway Mall” – will be restored to house a permanent museum/library. Detailed plans for this facility will be included in the Midway Atoll interpretive plan. In accordance with the *Midway Atoll National Wildlife Refuge Historic Preservation Plan*, FWS does not plan to acquire materials currently preserved in museums, archival institutions, and private collections to bring them to Midway’s harsh environmental conditions. It is more appropriate to acquire copies of such materials for Midway, allowing the originals to remain secured at existing facilities or in a repository in Hawai‘i. Interpretive exhibits will be developed to reflect all of Midway’s “eras,” from prerecorded history to discovery, to shipwrecks and the Commercial Pacific Cable Company days, the Pan American Flying Clipper period, the Battle of Midway, and on through the Cold War and Vietnam conflicts. Broader based exhibits about cultural and historic sites throughout the

Northwestern Hawaiian Islands will also be developed in partnership with NOAA’s cultural resources program and the State of Hawai‘i.

Objective 13 By 2010, develop at least two offsite exhibits and programs to educate the general public about the Northwestern Hawaiian Islands and Midway Atoll in particular.

Strategy 13.1 In 2009, develop and install a visitor access exhibit in NOAA’s Mokuapāpapa Discovery Center in Hilo, Hawai‘i, as part of the updating of the facility.

Strategy 13.2 Working with the National Park Service and other key entities, develop offsite exhibits within the World War II in the Pacific Interpretive Concept that feature the historic Battle of Midway and Battle of Midway National Memorial.

Strategy 13.3 Work with the other venues to incorporate information about Midway Atoll and the Northwestern Hawaiian Islands in their exhibits.

Discussion: Since the number of visitors to Midway Atoll will always be relatively small, FWS will work with partner entities to provide information about the Northwestern Hawaiian Islands and Midway Atoll to a broader audience. The Mokuapāpapa Discovery Center in Hilo, Hawai‘i, informs an average of 60,000 visitors per year about the new Monument. As funding is available, FWS will work with NOAA to incorporate an exhibit about Midway Atoll and visitor opportunities. Additional opportunities, such as within the Northwestern Hawaiian Islands exhibit at the Waikiki Aquarium, will be sought in 2008 and beyond.

While some exhibits will focus on natural history, FWS will also ensure appropriate attention is placed on the Battle of Midway in offsite interpretive efforts. In establishing the Battle of Midway National Memorial, FWS was charged with helping others keep knowledge of this important battle alive for future generations. In the near term, our first efforts will be at Pearl Harbor with its many World War II in the Pacific themed attractions. We will also seek partners to help place an exhibit in Washington, D.C.

Objective 14 Work with and encourage qualified groups or individuals to develop specialized historical programs that honor the Battle of Midway.

Strategy 14.1 Continue to seek new vendors who would be interested in bringing history-related groups to Midway.

Discussion: FWS will explore opportunities to bring historical tours, either through commercial tour groups or veterans organizations, to Midway Atoll in recognition of its status as the Battle of Midway National Memorial. All such tours will be reviewed and approved through the Monument permitting process.

4.8 Manage for Other Recreational Use Opportunities

“We may allow other recreational uses that support or enhance one of the wildlife-dependent recreational uses or minimally conflict with any of the wildlife-dependent recreational uses when we determine they are both appropriate and compatible. We will allow uses that are either legally mandated or occur due to special circumstances.”

Fish and Wildlife Service Manual, 605 FW 1

Objective 15 Allow residents and visitors to engage in other recreational uses on Midway in regulated areas that have been determined to be compatible.

Strategy 15.1 Allow residents and visitors to ride bicycles and jog for exercise on existing roads.

Strategy 15.2 Allow residents and visitors to play tennis and volleyball at designated facilities.

Strategy 15.3 Allow beach uses such as swimming and sunbathing for visitors and residents.

Strategy 15.4 Allow amateur radio use from Midway Atoll in accordance with stipulations that make the use compatible.

Discussion: The refuge manager has determined that several forms of nonwildlife-dependent recreation are compatible with the Refuge System mission and the refuge purposes, and therefore Monument permits may include special conditions to allow them. These activities will take place only on Sand Island, and most are within developed areas. Bicycling and jogging will be restricted to hard surface roads, including along the edges of the runway, or along the cart path of the West Beach trail. Volleyball will only be allowed in the designated court area adjacent to the Captain Brooks facility. The tennis court is located outside the airport hangar building.

Swimming and sunbathing may only occur on the open public beach along the northern shore of Sand Island during daylight hours (from one-half hour after sunrise to one-half hour before sunset) for visitor safety. Use of the “buddy system” will be required. During the mandatory orientation session, visitors will be advised of appropriate behavior if a monk seal or sea turtle approaches them in the water.

Because of potential bird strikes on amateur radio antennae, limitations will be placed on this use. FWS will work with amateur radio enthusiasts to implement a compatible program, as long as it does not displace wildlife-dependent visitors wanting to visit Midway Atoll. Placement of the outdoor antennae must be approved by the refuge manager.

4.9 Communicate Key Issues with Off-Site Audiences

“Effective outreach depends on open and continuing communication and collaboration between the refuge and its many publics. Effective outreach involves determining and understanding the issues, identifying audiences, listening to stakeholders, crafting messages, selecting the most effective delivery techniques, and evaluating effectiveness. If conducted successfully, the results we achieve will further refuge purpose(s) and the Refuge System mission.”

Fish and Wildlife Service Manual, 605 FW 1

Goal 5. Enhance public understanding, appreciation, and support for protection of the Monument’s natural, cultural, and historic resources.

Goal 7. Identify, interpret, and protect Monument historic and cultural resources.

Objective 16 On a continuing basis, maintain outreach efforts to Midway’s diverse audiences to update them on the visitor program and wildlife-oriented news stories.

Strategy 16.1 On a continuing basis, update the Monument and refuge websites with current information about the visitor program and wildlife viewing opportunities.

Strategy 16.2 On an as-needed basis, issue news releases and write articles for publication in newsletters, magazines, or other periodicals to keep key publics informed about the visitor program on Midway Atoll and wildlife issues throughout the Monument.

Strategy 16.3 Continue to support reporters and documentary filmmakers in developing appropriate articles and films/television productions about the wildlife and history of Midway Atoll.

Discussion: Midway Atoll, the Battle of Midway National Memorial, and the Monument have been highly visible in the public eye for some time. The atoll has a broad following by government officials, Members of Congress, veterans' organizations, environmental organizations, media, former residents, past and potential visitors, World War II historians, and others who can be defined as "key publics." Rather than being "local community" members, Midway's supporters are spread across the Nation and around the world.

As individual issues arise regarding Midway, refuge staff on Midway and in Honolulu will work together with their counterparts in the Monument to reach out to our publics with timely and accurate information. The Midway Atoll website (<http://www.fws.gov/midway>) and Monument website will be continuously updated with news of Midway's wildlife, ongoing visitor activities, Battle of Midway-related events, and other Monument-related topics. News releases will be issued to the media as appropriate, and information or articles for periodicals will be provided as requested.

Documentary filmmakers and videographers will be accommodated to the extent possible under Monument permits so that we can reach the broadest audiences. Staffing levels may limit the number of filmmakers that can be accommodated.

***Objective 17* By March 2009, evaluate the effectiveness of the visitor program marketing effort.**

Strategy 17.1 Assess the need to contract with a marketing firm to promote the visitor program.

Discussion: Although FWS will promote the visitor program at Midway to the best of its ability, the specialized skills of a marketing company may be needed to develop sufficient demand to make the program financially self-sustaining. If the evaluation indicates additional work is needed, FWS would work closely with the marketing firm to ensure appropriate and accurate information is distributed to target audiences.

***Objective 18* Working with partners, offer special events and programs on Midway and at other offsite locations that honor its history and natural resources.**

Strategy 18.1 Annually commemorate the anniversary of the Battle of Midway from June 4-6.

Strategy 18.2 Celebrate other Monument-focused special events such as Maritime Heritage Week, International Migratory Bird Day, and the International Year of the Reef.

Strategy 18.3 Work with outside entities to sponsor history-related programs and events on Midway.

Strategy 18.4 Seek other venues and opportunities to participate in special events that connect to Midway’s history.

Discussion: Occasionally, special events will be offered at Midway, particularly in relation to its status as the Battle of Midway National Memorial. As staffing allows, we will also participate in other offsite events to bring the history of Midway to larger numbers of people.

FWS continues to believe the historic aspects of Midway Atoll are an important draw for visitors. In addition to organizations such as the International Midway Memorial Foundation, which is dedicated to honoring and preserving the memory and values of the Battle of Midway, many individuals who were stationed on Midway during the Cold War era have expressed an interest in returning to the atoll with their families.

Other internationally recognized designations such as the International Year of the Reef should also be celebrated on Midway Atoll.

4.10 Build Volunteer Programs and Partnerships with Midway Atoll Support Groups

“Volunteer and Friends organizations fortify refuge staffs with their gifts of time, skills, and energy. They are integral to the future of the Refuge System. Where appropriate, refuge staff will initiate and nurture relationships with volunteers and Friends organizations and will continually support, monitor, and evaluate these groups with the goal of fortifying important refuge activities. The National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 strengthens the Refuge System’s role in developing effective partnerships with various community groups. Whether through volunteers, Friends organizations, or other important partnerships in the community, refuge personnel will seek to make the refuge an active community member, giving rise to a stronger Refuge System.”

Fish and Wildlife Service Manual, 605 FW 1

Goal 1. Protect, preserve, maintain, and where appropriate restore the physical environment and the natural biological communities and their associated biodiversity, habitats, populations, native species, and ecological integrity.

Goal 4. Provide for cooperative conservation, including community involvement, that achieves effective Monument operations and ecosystem-based management.

Goal 5. Enhance public understanding, appreciation, and support for protection of the Monument’s natural, cultural, and historic resources.

Goal 7. Identify, interpret, and protect Monument historic and cultural resources.

Goal 8. Offer visitor opportunities at Midway Atoll to discover and appreciate the wildlife and beauty of the NWHI, enhance conservation, and honor its unique human history.

Objective 19 Incorporate at least 75 percent of visitors staying 3 days or longer into the volunteer program for habitat restoration.

Strategy 19.1 Plan weekly invasive plant pulling parties to involve visitors in invasive weed control.

Strategy 19.2 Provide trash bags for visitors to take with them as they walk along the open beach so they can collect marine debris as they find it.

Strategy 19.3 Schedule monthly beach cleanups to pick up marine debris on closed beaches where Monument staff have determined no monk seals or sea turtles are resting.

Discussion: Hand pulling of weeds is labor intensive, but it is also an effective tool in the continuing battle against invasive plant species. On most areas of Midway Atoll, the sandy substrate makes weed pulling relatively easy. Many visitors want to “give something back” to the wildlife during their time on the atoll, and this activity will help restore acres of habitat for nesting seabirds.

Beach cleanups are also a valuable tool, not only to protect wildlife species but also to educate visitors about the marine debris problem. By involving them in cleanup efforts, they are more likely to seek solutions and educate others about the problem. Refuge or other designated biologists would first ensure no resting monk seals or sea turtles are present in the stretch of beach to be cleaned. Areas to be cleaned would be rotated around the islands from one month to the next so that all beaches would be cleaned twice a year, if possible.

Objective 20 Provide 25 percent of visitors staying 3 days or longer opportunities to assist with wildlife population monitoring as volunteers.

Strategy 20.1 As refuge staff or long-term biological volunteers are available, offer interested visitors the opportunity to assist with seabird monitoring and banding activities.

Strategy 20.2 As refuge staff, U.S. Geological Survey-Biological Resources Discipline staff, or long-term biological volunteers are available, allow interested visitors the opportunity to assist with Laysan duck monitoring activities.

Discussion: Much like the habitat restoration work above, visitors gain a better appreciation for wildlife and their needs with direct involvement in a monitoring program. All such work would be under the direct supervision of a trained biologist to prevent impacts on the animals. This program will be limited in size and nature, and will be continually monitored by the refuge biologist and refuge manager to ensure it is useful to both the wildlife populations and the visitor.

Objective 21 Seek long-term well qualified volunteers to assist Monument staff with the operation of the visitor services program.

Discussion: As a complement to Midway Atoll’s ongoing biological volunteer program, we will offer opportunities for qualified volunteers to assist with interpretive programs on Midway. Monument staff will explore the possibility of offering an intern program for college students or other similarly trained volunteers.

Objective 22 Seek grant funds to bring at least two groups of volunteers to Midway each year to work on historic restoration projects under the guidance of FWS’ cultural resources staff and/or historic preservation specialists.

Strategy 22.1 Beginning in 2008, apply for a *Save America's Treasures* (SAT) grant for historic rehabilitation work on Midway Atoll.

Discussion: The SAT grant requires a 50/50 match, which FWS can accrue through volunteer service, direct contributions, or material donations. FWS received a SAT grant in 1999 that included termite control work, theater building window restoration, a condition assessment report for the interior of the theater and the Commercial Pacific Cable Company Station, reroofing of one cable building, restoration of an ARMCO hut, and collection of oral histories and memorabilia. A similar program could be reinitiated in the future.

***Objective 23* Provide at least 15 percent of visitors staying 3 days or longer opportunities to assist with historic preservation tasks and activities.**

Strategy 23.1 Much like the habitat restoration projects, volunteers will be offered opportunities to help accomplish historic preservation tasks that require few technical skills.

Discussion: FWS' Cultural Resources Team or Historic Preservation Specialist will update the list yearly or as needed to meet the refuge staff recommendations. Volunteers could greatly facilitate the maintenance of historic resources and give the public a greater appreciation and involvement with historic preservation.

4.11 *Refuge Law Enforcement*

A refuge law enforcement officer is present on Midway Atoll, and a law enforcement zone officer in Honolulu and other refuge officers in Hawai'i provide support on an as-needed basis. For large events, the zone officer assembles a group of officers from refuges throughout the Pacific Region to provide law enforcement. Midway's refuge officer will also assist with law enforcement issues for the Monument.

4.12 *Concession Operations*

Because this is a small-scale program that is just reopening, the Midway Atoll visitor program will be operated by existing Monument staff in its early years. The program evaluation required in 2009 and biennially thereafter will allow further assessment of whether the program should be operated by a concessionaire. Developing a solicitation for a concessionaire, seeking proposals, and evaluating them can take up to a year to complete.

The one exception to this could be a snorkeling/SCUBA diving concession, which was briefly discussed above in the wildlife observation standard. If interest is expressed in such a program, FWS and its Co-Trustees will evaluate the feasibility of a diving concession at Midway in 2011 or beyond.

4.13 *Fee Programs*

Midway Atoll National Wildlife Refuge has charged access fees for its visitor program since 1997, when it received approval under the Recreation Fee Demonstration Program. That program has now been renamed the Recreation Fee Program, established through the Federal Lands Recreation Enhancement Act of 2004 (Public Law 108-447). Almost all of the original fee program sites transitioned into the new program. The entrance fee for Midway Atoll National Wildlife Refuge is \$5.00 per person per day.

With limited FWS funding available to support a visitor program, the refuge has been charged by FWS with developing a visitor program that is financially self-sustaining. To help us meet this goal, Congress has also given the refuge receipts authority, which allows the refuge to keep reasonable fees collected for

services provided at Midway Atoll. These fees will be used to offset costs of implementing the visitor services program.

The following fee schedule reflects actual costs for visiting Midway. The entrance fee is collected under the authority of the Federal Lands Recreation Enhancement Act. Lodging and meal fees cover additional hotel and food services staffing, hotel supplies, and food costs. The visitor fee is collected under Midway’s receipt authority and contributes toward the cost of additional refuge staffing or extended on-island volunteers needed to work with visitors, as well as enhancing visitor facilities. The on-island transportation rental fees will enable repair and replacement of these items as necessary. Boating fees cover vessel maintenance and fuel costs. Round-trip airfare is based on the actual cost of the current flight, divided by the number of passengers that can be accommodated on the aircraft. If that cost can be reduced in the future, the airfare will be reduced accordingly.

Table 4.13.1 Visitor Program Fee Schedule (as of 2008)

Description	Fee
Entrance fee	\$5 per day
Round trip airfare	\$2,000 per person
Lodging	\$125 per night
Meals	\$45 per day
Visitor fee	\$55 per day
Bicycle rental (optional)	\$5 per day
Golf cart rental (optional)	\$25 per day
Snorkel rental (optional)	\$25 per week
Boat fees (for Eastern Island or snorkeling trips)	\$20 per half day

In the *Midway Atoll National Wildlife Refuge Visitor Program Market Analysis and Feasibility Study*, Pandion Systems surveyed similar tourism providers to ascertain a typical cost range. Excluding transportation costs, typical costs ranged from \$200 to \$400 per day. Thus the Midway fees above are considered reasonable for the experience offered.

FWS recognizes the extremely high airfare costs associated with our current charter aircraft. We will continue to seek a more cost-efficient means of transportation for our visitors.

4.14 Permitting

General Permit Requirements

As part of the newly established Monument, activities within the Midway Atoll Special Management Area will be managed differently than at other national wildlife refuges. Typically, and with few exceptions, lands and waters within the Refuge System, including Midway Atoll National Wildlife Refuge, are closed to all public access and use unless FWS has specifically opened the use or use program on that refuge. The process of opening a refuge includes planning, appropriateness review and compatibility determinations, public review and comment, and NEPA compliance. Some uses, such as sport fishing or hunting, may also require the adoption of refuge-specific regulations under the Administrative Procedure Act involving public comment and publication in the Federal Register. Throughout the Refuge System, this process is used to open a refuge for general access, a particular use, or suite of uses. The refuge manager may also require a special use permit for specialized uses.

However, Proclamation 8031 alters the regulatory regime under which the Midway Atoll National Wildlife Refuge is operated as part of the Monument. The Proclamation established new requirements and methods of management throughout the Northwestern Hawaiian Islands. By overlaying the Midway Atoll and Hawaiian Islands National Wildlife Refuges, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, and State of Hawai‘i’s Seabird Sanctuary at Kure Atoll and marine refuge with the Monument, the Proclamation created a mechanism to ensure the Co-Trustees provide consistent, unified management while meeting their respective obligations under other applicable statutes and regulations. Specifically, Midway Atoll National Wildlife Refuge is a location where the FWS conducts compatibility determinations in consultation with the Co-Trustees to aid the Secretaries of the Interior and Commerce, in their discretion, to issue a co-signed Monument permit in one of six permit categories described in the Proclamation, provided the Secretaries find the activity:

(i) is research designed to further understanding of Monument resources and qualities; (ii) will further the educational value of the Monument; (iii) will assist in the conservation and management of the Monument; (iv) will allow Native Hawaiian practices; (v) will allow a special ocean use; or (vi) will allow recreational activities.

Furthermore, the Secretaries may not issue any permit unless they find:

- the activity can be conducted with adequate safeguards for the resources and ecological integrity of the Monument;
- the activity will be conducted in a manner compatible² with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument resources, qualities, and ecological integrity, and indirect, secondary, or cumulative effects of the activity, and the duration of such effects;
- there is no practicable alternative to conducting the activity within the Monument;
- the end value of the activity outweighs its adverse impacts on Monument resources, qualities, and ecological integrity;
- the duration of the activity is no longer than necessary to achieve its stated purpose;
- the applicant is qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;
- the applicant has adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;
- the methods and procedures proposed by the applicant are appropriate to achieve the proposed activity’s goals in relation to their impacts to Monument resources, qualities, and ecological integrity;
- the applicant’s vessel has been outfitted with a mobile transceiver unit approved by NOAA Office of Law Enforcement and complies with the requirements of this proclamation; and
- there are no other factors that would make the issuance of a permit for the activity inappropriate³.

The six categories of Monument permits are:

1. Conservation and Management;
2. Native Hawaiian Practices;
3. Research;
4. Education;

² Note the use of this word is not necessarily consistent with the same terminology from the Administration Act and FWS policy and regulations promulgated thereunder.

³ Note the use of this word is not necessarily consistent with the same terminology from the Administration Act and FWS policy and regulations promulgated thereunder.

5. Recreation; and
6. Special Ocean Use.

Permits for Visitor Services at Midway Atoll

Permit applications for visitor services at Midway Atoll will be considered using the findings required by Proclamation 8031 as described above. As discussed in sections 4.5-4.10, 4.12, and 4.13, the plan anticipates recreational, ecotourism, volunteer, and educational activities, which would require Monument permits in the recreation, special ocean use, conservation and management, or education categories.

Additional Requirements for Individual Recreational Uses

Recreational uses conducted by individuals at Midway Atoll, such as snorkeling from the cargo pier, must also comply with additional requirements. For the purposes of this chapter, the Monument recreation permit requirement applies to recreational visitors and transients within the Midway Atoll Special Management Area. The Secretaries may not issue a recreation permit unless they find:

- the activity is for the purpose of recreation when defined as “an activity conducted for personal enjoyment that does not result in the extraction of Monument resources and that does not involve a fee-for-service transaction”
- the activity is not associated with any for-hire operation; and
- the activity does not involve any extractive use.

Additional Requirements for Special Ocean Uses

Enterprises offering recreational use opportunities at Midway Atoll that generate revenue or profits for one or more of the persons associated with the activity or use (e.g., ecotourism, passenger vessels, filmmakers, and potentially some education and research activities) must comply with not only the special ocean use permit requirements from the Proclamation, but also two additional requirements:

- the Secretaries find the activity furthers the conservation and management of the Monument; and
- the refuge manager has found the use compatible with the purposes for which Midway Atoll National Wildlife Refuge was designated.

For the purposes of this chapter, a FWS special use permit as described in the Administration Act or regulation or associated policy at the Midway Atoll National Wildlife Refuge would instead be issued as a Monument special ocean use permit.

Permits for Recreational⁴ Uses within Midway Atoll Special Management Area

The permitting regime for the visitor services program for compatible wildlife-dependent recreational uses within the Midway Atoll Special Management Area will be as follows. This plan makes a distinction between visitors (those who visit Midway Atoll specifically to participate in some form of recreational, historical, or memorial-related activity covered under this plan) and transients (those who visit Midway Atoll to conduct work or other permitted activities but wish to recreate in their off-duty hours) and island residents. Island residents include FWS staff (employees and volunteers), NOAA staff, and various resident contractors living on Midway Atoll. Island residents’ participation in recreational activities is part of the FWS morale, welfare, and recreation program. As such, it is covered under the

⁴ “Recreational” is used here as defined in the National Wildlife Refuge System Administration Act of 1966, as amended.

FWS conservation and management Monument permit and is not discussed further in this plan. However, all morale, welfare, and recreation activities must adhere to all other requirements and stipulations; it is only in the form of permitting that these activities may differ.

This visitor services plan and its associated findings of appropriateness, compatibility determinations, and environmental assessment⁵ evaluate broad categories of recreational uses that will generally be allowed or prohibited. Visitors and transients who desire to participate in any one of the uses approved within this plan may apply for a Monument permit. However, in order to be user-friendly and minimize paperwork, these individuals will be provided a Monument permit application as part of their registration forms instead of using the unified application process in advance. This paper form will fulfill the needs of the unified Monument permit application without placing an undue burden on the individuals or the Monument staff who must review them. Monument recreation permits are free under this visitor services plan, and valid for the remainder of the existing Federal fiscal year (October 1 – September 30 of the following calendar year).

The Midway Atoll National Wildlife Refuge manager is responsible for summarizing all individual Monument permits issued as described above during a fiscal year for the FWS annual public use report and the Monument permit tracking system.

The minimum information to be collected includes the full name and signature of applicant, home address and telephone number, types of approved uses in which permission is sought to engage, date(s) of participation, approximate time spent in each activity, etc.

Enterprises who wish to offer fee-for-service visitor opportunities in accordance with this plan must apply for a Monument special ocean use permit using the unified Monument permit application. These Monument special ocean use permits include permission “to transit the Monument as necessary to enter the Midway Atoll Special Management Area” and will be issued in accordance with all Proclamation special ocean use findings, criteria, and requirements, such as being valid for no more than 5 years, requiring the provider to carry insurance or a bond, etc. These permits will carry a variable fee based on recovering the government’s cost in reviewing, issuing, and monitoring the permit under this visitor services plan. These permits may also include a per passenger fee, profit-sharing agreements, or use of government facilities.

Nothing in this plan is intended to limit the ability of the Co-Trustees to actively seek for-profit enterprises to enter into concession agreements or other legal relationships to provide specific for-fee services that help achieve refuge and Monument purposes or goals and this plan.

Emergency Provisions

In addition to Proclamation 8031’s exemption to prohibitions for emergencies and law enforcement activities (“The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for law enforcement purposes”), the Administration Act contains similar provisions which apply only to the national wildlife refuge portions of the Monument. These provisions are:

- Notwithstanding any other provision of this Act, the Secretary [of the Interior] may temporarily suspend, allow, or initiate any activity in a refuge in the [National Wildlife Refuge] System if the

⁵ The FONSI signed on May 23, 2007, for the Interim Visitor Services Plan addressed most of these activities. Increased visitation is addressed in the Monument Management Plan Environmental Assessment, found in Volume II of the Plan.

Secretary [of the Interior] determines it is necessary to protect the health and safety of the public or any fish or wildlife population.

- These provisions include, but are not limited to, compatibility and permitting requirements. Recreational uses previously found to be appropriate and compatible may be suspended for the protection of human health, life, or safety; property; general environment; or fish or wildlife population.

The refuge manager's execution of these provisions should be conducted in consultation with the Monument Co-Trustees in advance when practicable, or as quickly as practicable once the immediate emergency or threat has passed.

4.15 Cooperating Association/Friends Groups

Midway Atoll National Wildlife Refuge is fortunate to have a dedicated support group in the form of the Friends of Midway Atoll National Wildlife Refuge. This nonprofit group was formed in 1999 and currently has more than 200 members from across the Nation. The Friends group was formed to:

- support Midway Atoll National Wildlife Refuge in its efforts to preserve, protect, and restore the biological diversity and historical resources of Midway Atoll, while providing opportunity for wildlife-dependent recreation, education, and scientific research.
- make available interpretive and educational books and pamphlets primarily through retail book sales outlets and free distribution to add to the visitor's understanding of the refuge's management problems and programs, the natural and historic resources of the area, the Refuge System, and FWS.
- contribute funds, goods, and services for FWS interpretation, recreation, and educational programs. Interpretive, recreational, and educational facilities may also be constructed, rehabilitated, or maintained with the use of Friends donations.

The Friends of Midway Atoll operate a gift store on Midway, making such refuge or Monument-related items as books, posters, postcards, coffee mugs, tee shirts, and note cards available to visitors and residents. Donations from the Friends group are used to improve, maintain, and update Midway Atoll's interpretive, educational, recreational, or biological programs or facilities. In the past, the Friends have purchased bicycles for the refuge and financially supported the annual albatross count by volunteers. They sought grants to fund invasive species control work by volunteers that began in December 2006.

Chapter 5 Implementing the Plan

5.1 Proposed Staffing

Current FWS staffing at Midway Atoll includes a refuge manager, deputy refuge manager, wildlife biologist, biological science technician, park ranger (law enforcement), supervisory visitor services manager, park ranger (interpretive), equipment operator, and administrative officer (stationed in Honolulu). The supervisory visitor services manager has the primary responsibility for Midway’s visitor program, including program development, program implementation, program evaluation, coordination with Monument partners, and supervision of the interpretive staff. This employee is responsible for implementing the visitor services plan for Midway in collaboration with Monument Co-Trustee staff. FWS staff in Honolulu will continue to provide support for the Midway visitor program. With the very limited visitor program currently operating at Midway Atoll, this staff has been able to provide visitor services outlined in this plan. When large groups are scheduled to stop at Midway, the sponsor covers the cost of bringing additional visitor services staff to the atoll from the main Hawaiian Islands.

This plan includes activities that can be implemented with funded staff, but longer term development of the visitor program will require additional staff, including additional refuge interpretive rangers. Long-term qualified volunteers may also assist with staffing. In addition, our operations contractor will need to hire additional staff to support the visitor program. These positions will be phased in over the next 5 years as the program is implemented. Staffing may also be augmented by other Monument staff from NOAA or the State of Hawai‘i should those resources become available.

5.2 Table of Projects

The table below summarizes the various strategies and projects outlined in this visitor services plan. Implementation of these projects is dependent upon the availability of funding.

Table 5.2.1 Summary of Strategies/Projects

Strategy	Project	Target Date
4.7	Complete evaluation of visitor program and make recommendations for improvements	03/31/2009
5.2	Construct a migratory bird/Laysan duck observation blind	03/31/2009
17.1	Assess need to contract with a marketing firm to promote the visitor program	03/31/2009
7.1	Conduct annual educator/conservation leader workshops based on Navigating Change	06/30/2009
11.2	Transition wildlife-related visitor center into a Monument visitor center	09/30/2009
13.1	Develop and install exhibit at Mokupāpapa Discovery Center	12/31/2009
8.3	Facilitate wildlife-dependent educational classes or educational camps	12/31/2009
5.4	Acquire new vessels to support visitor services program	10/31/2010
1.2	Seek larger capacity aircraft to service Midway Atoll on a regular basis	12/31/2010
13.2	Develop Battle of Midway National Memorial interpretive exhibit in Pearl Harbor Historic District	12/31/2010
5.3	Work with NOAA Co-Trustees to reestablish a dive program for visitors	05/31/2011
10.1	Complete Midway Atoll interpretive plan	12/31/2012
4.5	Develop and install interpretive exhibits and signs in accordance with interpretive plan	05/31/2015

Strategy	Project	Target Date
1.1 and 8.5	Establish additional housing opportunities for individuals and groups	Dependent upon the availability of funding
9.2	Initiate a distance learning program from Midway Atoll	Dependent upon availability of funding
12.5	Restore historic building to house Midway Atoll museum	Dependent upon availability of funding
5.5	Establish remote viewing cameras on sensitive species	Dependent upon availability of funding

5.3 Partnership Funding and Resources

Midway Atoll has several partnering opportunities with other government entities. Henderson Field, Sand Island’s airport, is operated in partnership with the Department of Transportation’s Federal Aviation Administration (FAA). Significant funding has been provided by FAA to not only operate the facility but to upgrade its facilities to meet their Part 139 standards. In addition to serving the needs of Midway Atoll, the airfield is operated as an emergency landing site for twin-engine aircraft flying across the Pacific Ocean.

As part of the Monument, the refuge also partners with NOAA’s National Marine Sanctuary Program, which shares jurisdiction for the Monument with FWS. We are also committed to working with the State of Hawai‘i on Monument programs and issues. Opportunities to share resources and projects with these entities will bring enhanced efficiencies and effectiveness to all of our work in the Northwestern Hawaiian Islands.

NOAA’s National Marine Fisheries Service also monitors Hawaiian monk seals on Midway. It also established a monk seal “captive care and release” program on Midway to enhance survivability rates for female monk seal pups as a cooperative conservation effort between NOAA, FWS, and nongovernmental organizations.

NOAA’s Office of Law Enforcement provides significant support by enforcing Monument regulations, including at Midway Atoll.

Another Department of the Interior agency, the U.S. Geological Survey, worked with refuge staff to bring the endangered Laysan duck to Midway, establishing only the second wild population of the species in the world. The National Park Service has provided funding for historic preservation on Midway through the “Save America’s Treasures” program and has also provided interpreters to assist with guided tours when large groups visit Midway.

Together, FWS and its Co-Trustees coordinate with the U.S. Coast Guard as they exercise their law enforcement, search and rescue, and medical evacuation responsibilities in the central Pacific. The Coast Guard is working with FWS to store aircraft fuel on Midway for mission-related use, and occasionally crews will stay on Midway during extended operations.

The Monument Co-Trustees also partner with universities to conduct research on Midway that will lead to better management of its resources and with documentary filmmakers and photographers who broaden public knowledge of Midway’s wildlife and historic resources.

Other valued partners include our dedicated refuge volunteers, who generally give 3 months or more of their time working on Midway, and the Friends of Midway Atoll, our refuge support group.

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APPENDIX C:
Presidential Proclamations 8031 and 8112



Federal Register

**Monday,
June 26, 2006**

Part V

The President

**Proclamation 8031—Establishment of the
Northwestern Hawaiian Islands Marine
National Monument**

Presidential Documents

Title 3—

Proclamation 8031 of June 15, 2006**The President****Establishment of the Northwestern Hawaiian Islands Marine National Monument****By the President of the United States of America****A Proclamation**

In the Pacific Ocean northwest of the principal islands of Hawaii lies an approximately 1,200 nautical mile stretch of coral islands, seamounts, banks, and shoals. The area, including the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway National Wildlife Refuge, the Hawaiian Islands National Wildlife Refuge, and the Battle of Midway National Memorial, supports a dynamic reef ecosystem with more than 7,000 marine species, of which approximately half are unique to the Hawaiian Island chain. This diverse ecosystem is home to many species of coral, fish, birds, marine mammals, and other flora and fauna including the endangered Hawaiian monk seal, the threatened green sea turtle, and the endangered leatherback and hawksbill sea turtles. In addition, this area has great cultural significance to Native Hawaiians and a connection to early Polynesian culture worthy of protection and understanding.

WHEREAS Executive Order 13089 of June 11, 1998, Executive Order 13178 of December 4, 2000, and Executive Order 13196 of January 18, 2001, as well as the process for designation of a National Marine Sanctuary undertaken by the Secretary of Commerce, have identified objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States in the area of the Northwestern Hawaiian Islands;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the “Antiquities Act”) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it would be in the public interest to preserve the marine area of the Northwestern Hawaiian Islands and certain lands as necessary for the care and management of the historic and scientific objects therein,

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Northwestern Hawaiian Islands Marine National Monument (the “monument” or “national monument”) for the purpose of protecting the objects described above, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described on the accompanying map entitled “Northwestern Hawaiian Islands Marine National Monument” attached to and forming a part of this proclamation. The Federal land and interests in land reserved includes approximately 139,793 square miles of emergent and submerged lands and waters of the Northwestern Hawaiian Islands, which is the smallest

area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including, but not limited to, withdrawal from location, entry, and patent under mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), will have primary responsibility regarding management of the marine areas, in consultation with the Secretary of the Interior. The Secretary of the Interior, through the Fish and Wildlife Service (FWS), will have sole responsibility for management of the areas of the monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce.

The Secretary of Commerce and the Secretary of the Interior (collectively, the "Secretaries") shall review and, as appropriate, modify the interagency agreement developed for coordinated management of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, signed on May 19, 2006. To manage the monument, the Secretary of Commerce, in consultation with the Secretary of the Interior and the State of Hawaii, shall modify, as appropriate, the plan developed by NOAA's National Marine Sanctuary Program through the public sanctuary designation process, and will provide for public review of that plan. To the extent authorized by law, the Secretaries, acting through the FWS and NOAA, shall promulgate any additional regulations needed for the proper care and management of the objects identified above.

The Secretary of State, in consultation with the Secretaries, shall take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of the monument and to promote the purposes for which the monument is established. The Secretary of State, in consultation with the Secretaries, shall seek the cooperation of other governments and international organizations in furtherance of the purposes of this proclamation and consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas. Furthermore, this proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the State of Hawaii.

The establishment of this monument is subject to valid existing rights and use of the monument shall be administered as follows:

Access to the Monument

The Secretaries shall prohibit entering the monument except pursuant to permission granted by the Secretaries or their designees. Any person passing through the monument without interruption must notify an official designated by the Secretaries at least 72 hours, but no longer than 1 month, prior to the entry date. Notification of departure from the monument must be provided within 12 hours of leaving. A person providing notice must provide the following information, as applicable: (i) position when making report; (ii) vessel name and International Maritime Organization identification number; (iii) name, address, and telephone number of owner and operator; (iv) United States Coast Guard (USCG) documentation, State license, or registration number; (v) home port; (vi) intended and actual route through the monument; (vii) general categories of any hazardous cargo on board; and (viii) length of vessel and propulsion type (e.g., motor or sail).

Vessel Monitoring Systems

1. As soon as possible but not later than 30 days following the issuance of this proclamation, NOAA shall publish in the **Federal Register** a list of approved transmitting units and associated communications service providers for purposes of this proclamation. An owner or operator of a vessel that has been issued a permit for accessing the monument must ensure that such a vessel has an operating vessel monitoring system (VMS) on board, approved by the Office of Legal Enforcement in the National Oceanic and Atmospheric Administration in the Department of Commerce (OLE) when voyaging within the monument. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and OLE as provided by an OLE-approved communication service provider.
2. Only a VMS that has been approved by OLE may be used. When installing and activating the OLE-approved VMS, or when reinstalling and reactivating such VMS, the vessel owner or operator must:
 - a. Follow procedures indicated on an installation and activation checklist, which is available from OLE; and
 - b. Submit to OLE a statement certifying compliance with the checklist, as prescribed on the checklist.
3. No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.
4. When a vessel's VMS is not operating properly, the owner or operator must immediately contact OLE, and follow instructions from that office. If notified by OLE that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by OLE the vessel's positions or returning to port until the VMS is operable.
5. As a condition of authorized access to the monument, a vessel owner or operator subject to the requirements for a VMS in this section must allow OLE, the USCG, and their authorized officers and designees access to the vessels position data obtained from the VMS. Consistent with applicable law, including the limitations on access to, and use, of VMS data collected under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the Secretaries may have access to, and use of, collected data for scientific, statistical, and management purposes.
6. OLE has authority over the installation and operation of the VMS unit. OLE may authorize the connection or order the disconnection of additional equipment, including a computer, to any VMS unit, when deemed appropriate by OLE.
7. The Secretaries shall prohibit any person from conducting or causing to be conducted:
 - a. Operating any vessel without an approved transmitting device within the monument area 45 days after the publication of the list of approved transmitting devices described in paragraph (1) above;
 - b. Failing to install, activate, repair, or replace a mobile transceiver unit prior to leaving port;
 - c. Failing to operate and maintain a mobile transceiver unit on board the vessel at all times;
 - d. Tampering with, damaging, destroying, altering, or in any way distorting, rendering useless, inoperative, ineffective, or inaccurate the VMS, mobile transceiver unit, or VMS signal required to be installed on or transmitted by a vessel;
 - e. Failing to contact OLE or follow OLE instructions when automatic position reporting has been interrupted;
 - f. Registering a VMS or mobile transceiver unit registered to more than one vessel at the same time;

g. Connecting or leaving connected additional equipment to a VMS unit or mobile transceiver unit without the prior approval of OLE;

h. Making a false statement, oral or written, to an authorized officer regarding the installation, use, operation, or maintenance of a VMS unit or mobile transceiver unit or communication service provider.

Restrictions

Prohibited Activities

The Secretaries shall prohibit persons from conducting or causing to be conducted the following activities:

1. Exploring for, developing, or producing oil, gas, or minerals within the monument;
2. Using or attempting to use poisons, electrical charges, or explosives in the collection or harvest of a monument resource;
3. Introducing or otherwise releasing an introduced species from within or into the monument; and
4. Anchoring on or having a vessel anchored on any living or dead coral with an anchor, anchor chain, or anchor rope.

Regulated Activities

Except as otherwise provided in this proclamation, the Secretaries shall prohibit any person from conducting or causing to be conducted within the monument the following activities:

1. Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging; or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving monument resource;
2. Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands;
3. Anchoring a vessel;
4. Deserting a vessel aground, at anchor, or adrift;
5. Discharging or depositing any material or other matter into Special Preservation Areas or the Midway Atoll Special Management Area except vessel engine cooling water, weather deck runoff, and vessel engine exhaust;
6. Discharging or depositing any material or other matter into the monument, or discharging or depositing any material or other matter outside of the monument that subsequently enters the monument and injures any resources of the monument, except fish parts (i.e., chumming material or bait) used in and during authorized fishing operations, or discharges incidental to vessel use such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust;
7. Touching coral, living or dead;
8. Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the monument;
9. Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or the Midway Atoll Special Management Area; and
10. Attracting any living monument resources.

Emergencies and Law Enforcement Activities

The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for law enforcement purposes.

Armed Forces Actions

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard) that are consistent with applicable laws.
2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.
3. All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities.
4. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the USCG, the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the monument resource or quality.

Commercial Fishing

1. The Secretaries shall ensure that any commercial lobster fishing permit shall be subject to a zero annual harvest limit.
2. Fishing for bottomfish and pelagic species. The Secretaries shall ensure that:
 - a. Commercial fishing for bottomfish and associated pelagic species may continue within the monument for not longer than 5 years from the date of this proclamation provided that:
 - (i) The fishing is conducted in accordance with a valid commercial bottomfish permit issued by NOAA; and
 - (ii) Such permit is in effect on the date of this proclamation and is subsequently renewed pursuant to NOAA regulations at 50 CFR part 660 subpart E as necessary.
 - b. Total landings for each fishing year may not exceed the following amounts:
 - (i) 350,000 pounds for bottomfish species; and
 - (ii) 180,000 pounds for pelagic species.
 - c. Commercial fishing for bottomfish and associated pelagic species is prohibited in the monument after 5 years from the date of this proclamation.

General Requirements

The Secretaries shall ensure that any commercial fishing within the monument is conducted in accordance with the following restrictions and conditions:

1. A valid permit or facsimile of a valid permit is on board the fishing vessel and is available for inspection by an authorized officer;
2. No attempt is made to falsify or fail to make, keep, maintain, or submit any logbook or logbook form or other required record or report;
3. Only gear specifically authorized by the relevant permit issued under the Magnuson-Stevens Fishery Conservation and Management Act is allowed to be in the possession of a person conducting commercial fishing under this section;
4. Any person conducting commercial fishing notifies the Secretaries by telephone, facsimile, or electronic mail at least 72 hours before entering the monument and within 12 hours after leaving the monument;
5. All fishing vessels must carry an activated and functioning VMS unit on board at all times whenever the vessel is in the monument;
6. All fishing vessels must carry an observer when requested to do so by the Secretaries; and

7. The activity does not take place within any Ecological Reserve, any Special Preservation Area, or the Midway Atoll Special Management Area.

Permitting Procedures and Criteria

Subject to such terms and conditions as the Secretaries deem appropriate, a person may conduct an activity regulated by this proclamation if such activity is specifically authorized by a permit. The Secretaries, in their discretion, may issue a permit under this proclamation if the Secretaries find that the activity: (i) is research designed to further understanding of monument resources and qualities; (ii) will further the educational value of the monument; (iii) will assist in the conservation and management of the monument; (iv) will allow Native Hawaiian practices; (v) will allow a special ocean use; or (vi) will allow recreational activities.

Findings

1. The Secretaries may not issue any permit unless the Secretaries find:
 - a. The activity can be conducted with adequate safeguards for the resources and ecological integrity of the monument;
 - b. The activity will be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance monument resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects;
 - c. There is no practicable alternative to conducting the activity within the monument;
 - d. The end value of the activity outweighs its adverse impacts on monument resources, qualities, and ecological integrity;
 - e. The duration of the activity is no longer than necessary to achieve its stated purpose;
 - f. The applicant is qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;
 - g. The applicant has adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;
 - h. The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to their impacts to monument resources, qualities, and ecological integrity;
 - i. The applicant's vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of this proclamation; and
 - j. There are no other factors that would make the issuance of a permit for the activity inappropriate.
2. *Additional Findings for Native Hawaiian Practice Permits.* In addition to the findings listed above, the Secretaries shall not issue a permit to allow Native Hawaiian practices unless the Secretaries find:
 - a. The activity is non-commercial and will not involve the sale of any organism or material collected;
 - b. The purpose and intent of the activity are appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (pono), and demonstrate an understanding of, and background in, the traditional practice, and its associated values and protocols;
 - c. The activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community;
 - d. The activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands; and

- e. Any monument resource harvested from the monument will be consumed in the monument.
3. *Additional Findings, Criteria, and Requirements for Special Ocean Use Permits*
- a. In addition to the findings listed above, the following requirements apply to the issuance of a permit for a special ocean use:
- (i) Any permit for a special ocean use issued under this section:
- (A) Shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the monument is designated and with protection of monument resources;
- (B) Shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretaries;
- (C) Shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure monument resources; and
- (D) Shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims; and
- (ii) Each person issued a permit for a special ocean use under this section shall submit an annual report to the Secretaries not later than December 31 of each year that describes activities conducted under that permit and revenues derived from such activities during the year.
- b. The Secretaries may not issue a permit for a special ocean use unless they determine that the proposed activity will be consistent with the findings listed above for the issuance of any permit.
- c. Categories of special ocean use being permitted for the first time under this section will be restricted in duration and permitted as a special ocean use pilot project. Subsequent permits for any category of special ocean use may be issued only if a special ocean use pilot project for that category has been determined by the Secretaries to meet the criteria in this proclamation and any terms and conditions placed on the permit for the pilot project.
- d. The Secretaries shall provide public notice prior to requiring a special ocean use permit for any category of activity not previously identified as a special ocean use.
- e. The following requirements apply to permits for a special ocean use for an activity within the Midway Atoll Special Management Area.
- (i) The Secretaries may issue a permit for a special ocean use for activities within the Midway Atoll Special Management Area provided:
- (A) The Secretaries find the activity furthers the conservation and management of the monument; and
- (B) The Director of the United States Fish and Wildlife Service or his or her designee has determined that the activity is compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated.
- (ii) As part of a permit, the Secretaries may allow vessels to transit the monument as necessary to enter the Midway Atoll Special Management Area.
- f. The Secretaries may issue a permit for a special ocean use for activities outside the Midway Atoll Special Management Area provided:
- (i) The Secretaries find the activity will directly benefit the conservation and management of the monument;
- (ii) The Secretaries determine the purpose of the activity is for research or education related to the resources or qualities of the monument;
- (iii) The Secretaries provide public notice of the application and an opportunity to provide comments at least 30 days prior to issuing the permit; and

(iv) The activity does not involve the use of a commercial passenger vessel.

4. *Additional Findings for Recreation Permits.* The Secretaries may issue a permit only for recreational activities to be conducted within the Midway Atoll Special Management Area. In addition to the general findings listed above for any permit, the Secretaries may not issue such permit unless the Secretaries find:

- a. The activity is for the purpose of recreation as defined in regulation;
- b. The activity is not associated with any for-hire operation; and
- c. The activity does not involve any extractive use.

Sustenance Fishing

Sustenance fishing means fishing for bottomfish or pelagic species that are consumed within the monument, and is incidental to an activity permitted under this proclamation. The Secretaries may permit sustenance fishing outside of any Special Preservation Area as a term or condition of any permit issued under this proclamation. The Secretaries may not permit sustenance fishing in the Midway Atoll Special Management Area unless the activity has been determined by the Director of the United States Fish and Wildlife Service or his or her designee to be compatible with the purposes for which the Midway Atoll National Wildlife Refuge was established. Sustenance fishing must be conducted in a manner compatible with this proclamation, including considering the extent to which the conduct of the activity may diminish monument resources, qualities, and ecological integrity, as well as any indirect, secondary, or cumulative effects of the activity and the duration of such effects. The Secretaries will develop procedures for systematic reporting of sustenance fishing.

Definitions For purposes of this proclamation:

Attract or Attracting means luring or attempting to lure a living resource by any means, except the mere presence of human beings (e.g., swimmers, divers, boaters).

Bottomfish Species means bottomfish management unit species as defined at 50 CFR 660.12.

Commercial Bottomfishing means commercial fishing for bottomfish species.

Commercial Passenger Vessel means a vessel that carries individuals who have paid for such carriage.

Commercial Pelagic Trolling means commercial fishing for pelagic species.

Deserting a vessel means:

1. Leaving a vessel aground or adrift:
 - (i) Without notifying the Secretaries of the vessel going aground or adrift within 12 hours of its discovery and developing and presenting to the Secretaries a preliminary salvage plan within 24 hours of such notification;
 - (ii) After expressing or manifesting intention to not undertake or to cease salvage efforts; or
 - (iii) When the Secretaries are unable, after reasonable efforts, to reach the owner/operator within 12 hours of the vessels condition being reported to authorities.
2. Leaving a vessel at anchor when its condition creates potential for a grounding, discharge, or deposit and the owner/operator fails to secure the vessel in a timely manner.

Ecological Reserve means an area of the monument consisting of contiguous, diverse habitats that provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life, and also to protect and preserve natural assemblages of habitats and species within areas representing a broad diversity of resources and habitats found within the monument.

Ecological Integrity means a condition determined to be characteristic of an ecosystem that has the ability to maintain the function, structure, and abundance of natural biological communities, including rates of change in response to natural environmental variation.

Fishing Year means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31.

Introduced Species means:

1. A species (including, but not limited to, any of its biological matter capable of propagation) that is non-native to the ecosystem(s) protected by the monument; or
2. Any organism into which genetic matter from another species has been transferred in order that the host organism acquires the genetic traits of the transferred genes.

Landing means offloading fish from a fishing vessel or causing fish to be offloaded from a fishing vessel.

Midway Atoll Special Management Area means the area of the monument surrounding Midway Atoll out to a distance of 12 nautical miles, established for the enhanced management, protection, and preservation of monument wildlife and historical resources.

Mobile Transceiver Unit means a vessel monitoring system or VMS device installed on board a vessel that is used for vessel monitoring and transmitting the vessel's position as required by this proclamation.

Native Hawaiian Practices means cultural activities conducted for the purposes of perpetuating traditional knowledge, caring for and protecting the environment, and strengthening cultural and spiritual connections to the Northwestern Hawaiian Islands that have demonstrable benefits to the Native Hawaiian community. This may include, but is not limited to, the non-commercial use of monument resources for direct personal consumption while in the monument.

Ocean-Based Ecotourism means a class of fee-for-service activities that involves visiting the monument for study, enjoyment, or volunteer assistance for purposes of conservation and management.

Pelagic Species means Pacific Pelagic Management Unit Species as defined at 50 CFR 660.12.

Pono means appropriate, correct, and deemed necessary by traditional standards in the Hawaiian culture.

Recreational Activity means an activity conducted for personal enjoyment that does not result in the extraction of monument resources and that does not involve a fee-for-service transaction. This includes, but is not limited to, wildlife viewing, SCUBA diving, snorkeling, and boating.

Special Preservation Area (SPA) means discrete, biologically important areas of the monument within which uses are subject to conditions, restrictions, and prohibitions, including but not limited to access restrictions. SPAs are used to avoid concentrations of uses that could result in declines in species populations or habitat, to reduce conflicts between uses, to protect areas that are critical for sustaining important marine species or habitats, or to provide opportunities for scientific research.

Special Ocean Use means an activity or use of the monument that is engaged in to generate revenue or profits for one or more of the persons associated with the activity or use, and does not destroy, cause the loss of, or injure monument resources. This includes ocean-based ecotourism and other activities such as educational and research activities that are engaged in to generate revenue, but does not include commercial fishing for bottomfish or pelagic species conducted pursuant to a valid permit issued by NOAA.

Stowed and Not Available for Immediate Use means not readily accessible for immediate use, e.g., by being securely covered and lashed to a deck

or bulkhead, tied down, unbaited, unloaded, or partially disassembled (such as spear shafts being kept separate from spear guns).

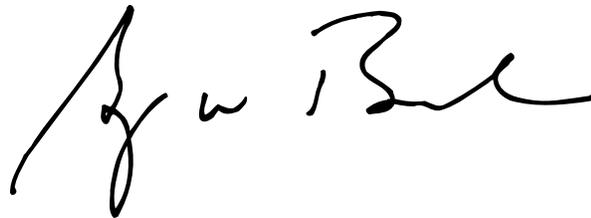
Sustenance Fishing means fishing for bottomfish or pelagic species in which all catch is consumed within the monument, and that is incidental to an activity permitted under this proclamation.

Vessel Monitoring System or VMS means a vessel monitoring system or mobile transceiver unit approved by the Office for Law Enforcement for use on vessels permitted to access the monument, as required by this subpart.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

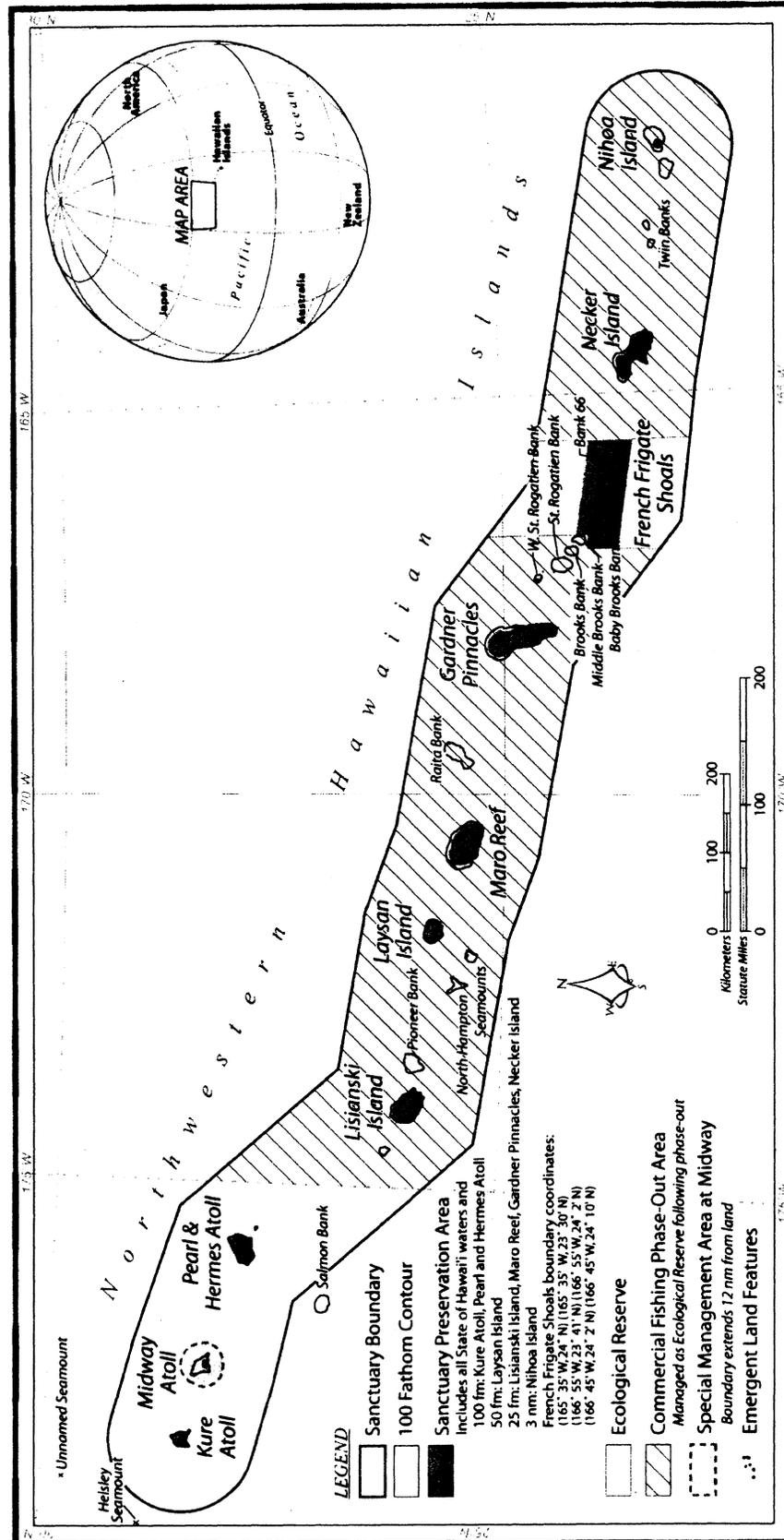
Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of June, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

A handwritten signature in black ink, appearing to read "G. W. Bush". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

Billing code 3195-01-P

Northwestern Hawaiian Islands Marine National Monument



Northwestern Hawaiian Islands Marine National Monument Boundary Coordinates

[Coordinates listed are unprojected (Geographic) and based on the North American Datum of 1983.]

Point	Latitude	Longitude
1	28.437480	-175.177660
2	28.267840	-175.000000
3	26.848220	-173.513200
4	26.600050	-171.628460
5	26.591570	-171.564050
6	26.584980	-171.514000
7	26.567910	-171.458490
8	26.555880	-171.419340
9	26.237590	-170.384040
10	25.842570	-167.964750
11	25.816640	-167.805960
12	25.784980	-167.612000
13	25.664070	-167.441430
14	25.585060	-167.329980
15	25.173930	-166.750000
16	24.681970	-166.056000
17	24.594130	-165.583330
18	24.399760	-164.537400
19	23.880420	-161.742420
20	23.868390	-161.686790
21	23.853160	-161.632100
22	23.834780	-161.578570
23	23.813320	-161.526420
24	23.788880	-161.475860
25	23.761550	-161.427080
26	23.731440	-161.380290
27	23.698680	-161.335660
28	23.663380	-161.293370
29	23.625700	-161.253600
30	23.585780	-161.216500
31	23.543790	-161.182210
32	23.499890	-161.150870
33	23.454250	-161.122600
34	23.407070	-161.097510
35	23.358510	-161.075690
36	23.308790	-161.057240
37	23.258090	-161.042210
38	23.206620	-161.030670
39	23.154580	-161.022660
40	23.102170	-161.018200
41	23.049610	-161.017300

42	22.997110	-161.019980
43	22.944850	-161.026200
44	22.893070	-161.035950
45	22.841950	-161.049190
46	22.791700	-161.065840
47	22.742520	-161.085860
48	22.694600	-161.109150
49	22.648120	-161.135620
50	22.603270	-161.165160
51	22.560230	-161.197660
52	22.519160	-161.232980
53	22.480220	-161.270990
54	22.443560	-161.311530
55	22.409340	-161.354440
56	22.377670	-161.399560
57	22.348690	-161.446710
58	22.322500	-161.495710
59	22.299220	-161.546350
60	22.278920	-161.598460
61	22.261680	-161.651810
62	22.247580	-161.706210
63	22.236670	-161.761450
64	22.228990	-161.817300
65	22.224580	-161.873560
66	22.223430	-161.930000
67	22.225570	-161.986410
68	22.230990	-162.042570
69	22.238520	-162.090980
70	22.239660	-162.098260
71	22.753090	-164.860380
72	22.837820	-165.583330
73	22.925010	-166.327230
74	22.932210	-166.388720
75	22.956970	-166.600000
76	23.062650	-166.750000
77	23.091440	-166.790850
78	24.211550	-168.380720
79	24.211630	-168.380830
80	24.211670	-168.381050
81	24.596330	-170.739990
82	24.604970	-170.793000
83	24.619830	-170.839640
84	24.629360	-170.869580
85	24.937290	-171.836510
86	25.276970	-174.414000
87	25.830690	-175.000000
88	27.246110	-176.497940
89	27.415860	-177.555230

90	27.597840	-178.498430
91	27.610780	-178.565510
92	27.625520	-178.622110
93	27.643380	-178.677580
94	27.664280	-178.731700
95	27.688140	-178.784270
96	27.714880	-178.835070
97	27.744380	-178.883910
98	27.776540	-178.930610
99	27.811230	-178.974960
100	27.848320	-179.016810
101	27.887650	-179.055990
102	27.929090	-179.092340
103	27.972460	-179.125720
104	28.017600	-179.155980
105	28.064330	-179.183020
106	28.112470	-179.206730
107	28.161840	-179.226990
108	28.212230	-179.243740
109	28.263450	-179.256890
110	28.315300	-179.266400
111	28.367580	-179.272220
112	28.412080	-179.274000
113	28.420080	-179.274320
114	28.430370	-179.274000
115	28.472580	-179.272690
116	28.524900	-179.267320
117	28.576810	-179.258240
118	28.628110	-179.245480
119	28.678610	-179.229070
120	28.728090	-179.209090
121	28.776360	-179.185600
122	28.823240	-179.158700
123	28.868520	-179.128480
124	28.912040	-179.095060
125	28.953610	-179.058580
126	28.993080	-179.019170
127	29.030280	-178.977000
128	29.065060	-178.932220
129	29.097280	-178.885010
130	29.126820	-178.835570
131	29.153560	-178.784090
132	29.177380	-178.730770
133	29.198200	-178.675830
134	29.215930	-178.619490
135	29.230490	-178.561970
136	29.241830	-178.503520
137	29.249910	-178.444360

138	29.254680	-178.384730
139	29.256140	-178.324870
140	29.254270	-178.265030
141	29.249080	-178.205450
142	29.240600	-178.146360
143	29.057970	-177.201300
144	29.042570	-177.121570
145	28.649370	-175.591270
146	28.644570	-175.572600
147	28.581980	-175.329000
148	28.437480	-175.177660

Ecological Reserves Boundary Coordinates

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]

Table B-1 Ecological Reserve West of 175 degrees West Longitude

Point ID	Latitude	Longitude
1	29.042570	-177.121570
2	28.649370	-175.591270
3	28.644570	-175.572600
4	28.581980	-175.329000
5	28.437480	-175.177660
6	28.267840	-175.000000
7	25.830690	-175.000000
8	27.246110	-176.497940
9	27.415860	-177.555230
10	27.610780	-178.565510
11	27.625520	-178.622110
12	27.643380	-178.677580
13	27.664280	-178.731700
14	27.688140	-178.784270
15	27.714880	-178.835070
16	27.744380	-178.883910
17	27.776540	-178.930610
18	27.811230	-178.974960
19	27.848320	-179.016810
20	27.887650	-179.055990

21	27.929090	-179.092340
22	27.972460	-179.125720
23	28.017600	-179.155980
24	28.064330	-179.183020
25	28.112470	-179.206730
26	28.161840	-179.226990
27	28.212230	-179.243740
28	28.263450	-179.256890
29	28.315300	-179.266400
30	28.367580	-179.272220
31	28.412080	-179.274000
32	28.430370	-179.274000
33	28.472580	-179.272690
34	28.524900	-179.267320
35	28.576810	-179.258240
36	28.628110	-179.245480
37	28.678610	-179.229070
38	28.728090	-179.209090
39	28.776360	-179.185600
40	28.823240	-179.158700
41	28.868520	-179.128480
42	28.912040	-179.095060
43	28.953610	-179.058580
44	28.993080	-179.019170
45	29.030280	-178.977000
46	29.065060	-178.932220
47	29.097280	-178.885010
48	29.126820	-178.835570
49	29.153560	-178.784090
50	29.177380	-178.730770
51	29.198200	-178.675830
52	29.215930	-178.619490
53	29.230490	-178.561970
54	29.241830	-178.503520
55	29.249910	-178.444360

56	29.254680	-178.384730
57	29.256140	-178.324870
58	29.254270	-178.265030
59	29.249080	-178.205450
60	29.240600	-178.146360
61	29.057970	-177.201300
62	29.042570	-177.121570

Table B-2 French Frigate Shoals Ecological Reserve

Point ID	Latitude	Longitude
1	24.594130	-165.583330
2	23.499970	-165.583330
3	23.999970	-165.583330
4	24.166640	-166.750000
5	25.173930	-166.750000
6	24.681970	-166.056000
7	24.594130	-165.583330
8	23.740820	-166.927560
9	23.687790	-166.928170
10	23.666640	-166.750000
11	23.499970	-165.583330
12	22.837820	-165.583330
13	22.956970	-166.600000
14	23.062650	-166.750000
15	23.196210	-166.938090
16	23.740960	-166.929090
17	23.740820	-166.927560

Special Preservation Areas Boundary Coordinates

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]

Table C-1 French Frigate Shoals Special Preservation Area

Point ID	Latitude	Longitude
1	23.999970	-165.583330
2	23.499970	-165.583330
3	23.666640	-166.750000
4	23.687790	-166.928170

5	23.740820	-166.927560
6	24.036510	-166.924170
7	24.034000	-166.752270
8	24.166640	-166.750000
9	23.999970	-165.583330

Table C-2 Gardner Pinnacles Special Preservation Area

Point ID	Latitude	Longitude
1	25.069550	-167.932070
2	25.041750	-167.925060
3	25.013260	-167.941650
4	24.941640	-167.941660
5	24.906030	-167.922730
6	24.881740	-167.901230
7	24.849970	-167.891660
8	24.747630	-167.897660
9	24.629080	-167.872660
10	24.590720	-167.873600
11	24.563150	-167.866590
12	24.491640	-167.875000
13	24.448290	-167.890630
14	24.428440	-167.901840
15	24.411150	-167.954400
16	24.419790	-167.989680
17	24.438010	-168.003690
18	24.508310	-168.016660
19	24.574980	-168.050000
20	24.591640	-168.083330
21	24.699970	-168.125000
22	24.774970	-168.133330
23	24.816640	-168.150000
24	24.883310	-168.150000
25	24.949970	-168.225000
26	25.008310	-168.266660
27	25.065400	-168.277990
28	25.093010	-168.267940
29	25.103750	-168.250890
30	25.165870	-168.225750
31	25.181750	-168.196320
32	25.191640	-168.141660
33	25.192730	-168.086360
34	25.174040	-168.041280
35	25.124980	-167.983330
36	25.069550	-167.932070

Table C-3 Kure Atoll Special Preservation Area

Point ID	Latitude	Longitude
1	28.392840	-178.429820

2	28.399910	-178.436410
3	28.415160	-178.446280
4	28.432200	-178.448290
5	28.455370	-178.441200
6	28.478140	-178.430830
7	28.496460	-178.413240
8	28.500820	-178.406980
9	28.506480	-178.398860
10	28.514860	-178.380810
11	28.519980	-178.357030
12	28.521950	-178.334820
13	28.521950	-178.334800
14	28.525880	-178.330960
15	28.529600	-178.322670
16	28.546060	-178.307530
17	28.544020	-178.296510
18	28.522790	-178.285740
19	28.502900	-178.282050
20	28.502890	-178.282030
21	28.499380	-178.276340
22	28.487070	-178.260900
23	28.475690	-178.250260
24	28.471030	-178.245900
25	28.450220	-178.238690
26	28.416860	-178.231260
27	28.397060	-178.232420
28	28.378270	-178.238260
29	28.363050	-178.245720
30	28.362280	-178.246630
31	28.362270	-178.246650
32	28.351660	-178.238800
33	28.343860	-178.228570
34	28.341350	-178.214180
35	28.328300	-178.211250
36	28.320980	-178.215800
37	28.318750	-178.226820
38	28.326780	-178.233600
39	28.332160	-178.261690
40	28.342560	-178.262560
41	28.346030	-178.266850
42	28.343860	-178.269830
43	28.336310	-178.286080
44	28.335300	-178.315410
45	28.340220	-178.363860
46	28.344070	-178.381090
47	28.323940	-178.406220
48	28.321250	-178.428370
49	28.367630	-178.432740

50	28.392840	-178.429820
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Table C-4 Pearl and Hermes Atoll Special Preservation Area

Point ID	Latitude	Longitude
1	27.757750	-176.036520
2	27.768320	-176.040880
3	27.768320	-176.040880
4	27.770100	-176.048300
5	27.782320	-176.065490
6	27.840940	-176.037040
7	27.855580	-176.034410
8	27.874110	-176.034890
9	27.892740	-176.027240
10	27.899910	-176.012850
11	27.910770	-175.983500
12	27.910800	-175.983470
13	27.919710	-175.976620
14	27.927980	-175.967410
15	27.935100	-175.956890
16	27.939420	-175.946360
17	27.943320	-175.937810
18	27.950350	-175.926920
19	27.963550	-175.906130
20	27.974710	-175.888940
21	27.981650	-175.875480
22	27.987800	-175.860460
23	27.997110	-175.839520
24	28.004660	-175.823330
25	28.008440	-175.813830
26	28.010980	-175.803790
27	28.011520	-175.793180
28	28.011060	-175.781740
29	28.010310	-175.770160
30	28.009350	-175.764210
31	28.009350	-175.764180
32	28.011110	-175.761890
33	28.021650	-175.734510
34	28.007620	-175.715020
35	27.989730	-175.708650
36	27.989710	-175.708630
37	27.982190	-175.698330
38	27.976630	-175.691710
39	27.973990	-175.688570
40	27.967780	-175.681600
41	27.962560	-175.676580
42	27.955580	-175.672400
43	27.945870	-175.667950
44	27.935150	-175.664330

45	27.923930	-175.662390
46	27.914190	-175.661560
47	27.899720	-175.661860
48	27.883490	-175.664100
49	27.869160	-175.669150
50	27.859160	-175.672680
51	27.848250	-175.675300
52	27.836260	-175.678940
53	27.828010	-175.682580
54	27.818010	-175.688990
55	27.811250	-175.690970
56	27.805500	-175.693210
57	27.805240	-175.693310
58	27.795260	-175.697130
59	27.783750	-175.704120
60	27.776490	-175.709430
61	27.771010	-175.713510
62	27.770990	-175.713520
63	27.763470	-175.710490
64	27.755510	-175.719930
65	27.755160	-175.725020
66	27.749210	-175.729550
67	27.744440	-175.735410
68	27.739890	-175.743640
69	27.735130	-175.754680
70	27.732590	-175.766400
71	27.731290	-175.779240
72	27.730230	-175.795430
73	27.731050	-175.816390
74	27.732360	-175.825560
75	27.733580	-175.833100
76	27.734560	-175.837560
77	27.735040	-175.841750
78	27.732280	-175.845940
79	27.727480	-175.852770
80	27.722740	-175.861850
81	27.717130	-175.874800
82	27.709340	-175.894910
83	27.702570	-175.913780
84	27.699260	-175.929970
85	27.697450	-175.945320
86	27.697660	-175.956490
87	27.699370	-175.966810
88	27.703320	-175.976850
89	27.710260	-175.989680
90	27.720440	-176.003340
91	27.732370	-176.017010
92	27.741820	-176.025930

93	27.746800	-176.029970
94	27.749030	-176.031780

Table C-5 Lisianski Island Special Preservation Area

Point ID	Latitude	Longitude
1	25.940390	-173.790690
2	25.910770	-173.795060
3	25.910770	-173.795060
4	25.871480	-173.850890
5	25.879490	-173.891610
6	25.879980	-173.943990
7	25.963710	-174.108790
8	25.979580	-174.120000
9	26.000210	-174.142570
10	26.040550	-174.157290
11	26.122730	-174.154820
12	26.174970	-174.133330
13	26.212150	-174.085540
14	26.217240	-174.050590
15	26.212430	-173.982900
16	26.183310	-173.933330
17	26.142200	-173.896560
18	26.119380	-173.861860
19	26.085600	-173.822290
20	26.041640	-173.799990
21	26.008310	-173.766660
22	25.988250	-173.752100
23	25.971020	-173.752830

Table C-6 Laysan Island Special Preservation Area

Point ID	Latitude	Longitude
1	25.716670	-171.650000
2	25.700000	-171.666670
3	25.691670	-171.700000
4	25.700000	-171.708330
5	25.700000	-171.733330
6	25.691670	-171.750000
7	25.691670	-171.783330
8	25.708330	-171.816670
9	25.758330	-171.850000
10	25.791670	-171.866670
11	25.833330	-171.875000
12	25.866670	-171.850000
13	25.883330	-171.833330
14	25.900000	-171.800000
15	25.900000	-171.766670
16	25.883330	-171.675000
17	25.866670	-171.625000

18	25.833330	-171.600000
19	25.791670	-171.591670
20	25.766670	-171.600000
21	25.741670	-171.616670
22	25.725000	-171.633330
23	25.716670	-171.650000

Table C-7 Maro Reef Special Preservation Area

Point ID	Latitude	Longitude
1	25.566690	-170.517140
2	25.466690	-170.408800
3	25.375020	-170.350470
4	25.258350	-170.408800
5	25.250020	-170.425470
6	25.258350	-170.542140
7	25.283350	-170.592140
8	25.300020	-170.650470
9	25.316690	-170.767140
10	25.333350	-170.800470
11	25.358350	-170.808800
12	25.391690	-170.867140
13	25.450020	-170.892140
14	25.525020	-170.900470
15	25.550020	-170.900470
16	25.583350	-170.875470
17	25.625020	-170.808810
18	25.633350	-170.775470
19	25.633350	-170.708800
20	25.616690	-170.683810
21	25.591690	-170.575470
22	25.566690	-170.517140

Table C-8 Necker Island Special Preservation Area

Point ID	Latitude	Longitude
1	23.642160	-164.551780
2	23.613240	-164.535150
3	23.588260	-164.530180
4	23.550990	-164.527340
5	23.522830	-164.509770
6	23.490850	-164.451480
7	23.480450	-164.441650
8	23.462880	-164.393270
9	23.463220	-164.368120
10	23.449040	-164.327110
11	23.431280	-164.304620
12	23.396860	-164.282330
13	23.357080	-164.270620
14	23.308700	-164.250210

15	23.289700	-164.256760
16	23.279120	-164.267160
17	23.256820	-164.275850
18	23.235370	-164.298150
19	23.232530	-164.336710
20	23.238010	-164.369100
21	23.256190	-164.395600
22	23.263000	-164.457020
23	23.270370	-164.470630
24	23.291640	-164.483330
25	23.308310	-164.525000
26	23.308870	-164.596130
27	23.299420	-164.630360
28	23.300400	-164.641120
29	23.313770	-164.639170
30	23.323870	-164.629710
31	23.326810	-164.618950
32	23.342460	-164.621560
33	23.353870	-164.609170
34	23.406430	-164.588630
35	23.444900	-164.579500
36	23.455990	-164.605580
37	23.466750	-164.609170
38	23.479950	-164.622600
39	23.490020	-164.651170
40	23.496910	-164.695970
41	23.496540	-164.733520
42	23.484440	-164.769800
43	23.502770	-164.782090
44	23.509200	-164.799290
45	23.523370	-164.810810
46	23.537360	-164.832550
47	23.567430	-164.847030
48	23.600880	-164.834360
49	23.616190	-164.819810
50	23.622430	-164.801100
51	23.621480	-164.768400
52	23.631120	-164.738540
53	23.650580	-164.687890
54	23.663250	-164.624580
55	23.656440	-164.575820
56	23.642160	-164.551780

Table C-9 Nihoa Island Special Preservation Area

Point ID	Latitude	Longitude`
1	23.099610	-161.971310
2	23.100370	-161.970570
3	23.101120	-161.969810

4	23.101850	-161.969040
5	23.102580	-161.968250
6	23.103290	-161.967450
7	23.103990	-161.966630
8	23.104680	-161.965800
9	23.105350	-161.964950
10	23.106020	-161.964090
11	23.106670	-161.963220
12	23.107310	-161.962340
13	23.107930	-161.961440
14	23.108540	-161.960530
15	23.109140	-161.959610
16	23.109720	-161.958670
17	23.110290	-161.957730
18	23.110850	-161.956770
19	23.111390	-161.955800
20	23.111910	-161.954820
21	23.112420	-161.953830
22	23.112920	-161.952830
23	23.113400	-161.951820
24	23.113870	-161.950800
25	23.114320	-161.949770
26	23.114750	-161.948740
27	23.115170	-161.947690
28	23.115580	-161.946640
29	23.115970	-161.945570
30	23.116340	-161.944500
31	23.116700	-161.943420
32	23.117040	-161.942340
33	23.117360	-161.941250
34	23.117670	-161.940150
35	23.117960	-161.939050
36	23.118240	-161.937940
37	23.118500	-161.936820
38	23.118740	-161.935700
39	23.118970	-161.934580
40	23.119170	-161.933450
41	23.119370	-161.932320
42	23.119540	-161.931180
43	23.119700	-161.930040
44	23.119840	-161.928900
45	23.119960	-161.927750
46	23.120070	-161.926610
47	23.120160	-161.925460
48	23.120230	-161.924310
49	23.120290	-161.923150
50	23.120320	-161.922000
51	23.120350	-161.920850

52	23.120350	-161.919690
53	23.120340	-161.918540
54	23.120300	-161.917390
55	23.120260	-161.916240
56	23.120190	-161.915090
57	23.120110	-161.913940
58	23.120010	-161.912790
59	23.119890	-161.911640
60	23.119760	-161.910500
61	23.119610	-161.909360
62	23.119440	-161.908230
63	23.119250	-161.907090
64	23.119050	-161.905970
65	23.118830	-161.904840
66	23.118600	-161.903720
67	23.118350	-161.902610
68	23.118080	-161.901500
69	23.117790	-161.900400
70	23.117490	-161.899300
71	23.117170	-161.898210
72	23.116840	-161.897130
73	23.116490	-161.896050
74	23.116190	-161.895200
75	23.116120	-161.894980
76	23.115770	-161.894010
77	23.115740	-161.893920
78	23.115340	-161.892870
79	23.114930	-161.891820
80	23.114500	-161.890790
81	23.114050	-161.889760
82	23.113590	-161.888740
83	23.113110	-161.887740
84	23.112620	-161.886740
85	23.112120	-161.885750
86	23.111600	-161.884770
87	23.111070	-161.883810
88	23.110520	-161.882850
89	23.109950	-161.881910
90	23.109380	-161.880970
91	23.108780	-161.880050
92	23.108180	-161.879150
93	23.107560	-161.878250
94	23.106930	-161.877370
95	23.106280	-161.876500
96	23.105630	-161.875640
97	23.104950	-161.874800
98	23.104270	-161.873970
99	23.103580	-161.873160

100	23.102870	-161.872360
101	23.102150	-161.871570
102	23.101420	-161.870800
103	23.100670	-161.870040
104	23.099920	-161.869300
105	23.099160	-161.868580
106	23.098380	-161.867870
107	23.097960	-161.867500
108	23.097590	-161.867180
109	23.096790	-161.866500
110	23.095990	-161.865840
111	23.095170	-161.865200
112	23.094350	-161.864570
113	23.093510	-161.863960
114	23.092670	-161.863370
115	23.091810	-161.862790
116	23.090950	-161.862240
117	23.090080	-161.861700
118	23.089200	-161.861170
119	23.088320	-161.860670
120	23.087420	-161.860180
121	23.086530	-161.859720
122	23.085620	-161.859270
123	23.084700	-161.858840
124	23.083780	-161.858420
125	23.082860	-161.858030
126	23.081930	-161.857660
127	23.080990	-161.857300
128	23.080040	-161.856970
129	23.079100	-161.856650
130	23.078140	-161.856350
131	23.077190	-161.856080
132	23.076220	-161.855820
133	23.075260	-161.855580
134	23.074290	-161.855360
135	23.073320	-161.855160
136	23.072350	-161.854990
137	23.071370	-161.854830
138	23.070390	-161.854690
139	23.069410	-161.854570
140	23.068430	-161.854470
141	23.067440	-161.854390
142	23.066450	-161.854330
143	23.065470	-161.854290
144	23.064480	-161.854280
145	23.063490	-161.854280
146	23.062510	-161.854300
147	23.061520	-161.854340

148	23.060530	-161.854400
149	23.059550	-161.854490
150	23.058570	-161.854590
151	23.057580	-161.854710
152	23.056600	-161.854850
153	23.055630	-161.855020
154	23.054650	-161.855200
155	23.053670	-161.855400
156	23.052710	-161.855620
157	23.051740	-161.855860
158	23.050780	-161.856120
159	23.049820	-161.856410
160	23.048870	-161.856710
161	23.047910	-161.857030
162	23.046970	-161.857360
163	23.046030	-161.857720
164	23.045100	-161.858100
165	23.044170	-161.858500
166	23.043240	-161.858910
167	23.042330	-161.859350
168	23.041420	-161.859800
169	23.040510	-161.860270
170	23.039620	-161.860760
171	23.038730	-161.861260
172	23.037850	-161.861790
173	23.036980	-161.862330
174	23.036110	-161.862890
175	23.035250	-161.863470
176	23.034400	-161.864070
177	23.033570	-161.864680
178	23.032740	-161.865310
179	23.031910	-161.865960
180	23.031100	-161.866620
181	23.030310	-161.867300
182	23.029510	-161.868000
183	23.028730	-161.868710
184	23.027960	-161.869430
185	23.027200	-161.870180
186	23.026460	-161.870940
187	23.025720	-161.871710
188	23.025000	-161.872500
189	23.024280	-161.873300
190	23.023580	-161.874120
191	23.022900	-161.874950
192	23.022220	-161.875790
193	23.021560	-161.876650
194	23.020910	-161.877520
195	23.020270	-161.878410

196	23.019650	-161.879310
197	23.019030	-161.880220
198	23.018440	-161.881140
199	23.017860	-161.882070
200	23.017290	-161.883020
201	23.016730	-161.883980
202	23.016190	-161.884940
203	23.015670	-161.885920
204	23.015150	-161.886910
205	23.014660	-161.887910
206	23.014170	-161.888920
207	23.013710	-161.889940
208	23.013260	-161.890970
209	23.012820	-161.892010
210	23.012400	-161.893060
211	23.012000	-161.894110
212	23.011610	-161.895170
213	23.011230	-161.896240
214	23.010880	-161.897320
215	23.010540	-161.898410
216	23.010210	-161.899500
217	23.009900	-161.900590
218	23.009610	-161.901700
219	23.009340	-161.902810
220	23.009080	-161.903920
221	23.008840	-161.905040
222	23.008610	-161.906170
223	23.008400	-161.907300
224	23.008210	-161.908430
225	23.008160	-161.908750
226	23.008030	-161.909560
227	23.007880	-161.910700
228	23.007740	-161.911850
229	23.007610	-161.912990
230	23.007550	-161.913660
231	23.007510	-161.914140
232	23.007420	-161.915290
233	23.007340	-161.916440
234	23.007290	-161.917590
235	23.007250	-161.918740
236	23.007230	-161.919900
237	23.007230	-161.921050
238	23.007240	-161.922210
239	23.007270	-161.923360
240	23.007270	-161.923360
241	23.007320	-161.924510
242	23.007380	-161.925660
243	23.007470	-161.926810

244	23.007570	-161.927960
245	23.007680	-161.929100
246	23.007820	-161.930240
247	23.007970	-161.931380
248	23.008140	-161.932520
249	23.008320	-161.933650
250	23.008520	-161.934780
251	23.008740	-161.935900
252	23.008980	-161.937020
253	23.009230	-161.938140
254	23.009500	-161.939240
255	23.009780	-161.940350
256	23.010080	-161.941440
257	23.010400	-161.942530
258	23.010740	-161.943620
259	23.011090	-161.944690
260	23.011460	-161.945760
261	23.011840	-161.946820
262	23.012240	-161.947880
263	23.012650	-161.948920
264	23.013080	-161.949960
265	23.013520	-161.950980
266	23.013990	-161.952000
267	23.014460	-161.953010
268	23.014950	-161.954010
269	23.015460	-161.955000
270	23.015980	-161.955970
271	23.016510	-161.956940
272	23.017060	-161.957900
273	23.017620	-161.958840
274	23.018200	-161.959770
275	23.018790	-161.960690
276	23.019400	-161.961600
277	23.019480	-161.961720
278	23.019600	-161.961890
279	23.020010	-161.962500
280	23.020650	-161.963380
281	23.021290	-161.964250
282	23.021950	-161.965100
283	23.022620	-161.965950
284	23.023300	-161.966770
285	23.024000	-161.967590
286	23.024710	-161.968390
287	23.025430	-161.969170
288	23.026160	-161.969950
289	23.026900	-161.970700
290	23.027650	-161.971440
291	23.028420	-161.972170

292	23.029200	-161.972870
293	23.029980	-161.973570
294	23.030780	-161.974240
295	23.031590	-161.974900
296	23.032400	-161.975550
297	23.033230	-161.976170
298	23.034060	-161.976780
299	23.034910	-161.977380
300	23.035760	-161.977950
301	23.036620	-161.978510
302	23.037490	-161.979050
303	23.038370	-161.979570
304	23.039260	-161.980080
305	23.040150	-161.980560
306	23.041050	-161.981030
307	23.041960	-161.981480
308	23.042870	-161.981910
309	23.043790	-161.982320
310	23.044720	-161.982710
311	23.045650	-161.983090
312	23.046590	-161.983440
313	23.047530	-161.983780
314	23.048480	-161.984090
315	23.049430	-161.984390
316	23.050390	-161.984670
317	23.051350	-161.984930
318	23.052320	-161.985160
319	23.053290	-161.985380
320	23.054260	-161.985580
321	23.055230	-161.985760
322	23.056210	-161.985920
323	23.057190	-161.986060
324	23.058170	-161.986180
325	23.059150	-161.986280
326	23.060130	-161.986350
327	23.061120	-161.986410
328	23.062110	-161.986450
329	23.063090	-161.986470
330	23.064080	-161.986470
331	23.065070	-161.986450
332	23.066060	-161.986400
333	23.067040	-161.986340
334	23.068030	-161.986260
335	23.069010	-161.986160
336	23.069990	-161.986030
337	23.070970	-161.985890
338	23.071950	-161.985730
339	23.072930	-161.985550

340	23.073900	-161.985350
341	23.074870	-161.985120
342	23.075830	-161.984880
343	23.076800	-161.984620
344	23.077760	-161.984340
345	23.078710	-161.984040
346	23.079660	-161.983720
347	23.080610	-161.983380
348	23.081550	-161.983020
349	23.082480	-161.982650
350	23.083410	-161.982250
351	23.084330	-161.981830
352	23.085250	-161.981400
353	23.086160	-161.980950
354	23.087060	-161.980480
355	23.087960	-161.979990
356	23.088850	-161.979480
357	23.089730	-161.978960
358	23.090600	-161.978410
359	23.091470	-161.977850
360	23.092320	-161.977270
361	23.093170	-161.976680
362	23.094010	-161.976060
363	23.094840	-161.975430
364	23.095660	-161.974790
365	23.096470	-161.974130
366	23.097270	-161.973450
367	23.098060	-161.972750
368	23.098840	-161.972040

Midway Atoll Special Management Area Boundary Coordinates

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]

Point	Latitude	Longitude
1	27.997920	-177.312670
2	27.991240	-177.363420
3	27.992160	-177.417620
4	27.999620	-177.470820
5	28.015160	-177.518750
6	28.036610	-177.553930
7	28.068170	-177.594240
8	28.105720	-177.620360
9	28.148620	-177.643950
10	28.201340	-177.655070
11	28.214300	-177.656000
12	28.236740	-177.650280

13	28.258770	-177.651870
14	28.297350	-177.637040
15	28.316240	-177.625190
16	28.338040	-177.607680
17	28.369970	-177.595290
18	28.404180	-177.565440
19	28.436280	-177.526610
20	28.460440	-177.490130
21	28.475910	-177.445680
22	28.482310	-177.424090
23	28.484800	-177.378720
24	28.481280	-177.324120
25	28.464920	-177.265700
26	28.442740	-177.218650
27	28.412680	-177.172550
28	28.376800	-177.137820
29	28.332440	-177.115740
30	28.268790	-177.089450
31	28.214270	-177.087250
32	28.179270	-177.084890
33	28.156690	-177.093630
34	28.125950	-177.109140
35	28.097800	-177.124810
36	28.067810	-177.150600
37	28.039860	-177.186770
38	28.021050	-177.222070
39	28.005720	-177.264920
40	27.997920	-177.312670

[FR Doc. 06-5725

Filed 6-23-06; 8:45 am]

Billing code 3195-01-C

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Federal Register

**Tuesday,
March 6, 2007**

Part VI

The President

**Proclamation 8112—Amending
Proclamation 8031 of June 15, 2006, To
Read, “Establishment of the
Papahānaumokuākea Marine National
Monument”**

Title 3—

Proclamation 8112 of February 28, 2007

The President

Amending Proclamation 8031 of June 15, 2006, To Read, “Establishment of the Papahānaumokuākea Marine National Monument”

By the President of the United States of America

A Proclamation

WHEREAS Proclamation 8031 of June 15, 2006, established the Northwestern Hawaiian Islands Marine National Monument;

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do amend Proclamation 8031 for the purpose of giving the monument a Native Hawaiian name and making the following conforming changes and corrections;

Section 1. The title of Proclamation 8031 is amended to read, “Establishment of the Papahānaumokuākea Marine National Monument”.

Sec. 2. The phrase Northwestern Hawaiian Islands Marine National Monument is amended to read Papahānaumokuākea Marine National Monument, wherever it appears in Proclamation 8031.

Sec. 3. Under *Findings, Additional Findings for Native Hawaiian Practice Permits*, 2(e) is amended to read: *Any living monument resource harvested from the monument will be consumed or utilized in the monument.*

Sec. 4. The title of the map of the Monument accompanying Proclamation 8031 is amended to read, “Papahānaumokuākea Marine National Monument” and the word “Sanctuary” in the map is deleted wherever it appears and the word “Monument” is inserted in lieu thereof.



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APPENDIX D:
Monument Regulations

S6.1.4.1 Vehicles manufactured on or after September 1, 1998 and before September 1, 2007 are not required to comply with the requirements specified in S7.

S6.1.4.2 Vehicles manufactured on or after September 1, 2007 shall comply with the requirements specified in S7.

* * * * *

Issued on: August 22, 2006.

Nicole R. Nason,

Administrator.

[FR Doc. E6-14259 Filed 8-28-06; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 404

[Docket No. 060824225-6225-01]

RIN 0648-AU82

Northwestern Hawaiian Islands Marine National Monument

AGENCIES: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC); United States Fish and Wildlife Service (USFWS), Department of the Interior (DOI).

ACTION: Final rule.

SUMMARY: NOAA and the USFWS are issuing final regulations for the Northwestern Hawaiian Islands Marine National Monument. This action codifies the prohibitions and management measures set forth in Presidential Proclamation 8031 establishing the Monument. The rule is effective immediately.

DATES: *Effective date:* These regulations are effective August 25, 2006. Written comments on the information collection requirement must be received by October 30, 2006.

ADDRESSES: Submit written comments regarding the burden-hour estimates or other aspects of the information collection requirements contained in this proposed rule by e-mail to Diana Hynek at dHynek@noaa.gov.

Coordinates for the outer boundary of the Monument, the Special Preservation Areas, the Ecological Reserves, and the Midway Atoll Special Management Area can be found at: <http://hawaiireef.noaa.gov/management/>.

FOR FURTHER INFORMATION CONTACT: NOAA contact: T. Aulani Wilhelm, Monument Superintendent (NOAA); 6600 Kalaniana'ole Highway, #300, Honolulu, HI 96825; (808) 397-2657.

FWS contact: Barry Stieglitz, Monument Project Leader (USFWS); Hawaiian and Pacific Islands NWR Complex, 300 Ala Moana Boulevard, Box 50167, Honolulu, HI 96850-5000; 808-792-9540.

State of Hawaii contact: Athline Clark, Special Projects Manager, Department of Land and Natural Resources, Division of Aquatic Resources; 1151 Punchbowl Street, Room 330, Honolulu, HI 96813; (808) 587-0099.

SUPPLEMENTARY INFORMATION: On June 15, 2006, President Bush established the Northwestern Hawaiian Islands Marine National Monument by issuing Presidential Proclamation 8031 (71 FR 36443, June 26, 2006) under the authority of the Antiquities Act (Act) (16 U.S.C. 431). The Proclamation reserves all lands and interests in lands owned or controlled by the Government of the United States in the Northwestern Hawaiian Islands (NWHI), including emergent and submerged lands and waters, out to a distance of approximately 50 nautical miles (nmi) from the islands. The outer boundary of the Monument is approximately 100 nmi wide and extends approximately 1200 nmi around coral islands, seamounts, banks, and shoals. The area includes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge.

The Proclamation appropriated and withdrew the area from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including, but not limited to, withdrawal from location, entry, and patent under mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The Proclamation provides that the Secretary of Commerce, through NOAA, has primary responsibility regarding the management of the marine areas of the Monument, in consultation with the Secretary of the Interior. The Secretary of the Interior, through the USFWS, has sole responsibility for management of the areas of the Monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce. Further, the Proclamation

provides that nothing in the Proclamation diminishes or enlarges the jurisdiction of the State of Hawaii. The Monument includes state waters, including the Northwestern Hawaiian Islands State Marine Refuge and Kure Atoll Wildlife Sanctuary. The State currently holds the submerged and ceded lands of the NWHI in trust. This public trust is overseen by the Office of Hawaiian Affairs through an amendment to the Constitution of the State of Hawaii. The State of Hawaii has primary responsibility for managing the State waters of the Monument.

The three principal entities with responsibility for managing lands and waters of the Monument—NOAA, USFWS, and the State of Hawaii (collectively, the Co-Trustees)—are working cooperatively and will consult to administer the Monument. The Co-Trustees have established a goal to provide unified management in the spirit of cooperative conservation. This relationship will be further described in a Memorandum of Agreement among the Co-Trustees.

The Proclamation requires restrictions and prohibitions regarding activities in the Monument consistent with the authority provided by the Act. The Proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law. NOAA and USFWS are promulgating as final regulations the management measures and prohibitions set forth in the Proclamation to codify them in the Code of Federal Regulations. This action will provide additional notice to the public and other interested parties of the terms of the Proclamation and activities that are prohibited or regulated and thereby facilitate improved compliance. Interested parties may view Hawaii Administrative Rules also applicable within the Monument at http://www.hawaii.gov/dlnr/dar/fish_regs/nwhi.htm.

These regulations address the requirement in the Proclamation that the Secretaries shall ensure, in addition to other things, that commercial fishing for bottomfish and other associated pelagic species may continue in the Monument for no more than 5 years. Section 404.10 sets out the conditions under which such fishing may continue to be conducted. However, commercial fishing remains prohibited in areas of the Monument not open to such fishing prior to issuance of the Proclamation.

Classification

Administrative Procedure Act

The Secretaries find good cause to waive notice and comment on these regulations, pursuant to 5 U.S.C. 533(b)(B), and the 30-day delay in effective date pursuant to 5 U.S.C. 553(d). Notice and comment are unnecessary and contrary to the public interest because these regulations do not expand on the action already taken by the President in the Proclamation. The Proclamation became effective upon issuance on June 15, 2006. These regulations codify the prohibitions and management measures set forth in the Proclamation. Therefore, these regulations are being published as final

regulations and are effective August 25, 2006.

E.O. 12866

This rule has been determined to be significant for purposes of E.O. 12866.

Paperwork Reduction Act

This rule contains a collection-of-information requirement that was submitted to OMB for emergency approval under the Paperwork Reduction Act (PRA). The collection-of-information requirement was approved by OMB and granted OMB control number 0648-0548 which expires on February 28, 2007. We are now requesting comment on this information collection requirement for OMB's

subsequent review and approval on a non-emergency basis.

The public reporting burden for this information collection is described in the table below. The public reporting burden for permit applications and associated reporting requirements is estimated to average 1 hour per response. The public reporting burden for entry and exit notification is expected to average 15 minutes per response. The public reporting burden for VMS checklist certification is estimated to average 5 minutes per response. Each of these public reporting burdens includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

APPLICANT BURDEN

Permit type	Permits and other reporting per year	Responses per requirement	Total responses	Hours/response	Total hours	Annual record-keeping/reporting cost per response (dollar)	Total annual cost (dollar)
(a) General	33	3	99	1	99	1.00	99.00
(b) Special Ocean Use	5	3	15	24	360	1.00	15.00
(c) Native Hawaiian Practices.	2	2	4	4	16	1.00	4.00
(d) Recreation	2	3	6	1	6	1.00	6.00
(e) Entry & Exit Notice	174	2	348	5 minutes	29	0.00	0.00
(f) Purchase and installation of VMS.	50	NA	NA	4 hours	50	899 (initial cost: \$3595).	44,950.00
(g) VMS maintenance	50	NA	NA	4 hours	200	0	0
(h) VMS Certification	50	0.25	12.5	5 minutes	4	0.25	13.00
(i) Hourly VMS reports	50	3805	190,224	5 seconds	264	1.28/day	10,145.00
Total	124	190,709	1028	55,232.00

Note: VMS installation and activation hours and purchase costs are annualized by dividing by 4 years, the expected service life.

Public comment is sought regarding: whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230, or via e-mail at dHynek@noaa.gov.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject

to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 404

Administrative practice and procedure, Coastal zone, Fish, Fisheries, Historic preservation, Intergovernmental relations, Marine resources, Monuments and memorials, Natural resources, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Dated: August 24, 2006.

Conrad C. Lautenbacher Jr.,
Vice Admiral, U.S. Navy (Ret.),
Undersecretary of Commerce for Oceans and Atmosphere.

Dated: August 24, 2006.

David M. Verhey,
Acting Assistant Secretary for Fish and Wildlife and Parks.

■ Accordingly, NOAA and USFWS add part 404, title 50 of the Code of Federal Regulations as follows:

PART 404—NORTHWESTERN HAWAIIAN ISLANDS MARINE NATIONAL MONUMENT

- Sec.
- 404.1 Scope and purpose.
- 404.2 Boundary.
- 404.3 Definitions.
- 404.4 Access to the Monument.
- 404.5 Requirements for a vessel monitoring system.
- 404.6 Prohibited activities.
- 404.7 Regulated activities.
- 404.8 Emergencies and law enforcement activities.
- 404.9 Armed Forces actions.
- 404.10 Commercial fishing.
- 404.11 Permitting procedures and criteria.
- 404.12 International law.
- Appendix A to Part 404—Map of the Monument Outer Boundary and Ecological Reserves, Special Preservation Areas, and Midway Atoll Special Management Area
- Appendix B to Part 404—Approved Vessel Monitoring Systems

Authority: 16 U.S.C. 431 *et seq.*; 16 U.S.C. 460k-3; 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 742f, 16 U.S.C. 742l, and 16 U.S.C. 668dd-

ee; 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 1531 *et seq.*, Pub. L. No. 106–513, § 6(g) (2000).

§ 404.1 Scope and purpose.

The regulations in this part codify the provisions of Presidential Proclamation 8031, and govern the administration of the Northwestern Hawaiian Islands Marine National Monument. These regulations are jointly implemented by the Secretaries of the Interior, through the U.S. Fish and Wildlife Service (USFWS), and Commerce, through the National Oceanic and Atmospheric Administration (NOAA). Nothing in these regulations shall be deemed to diminish or enlarge the jurisdiction of the State of Hawaii.

§ 404.2 Boundary.

The Northwestern Hawaiian Islands Marine National Monument consists of all lands and interest in lands owned or controlled by the Government of the United States within the boundaries of the Monument, including emergent and submerged lands and waters of the Northwestern Hawaiian Islands. The map in Appendix A to this part 404 depicts the outer boundary of the Monument, which consists of the geodetic lines connecting the coordinates specified in the Proclamation.

§ 404.3 Definitions.

The following definitions are applicable only to this Part.

Attract or Attracting means luring or attempting to lure a living resource by any means, except the mere presence of human beings (e.g., swimmers, divers, boaters).

Bottomfish Species means Bottomfish management unit species as defined at 50 CFR 665.12.

Commercial Bottomfishing means commercial fishing for bottomfish species.

Commercial passenger vessel means a vessel that carries individuals who have paid for such carriage.

Commercial pelagic trolling means commercial fishing for pelagic species.

Deserting a vessel means:

(1) Leaving a vessel aground or adrift:
(i) Without notifying the Secretaries of the vessel going aground or adrift within 12 hours of its discovery and developing and presenting to the Secretaries a preliminary salvage plan within 24 hours of such notification;

(ii) After expressing or manifesting intention to not undertake or to cease salvage efforts; or

(iii) When the Secretaries are unable, after reasonable efforts, to reach the owner/operator within 12 hours of the vessel's condition being reported to authorities.

(2) Leaving a vessel at anchor when its condition creates potential for a grounding, discharge, or deposit and the owner/operator fails to secure the vessel in a timely manner.

Ecological Reserve means the areas of the Monument, identified in the Proclamation, consisting of contiguous, diverse habitats that provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life, and also to protect and preserve natural assemblages of habitats and species within areas representing a broad diversity of resources and habitats found within the Monument. Specific coordinates for Ecological Reserves within the Monument are found in the Proclamation, and the Ecological Reserves consist of the areas within the geodetic lines connecting these coordinates. The Ecological Reserves are depicted on the map in Appendix A to part 404.

Ecological integrity means a condition determined to be characteristic of an ecosystem that has the ability to maintain the function, structure, and abundance of natural biological communities, including rates of change in response to natural environmental variation.

Fishing year means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31.

Introduced Species means:

(1) A species (including, but not limited to, any of its biological matter capable of propagation) that is non-native to the ecosystem(s) protected by the Monument; or

(2) Any organism into which genetic matter from another species has been transferred in order that the host organism acquires the genetic traits of the transferred genes.

Landing means offloading fish from a fishing vessel or causing fish to be offloaded from a fishing vessel.

Midway Atoll Special Management Area means the area of the Monument surrounding Midway Atoll out to a distance of 12 nautical miles, established for the enhanced management, protection, and preservation of Monument wildlife and historical resources. The geographic coordinates of this area, which consists of the area within the geodetic lines connecting these coordinates, are found in the Proclamation. The Midway Atoll Special Management Area is depicted on the map in Appendix A to part 404.

Mobile transceiver unit means a vessel monitoring system or VMS device, as described in Appendix E to this Part, installed on board a vessel that is used

for vessel monitoring and transmitting the vessel's position as required by this Part.

Monument means the Northwestern Hawaiian Islands Marine National Monument.

Native Hawaiian Practices means cultural activities conducted for the purposes of perpetuating traditional knowledge, caring for and protecting the environment and strengthening cultural and spiritual connections to the Northwestern Hawaiian Islands that have demonstrable benefits to the Native Hawaiian community. This may include, but is not limited to, the non-commercial use of Monument resources for direct personal consumption while in the Monument.

Ocean-based ecotourism means a class of fee-for-service activities that involves visiting the Monument for study, enjoyment, or volunteer assistance for purposes of conservation and management.

Office for Law Enforcement (OLE) refers to NOAA, National Marine Fisheries Service, Office for Law Enforcement.

Pelagic Species means Pacific Pelagic Management Unit Species as defined at 50 CFR 665.12.

Pono means appropriate, correct, and deemed necessary by traditional standards in the Hawaiian culture.

Proclamation means Presidential Proclamation 8031, dated June 15, 2006 (71 FR 36443).

Recreational activity means an activity conducted for personal enjoyment that does not result in the extraction of Monument resources and that does not involve a fee-for-service transaction. This includes, but is not limited to, wildlife viewing, SCUBA diving, snorkeling, and boating.

Secretaries means the Secretary of Commerce and the Secretary of the Interior or their designees.

Special Preservation Area (SPA) means discrete, biologically important areas of the Monument, identified in the Proclamation, within which uses are subject to conditions, restrictions, and prohibitions, including but not limited to access restrictions. SPAs are used to avoid concentrations of uses that could result in declines in species populations or habitat, to reduce conflicts between uses, to protect areas that are critical for sustaining important marine species or habitats, or to provide opportunities for scientific research. Specific coordinates for Special Preservation Areas within the Monument are found in the Proclamation, and the Special Preservation Areas consist of the areas within the geodetic lines connecting these coordinates. The Special

Preservation Areas are depicted on the map in Appendix A to part 404.

Special ocean use means an activity or use of the Monument that is engaged in to generate revenue or profits for one or more of the persons associated with the activity or use, and does not destroy, cause the loss of, or injure Monument resources. This includes ocean-based ecotourism and other activities such as educational and research activities that are engaged in to generate revenue, but does not include commercial fishing for bottomfish or pelagic species conducted pursuant to a valid permit issued by NOAA.

Stowed and not available for immediate use means not readily accessible for immediate use, e.g., by being securely covered and lashed to a deck or bulkhead, tied down, unbaited, unloaded, or partially disassembled (such as spear shafts being kept separate from spear guns).

Sustenance fishing means fishing for bottomfish or pelagic species in which all catch is consumed within the Monument, and that is incidental to an activity permitted under this part.

Vessel monitoring system or VMS means a vessel monitoring system or mobile transceiver unit as described in § 404.5 and approved by Office for Law Enforcement for use on vessels permitted to access the Monument, as required by this Part.

§ 404.4 Access to the Monument.

(a) Entering the Monument is prohibited and thus unlawful except:

- (1) As provided in §§ 404.8 and 404.9;
- (2) Pursuant to a permit issued under §§ 404.10 or 404.11; or

(3) When conducting passage without interruption in accordance with paragraph (b) of this section.

(b) Any person passing through the Monument without interruption is subject to the prohibitions in §§ 404.5, 404.6, and 404.7 and must provide notification prior to entering and after leaving the Monument. Notification of entry must be provided at least 72 hours, but no longer than 1 month, prior to the entry date. Notification of departure from the Monument must be provided within 12 hours of leaving. Notification under this paragraph may be made via e-mail, telephone or fax by contacting:

(1) E-mail: nwhi.notifications@commat.noaa.gov;

or

(2) Telephone: 1-866-478-NWHI (6944); or (808) 395-NWHI (6944).

(c) A person providing notice under this paragraph must provide the following information, as applicable:

(1) Position when making report.

(2) Vessel name and International Maritime Organization identification number.

(3) Name, address, and telephone number of owner and operator.

(4) USCG documentation, state license, or registration number.

(5) Home port.

(6) Intended and actual route through the Monument.

(7) General categories of any hazardous cargo on board.

(8) Length of vessel and propulsion type (e.g., motor or sail).

§ 404.5 Requirements for a vessel monitoring system.

(a) *Requirement for use.* Effective August 28, 2006, an owner or operator of a vessel that has been issued a permit for accessing the Monument must ensure that such vessel has an OLE-approved, operating VMS on board when voyaging within the Monument. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and OLE as provided by an OLE-approved communication service provider. Appendix B to this part 404 provides information regarding OLE-approved transmitting units.

(b) *Installing and activating the VMS.* Only a VMS that has been approved by OLE may be used. When installing and activating the OLE-approved VMS, or when reinstalling and reactivating such VMS, the vessel owner or operator must:

(1) Follow procedures indicated on an installation and activation checklist, which is available from OLE; and

(2) Submit to OLE a statement certifying compliance with the checklist, as prescribed on the checklist.

(c) *Interference with the VMS.* No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.

(d) *Interruption of operation of the VMS.* When a vessel's VMS is not operating properly, the owner or operator must immediately contact OLE, and follow instructions from that office. If notified by OLE that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by OLE the vessel's positions or returning to port until the VMS is operable.

(e) *Access to position data.* As a condition of authorized access to the Monument, a vessel owner or operator subject to the requirements for a VMS in this section must allow OLE, the USCG,

and their authorized officers and designees access to the vessel's position data obtained from the VMS. Consistent with other applicable laws, including the limitations on access to, and use of, VMS data collected under the Magnuson-Stevens Fishery Conservation and Management Act, the Secretaries may have access to, and use of, collected data for scientific, statistical, and management purposes.

(f) *Authority for installation and operation.* OLE has authority over the installation and operation of the VMS unit. OLE may authorize the connection or order the disconnection of additional equipment, including a computer, to any VMS unit when deemed appropriate by OLE.

(g) *Activities Regarding Vessel Monitoring Systems.* Effective August 28, 2006, the following activities regarding vessel monitoring systems are prohibited and thus unlawful for any person to conduct or cause to be conducted:

(1) Operating any vessel within the Monument without an OLE type-approved mobile transceiver unit described in this section;

(2) Failing to install, activate, repair, or replace a mobile transceiver unit prior to leaving port;

(3) Failing to operate and maintain a mobile transceiver unit on board the vessel at all times as specified in this section;

(4) Tampering with, damaging, destroying, altering, or in any way distorting, rendering useless, inoperative, ineffective, or inaccurate the VMS, mobile transceiver unit, or VMS signal required to be installed on or transmitted by a vessel as specified in this section;

(5) Failing to contact OLE or follow OLE instructions when automatic position reporting has been interrupted as specified in this section;

(6) Registering a VMS or mobile transceiver unit to more than one vessel at the same time;

(7) Connecting or leaving connected additional equipment to a VMS unit or mobile transceiver unit without the prior approval of OLE; and

(8) Making a false statement, oral or written, to an authorized officer regarding the installation, use, operation, or maintenance of a VMS unit or mobile transceiver unit or communication service provider.

§ 404.6 Prohibited activities.

The following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted:

(a) Exploring for, developing, or producing oil, gas, or minerals within the Monument;

(b) Using or attempting to use poisons, electrical charges, or explosives in the collection or harvest of a Monument resource;

(c) Introducing or otherwise releasing an introduced species from within or into the Monument; and

(d) Anchoring on or having a vessel anchored on any living or dead coral with an anchor, anchor chain, or anchor rope.

§ 404.7 Regulated activities.

Except as provided in §§ 404.8, 404.9 and 404.10, the following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted within the Monument without a valid permit as provided for in § 404.11:

(a) Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging; or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving Monument resource;

(b) Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands;

(c) Anchoring a vessel;

(d) Deserting a vessel aground, at anchor, or adrift;

(e) Discharging or depositing any material or other matter into Special Preservation Areas or the Midway Atoll Special Management Area except vessel engine cooling water, weather deck runoff, and vessel engine exhaust;

(f) Discharging or depositing any material or other matter into the Monument, or discharging or depositing any material or other matter outside the Monument that subsequently enters the Monument and injures any resources of the Monument, except fish parts (i.e., chumming material or bait) used in and during authorized fishing operations, or discharges incidental to vessel use such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust;

(g) Touching coral, living or dead;

(h) Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument;

(i) Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or the Midway Atoll Special Management Area; and

(j) Attracting any living Monument resource.

§ 404.8 Emergencies and law enforcement activities.

The prohibitions in this part do not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for law enforcement purposes.

§ 404.9 Armed Forces actions.

(a) The prohibitions in this part do not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard) that are consistent with applicable laws.

(b) These regulations shall not limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

(c) All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on Monument resources and qualities.

(d) In the event of threatened or actual destruction of, loss of, or injury to a Monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the Monument resource or quality.

§ 404.10 Commercial fishing.

(a) *Lobster fishing.* Any commercial lobster fishing permit is subject to a zero annual harvest limit condition.

(b) *Fishing and bottomfish and pelagic species.* (1) Notwithstanding the prohibitions in § 404.7(a) and (h), commercial fishing for bottomfish and associated pelagic species may continue within the Monument subject to paragraph (c) of this section, until June 15, 2011, provided that:

(i) The fishing is conducted in accordance with a valid commercial bottomfish permit issued by NOAA; and

(ii) Such permit was in effect on June 15, 2006, and is subsequently renewed pursuant to NOAA regulations at 50 CFR part 665, subpart E as necessary.

(2) Total landings for each fishing year from fishing allowed under paragraph (b)(1) of this section may not exceed the following amounts:

(i) 350,000 pounds for bottomfish species; and

(ii) 180,000 pounds for pelagic species.

(3) Commercial fishing for bottomfish and associated pelagic species is prohibited in the Monument after June 15, 2011.

(c) *General requirements.* Any commercial fishing within the Monument shall be conducted in accordance with the following restrictions and conditions:

(1) A valid permit or facsimile of a valid permit shall be on board the fishing vessel and available for inspection by an authorized officer;

(2) No attempt is made to falsify or fail to make, keep, maintain, or submit any logbook or logbook form or other required record or report.

(3) Only gear specifically authorized by the relevant permit issued under the Magnuson-Stevens Fishery Conservation and Management Act is allowed to be in the possession of a person conducting commercial fishing under this section;

(4) Any person conducting commercial fishing notifies the Secretaries by telephone, facsimile, or electronic mail at least 72 hours before entering the Monument and within 12 hours after leaving the Monument in accordance with § 404.4(b) and (c);

(5) All fishing vessels must carry an activated and functioning VMS unit on board at all times whenever the vessel is in the Monument;

(6) All fishing vessels must carry an observer when requested to do so by the Secretaries;

(7) The activity does not take place within any Ecological Reserve, any Special Preservation Area, or the Midway Atoll Special Management Area.

§ 404.11 Permitting procedures and criteria.

(a) *Issuance.* Subject to such terms and conditions as the Secretaries deem appropriate, a person may conduct an activity prohibited by § 404.7 if such activity is specifically authorized by a permit issued under this section.

(b) *Application requirements.* Applicants for permits under this section shall submit applications to: Northwestern Hawaiian Islands Marine National Monument, 6600 Kalanianaʻole Highway, Suite 300, Honolulu, HI 96825.

(c) *Permit Types.* A permit under this subpart may be issued if the Secretaries find that the activity:

(1) Is research designed to further understanding of Monument resources and qualities;

(2) Will further the educational value of the Monument;

(3) Will assist in the conservation and management of the Monument;

(4) Will allow Native Hawaiian practices subject to paragraph (e) of this section;

(5) Will allow a special ocean use subject to paragraph (f) of this section; or

(6) Will allow recreational activities subject to paragraph (g) of this section.

(d) *Findings.* A permit may not be issued under this section unless the Secretaries find:

(1) The activity can be conducted with adequate safeguards for the resources and ecological integrity of the Monument;

(2) The activity will be conducted in a manner compatible with the purposes of the Proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument resources, qualities, and ecological integrity, any indirect, secondary or cumulative effects of the activity, and the duration of such effects;

(3) There is no practicable alternative to conducting the activity within the Monument;

(4) The end value of the activity outweighs its adverse impacts on Monument resources, qualities, and ecological integrity;

(5) The duration of the activity is no longer than necessary to achieve its stated purpose;

(6) The applicant is qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;

(7) The applicant has adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;

(8) The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument resources, qualities, and ecological integrity;

(9) The applicant's vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of § 404.5; and

(10) There are no other factors that would make the issuance of a permit for the activity inappropriate.

(e) *Additional findings for Native Hawaiian practice permits.* In addition to the findings listed in paragraph (d) of this section, a permit to allow Native Hawaiian practices under paragraph (c)(4) of this section, may not be issued unless:

(1) The activity is non-commercial and will not involve the sale of any organism or material collected;

(2) The purpose and intent of the activity are appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (*pono*), and demonstrate an understanding of, and background in, the traditional practice, and its associated values and protocols;

(3) The activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community;

(4) The activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands; and

(5) Any Monument resource harvested from the Monument will be consumed in the Monument.

(f) *Additional findings, criteria, and requirements for special ocean use permits.* (1) In addition to the findings listed in paragraph (d) of this section, the following requirements apply to the issuance of a permit for a special ocean use under paragraph (c)(5) of this section:

(i) Any permit for a special ocean use issued under this section:

(ii) Shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the Monument is designated and with protection of Monument resources;

(A) Shall not authorize the conduct of any activity for a period of more than 5 years unless renewed;

(B) Shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure Monument resources; and

(iii) Shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims;

(iv) Each person issued a permit for a special ocean use under this section shall submit an annual report to the Secretaries not later than December 31 of each year which describes activities conducted under that permit and revenues derived from such activities during the year.

(2) In addition to the findings listed in paragraph (d) of this section, a permit may not be issued for a special ocean use unless the activity has been determined to be consistent with the findings made pursuant to paragraph (f) of this section.

(3) Categories of special ocean use being permitted for the first time under this section will be restricted in duration and permitted as a special ocean use pilot project. Subsequent permits for any category of special

ocean use may only be issued if a special ocean use pilot project for that category meets the requirements of this section, and any terms and conditions placed on the permit for the pilot project.

(4) Public notice shall be provided prior to requiring a special ocean use permit for any category of activity not previously identified as a special ocean use.

(5) The following requirements apply to permits for a special ocean use for an activity within the Midway Atoll Special Management Area.

(i) A permit for a special ocean use for activities within the Midway Atoll Special Management Area may be issued provided:

(A) The activity furthers the conservation and management of the Monument; and

(B) The Director of the United States Fish and Wildlife Service or his or her designee has determined that the activity is compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated.

(ii) As part of a permit issued pursuant to this paragraph (f)(5), vessels may be allowed to transit the Monument as necessary to enter the Midway Atoll Special Management Area.

(6) A permit for a special ocean use for activities outside the Midway Atoll Special Management Area may be issued provided:

(i) The activity will directly benefit the conservation and management of the Monument;

(ii) The purpose of the activity is for research or education related to the resources or qualities of the Monument;

(iii) Public notice of the application and an opportunity to provide comments is given at least 30 days prior to issuing the permit; and

(iv) The activity does not involve the use of a commercial passenger vessel.

(g) *Additional findings for recreation permits.* A permit for recreational activities under paragraph (c)(6) of this section may be issued for activities to be conducted within the Midway Atoll Special Management area if, in addition to the findings listed in paragraph (d) of this section:

(1) The activity is for the purpose of recreation as defined in section 404.3;

(2) The activity is not associated with any for-hire operation; and

(3) The activity does not involve any extractive use.

(h) *Sustenance fishing.* Sustenance fishing, as defined in 404.3, may be allowed outside of any Special Preservation Area as a term or condition of any permit issued under this part. Sustenance fishing in the Midway Atoll

Special Management Area shall not be allowed unless the activity has been determined by the Director of the U.S. Fish and Wildlife Service or his or her designee to be compatible with the purposes for which the Midway Atoll National Wildlife Refuge was established. Sustenance fishing must be conducted in a manner compatible with the Proclamation and this part, including considering the extent to which the conduct of the activity may

diminish Monument resources, qualities, and ecological integrity, as well as any indirect, secondary, or cumulative effects of the activity and the duration of such effects. Sustenance fishing is subject to systematic reporting requirements when developed by the Secretaries.

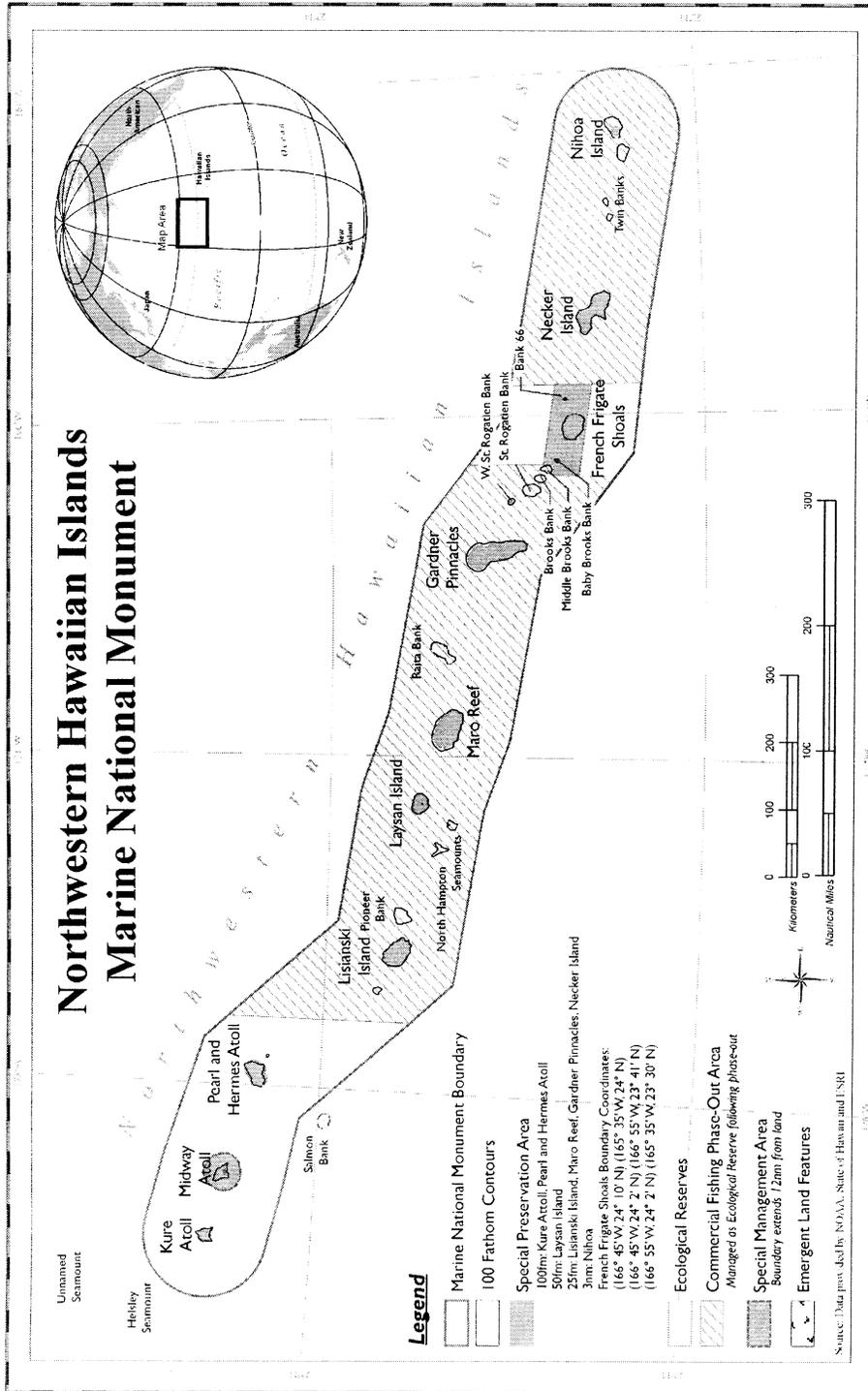
§ 404.12 International law.

These regulations shall be applied in accordance with international law. No restrictions shall apply to or be enforced

against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

Appendix A to Part 404—Map of the Monument Outer Boundary and Ecological Reserves, Special Preservation Areas, and Midway Atoll Special Management Area

BILLING CODE 3510-NK-P



BILLING CODE 3510-NK-C

Appendix B to Part 404—Approved VMS

I. VMS Mobile Transceiver Unit

Thrane & Thrane Sailor 3026D Gold VMS

The Thrane & Thrane Sailor 3026D Gold VMS (TT-3026D) has been found to meet the minimum technical requirements for vessels issued permits to operate in the Northwestern Hawaiian Islands Marine National Monument. The address for the Thrane & Thrane distributor contact is provided in this notice under the heading VMS Provider Address.

The TT-3026D Gold VMS features an integrated GPS/Inmarsat-C unit and a marine grade monitor with keyboard and integrated mouse. The unit is factory pre-configured for NMFS VMS operations (non-Global Maritime Distress & Safety System (non-GMDSS)). Satellite commissioning services are provided by Thrane & Thrane personnel.

Automatic GPS position reporting starts after transceiver installation and power activation onboard the vessel. The unit is an integrated transceiver/antenna/GPS design using a floating 10 to 32 VDC power supply. The unit is configured for automatic reduced position transmissions when the vessel is stationary (i.e., in port). It allows for port stays without power drain or power shut down. The unit restarts normal position transmission automatically when the vessel goes to sea.

The TT-3026D provides operation down to +/- 15 degree angles. The unit has the capability of two-way communications to send formatted forms and to receive e-mail and other messages. A configuration option is available to automatically send position reports to a private address, such as a fleet management company.

A vessel owner may purchase this system by contacting the entity identified in this notice under the heading "VMS Provider Address". The owner should identify himself or herself as a vessel owner issued a permit to operate in the Northwestern Hawaiian Islands Marine National Monument, so the transceiver set can be properly configured. To use the TT-3026D the vessel owner will need to establish an Inmarsat-C system use contract with an approved Inmarsat-C communications service provider. The owner will be required to complete the Inmarsat-C "Registration for Service Activation for Maritime Mobile Earth Station." The owner should consult with Thrane & Thrane when completing this form.

Thrane & Thrane personnel will perform the following services before shipment: (1) Configure the transceiver according to OLE specifications for vessels issued permits to operate in the Northwestern Hawaiian Islands Marine National Monument; (2) download the predetermined NMFS position

reporting and broadcast command identification numbers into the unit; (3) test the unit to ensure operation when installation has been completed on the vessel; and (4) forward the Inmarsat service provider and the transceiver identifying information to OLE.

II. Inmarsat-C Communications Providers

It is recommended, for vendor warranty and customer service purposes, that the vessel owner keep for his or her records and that Telenor and Xantic have on record the following identifying information: (1) Signed and dated receipts and contracts; (2) transceiver serial number; (3) Telenor or Xantic customer number, user name and password; (4) e-mail address of transceiver; (5) Inmarsat identification number; (6) owner name; (7) vessel name; (8) vessel documentation or registration number; and (9) mobile earth station license (FCC license).

The OLE will provide an installation and activation checklist that the vessel owner must follow. The vessel owner must sign a statement on the checklist certifying compliance with the installation procedures and return the checklist to OLE. Installation can be performed by an experienced crew or by an electronics specialist, and the installation cost is paid by the owner.

The owner may confirm the TT-3026D operation and communications service to ensure that position reports are automatically sent to and received by OLE before leaving on a trip under VMS. The OLE does not regard the vessel as meeting requirements until position reports are automatically received. For confirmation purposes, contact the NOAA Fisheries Office for Law Enforcement, 8484 Georgia Ave., Suite 415, Silver Spring, MD 20910, phone 888-219-9228, fax 301-427-0049.

Telenor Satellite Services

Inmarsat-C is a store-and-forward data messaging service. Inmarsat-C allows users to send and receive information virtually anywhere in the world, on land, at sea, and in the air. Inmarsat-C supports a wide variety of applications including Internet, e-mail, position and weather reporting, a free daily news service, and remote equipment monitoring and control. Mariners can use Inmarsat-C free of charge to send critical safety at sea messages as part of the U.S. Coast Guard's Automated Mutual-Assistance Vessel Rescue system and of the NOAA Shipboard Environmental Acquisition System programs. Telenor Vessel Monitoring System Services is being sold through Thrane & Thrane, Inc. For the Thrane & Thrane and Telenor addresses, look inside this notice under the heading "VMS Provider Address".

Xantic

Xantic is a provider of Vessel Monitoring Services to the maritime industry. By

installing an approved OLE Inmarsat-C transceiver on the vessel, vessels can send and receive e-mail, to and from land, while the transceiver automatically sends vessel position reports to OLE, and is fully compliant with the International Coast Guard Search and Rescue Centers. Xantic Vessel Monitoring System Services are being sold through Thrane & Thrane, Inc. For the Thrane & Thrane and Xantic addresses, look in this notice under the heading "VMS Provider Address".

For Telenor and Xantic, Thrane & Thrane customer service supports the security and privacy of vessel accounts and messages with the following: (a) Password authentication for vessel owners or agents and for OLE to prevent unauthorized changes or inquiries; and (b) separation of private messages from OLE messages. (OLE requires VMS-related position reports, only.)

Billing is separated between accounts for the vessel owner and the OLE. VMS position reports and vessel-initiated messaging are paid for by the vessel owner. Messaging initiated from OLE operations center is paid for by NOAA.

Thrane & Thrane provides customer service for Telenor and Xantic users to support and establish two-way transmission of transceiver unit configuration commands between the transceiver and land-based control centers. This supports OLE's message needs and, optionally, the crew's private message needs.

The vessel owner can configure automatic position reports to be sent to a private address, such as to a fleet management company.

Vessel owners wishing to use Telenor or Xantic services will need to purchase an Inmarsat-C transceiver approved for vessels issued permits to operate in the Northwestern Hawaiian Islands Marine National Monument. The owner will need to complete an Inmarsat-C system use contract with Telenor or Xantic, including a mobile earth station license (FCC requirement). The transceiver will need to be commissioned with Inmarsat according to Telenor or Xantic's instructions. The owner should refer to and follow the configuration, installation, and service activation procedures for the specific transceiver purchased.

III. VMS Provider Address

For TT-3026D, Telenor, or Xantic information, contact Ronald Lockerby, Marine Products, Thrane & Thrane, Inc., 509 Viking Drive, Suite K, L & M, Virginia Beach, VA 23452; voice: 757-463-9557; fax: 757-463-9581, e-mail: rdl@tt.dk.com; Web site: <http://www.landseasystems.com>.

[FR Doc. 06-7235 Filed 8-25-06; 12:24 pm]

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Corrections

Federal Register

Vol. 71, No. 173

Thursday, September 7, 2006

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 404

[Docket No. 060824225–6225–01]

RIN 0648–AU82

Northwestern Hawaiian Islands Marine National Monument

Correction

In rule document 06–7235 beginning on page 51134 in the issue of Tuesday,

August 29, 2006, make the following correction:

§ 404.4 [Corrected]

On page 51137, in the first column, in § 404.4(b)(1), in the second line, “*nwhi.notifications@commat;noaa.gov*” should read “*nwhi.notifications@noaa.gov*”.

[FR Doc. C6–7235 Filed 9–6–06; 8:45 am]

BILLING CODE 1505–01–D

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(3) * * *

(i) *Possession and use of required mitigation gear.* The equipment listed in paragraph (c)(5)(i) of this section must be carried on board and must be used to handle, release, and disentangle hooked or entangled sea turtles, prohibited sharks, or smalltooth sawfish in accordance with requirements specified in paragraph (d)(3)(ii) of this section.

(ii) *Handling and release requirements.* Sea turtle bycatch mitigation gear, as required by paragraph (d)(3)(i) of this section, must be used to disengage any hooked or entangled sea turtles as stated in paragraph (c)(5)(ii) of this section. This mitigation gear should also be employed to disengage any hooked or entangled species of prohibited sharks as listed in Category (D) of Table 1 of Appendix A of this part. If a smalltooth sawfish is caught, the fish should be kept in the water while maintaining water flow over the gills and examined for research tags and the line should be cut as close to the hook as possible. Dehooking devices should not be used to release smalltooth sawfish.

* * * * *

■ 5. In § 635.71, paragraph (a)(33) is revised as follows:

§ 635.71 Prohibitions.

* * * * *

(a) * * *

(33) Deploy or fish with any fishing gear from a vessel with pelagic or bottom longline gear on board without carrying the required sea turtle bycatch mitigation gear, as specified at § 635.21(c)(5)(i) for pelagic longline gear and § 635.21(d)(3)(i) for bottom longline gear. This equipment must be utilized in accordance with § 635.21(c)(5)(ii) and (d)(3)(ii) for pelagic and bottom longline gear, respectively.

* * * * *

[FR Doc. E7-2011 Filed 2-6-07; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 404

[Docket No. 060824225-6031-02]

RIN 0648-AU82

Northwestern Hawaiian Islands Marine National Monument; Correction

AGENCIES: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC); United States Fish and Wildlife Service (USFWS), Department of the Interior (DOI).

ACTION: Final rule; correcting amendment.

SUMMARY: NOAA and the USFWS published final regulations for the Northwestern Hawaiian Islands Marine National Monument (Monument) on August 29, 2006. The preamble and regulatory text of that notice contained errors pertaining to the electronic mail address for submitting comments on the information collection requirements of that rule, the reference to the dimensions of the outer boundary of the Monument, and the numbering sequence for one paragraph. This final rule corrects those errors. This rule makes no substantive change to the regulations.

DATES: This correction is effective February 7, 2007.

SUPPLEMENTARY INFORMATION: Regulations published by NOAA and the USFWS on August 29, 2006 to codify the prohibitions and management measures set forth in Presidential Proclamation 8031 (71 FR 36443, June 26, 2006) establishing the Monument, contained an error in the instructions for submitting comments on the information collection requirements of the final rule via electronic mail, the reference to the dimensions of the Monument's outer boundary, and the numbering sequence for one paragraph.

The first error appeared in the first sentence of the **ADDRESSES** section of the notice. Here the notice incorrectly refers to a "proposed rule" and provides the incorrect e-mail address. That sentence should read "Submit written comments regarding the burden-hour estimates or other aspects of the information collection requirements contained in this final rule by e-mail to Diana Hynek at *dHynek@doc.gov*." The incorrect e-

mail address also appeared in the **SUPPLEMENTARY INFORMATION** section of the notice in the first column on page 51135 below the table. The e-mail address should read *dHynek@doc.gov*.

The second error is in the third sentence of the first paragraph of the **SUPPLEMENTARY INFORMATION** section of the notice, where dimensions for the outer boundary of the Monument were given. The dimensions are for the Monument, not the outer boundary. Therefore, this sentence should read "The Monument is approximately 100 nmi wide and extends approximately 1200 nmi around coral islands, seamounts, banks, and shoals."

The regulatory text of that rule also contained an error in the numbering sequence for one paragraph. Paragraph 404.11(f)(1)(ii) should have been designated as paragraph 404.11(f)(1)(i)(A). Paragraphs 404.11(f)(1)(ii)(A) and (B) and paragraph 404.11(f)(1)(iii) should have been numbered paragraphs 404.11(f)(1)(i)(B) through (D), respectively. Paragraph 404.11(f)(1)(iv) should have been designated as paragraph 404.11(f)(1)(ii). This final rule makes these corrections. The substance of the regulations remains unchanged.

Classification

Administrative Procedure Act

The Secretaries find good cause to waive notice and comment on this correction, pursuant to 5 U.S.C. 533(b)(B), and the 30-day delay in effective date pursuant to 5 U.S.C. 553(d). Notice and comment are unnecessary because this correction is a minor, technical change in an e-mail address and the numbering of the regulations as well as elimination of erroneous references to the notice as a proposed rule and the dimensions of the Monument's outer boundary. The substance of the regulations remains unchanged. Therefore, this correction is being published as a final regulation and is effective February 7, 2007.

E.O. 12866

This rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 404

Administrative practice and procedure, Coastal zone, Fish, Fisheries, Historic preservation, Intergovernmental relations, Marine resources, Monuments and memorials, Natural resources, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Dated: November 16, 2006.

Conrad C. Lautenbacher Jr.,

Undersecretary of Commerce for Oceans and Atmosphere.

Dated: January 5, 2007.

David M. Verhey,

Acting Assistant Secretary for Fish and Wildlife and Parks.

■ Accordingly, NOAA and USFWS correct 50 CFR part 404 as follows:

PART 404—NORTHWESTERN HAWAIIAN ISLANDS MARINE NATIONAL MONUMENT

■ 1. The authority citation for 50 CFR part 404 continues to read as follows:

Authority: 16 U.S.C. 431 *et seq.*; 16 U.S.C. 460k-3; 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 742f; 16 U.S.C. 742l; and 16 U.S.C. 668dd-ee; 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 1531 *et seq.*; Pub. L. No. 106-513, § 6(g) (2000).

■ 2. In § 404.11, paragraph (f)(1) is revised to read as follows:

§ 404.11 Permitting procedures and criteria.

* * * * *

(f) *Additional findings, criteria, and requirements for special ocean use permits.*

(1) In addition to the findings listed in paragraph (d) of this section, the following requirements apply to the issuance of a permit for a special ocean use under paragraph (c)(5) of this section:

(i) Any permit for a special ocean use issued under this section:

(A) Shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the Monument is designated and with protection of Monument resources;

(B) Shall not authorize the conduct of any activity for a period of more than 5 years unless renewed;

(C) Shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure Monument resources; and

(D) Shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims;

(ii) Each person issued a permit for a special ocean use under this section shall submit an annual report to the Secretaries not later than December 31 of each year which describes activities conducted under that permit and revenues derived from such activities during the year.

* * * * *

[FR Doc. 07-545 Filed 2-6-07; 8:45 am]

BILLING CODE 3510-NK-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 061124307-7013-02; I.D. 112106A]

RIN 0648-AT65

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: On January 30, 2007, NMFS published a final rule implementing 2007 specifications and management measures for Atlantic mackerel, squid, and butterfish (MSB) and modifying existing management measures. The preamble to the final rule contains Table 1 announcing the specifications for Atlantic mackerel, squid, and butterfish fisheries for the 2007 fishing year. Table 2 of the preamble to the final rule announces the trimester allocation of the *Loligo* squid quota in 2007. The headings to both tables inadvertently indicated that the specifications and allocation for 2007 were “proposed” rather than “final”. This document corrects those errors.

DATES: Effective March 1, 2007.

FOR FURTHER INFORMATION CONTACT: Carrie Nordeen, Fishery Policy Analyst, 978-281-9272, fax 978-281-9135.

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery

Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) appear at 50 CFR part 648, subpart B, and regulations governing foreign fishing appear at 50 CFR part 600, subpart F. The final rule published on January 30, 2007 (72 FR 4211) fulfilled NMFS regulatory requirements at §§ 648.21 and 600.516(c) based on the maximum optimum yield (Max OY) of each fishery as established by the regulations, annually specify the amounts of the initial optimum yield (IOY), allowable biological catch (ABC), domestic annual harvest (DAH), and domestic annual processing (DAP), as well as, where applicable, the amounts for total allowable level of foreign fishing (TALFF) and joint venture processing (JVP) for the affected species managed under the FMP. The final specifications for 2007 were identified in Table 1 of the preamble to the final rule. However, the heading to Table 1 inadvertently indicated that the specifications were “proposed” rather than “final”. This document corrects the heading for Table 1 appearing on page 4212 (FR Doc. E7-1445) of the preamble contained in the January 30, 2007 **Federal Register** document. The remainder of Table 1 is republished in its entirety for the public’s convenience.

The final rule published January 30, 2007 (72 FR 4213) also identified the distribution of the trimester allocation of *Loligo* squid quota for the 2007 fishing year. However, the heading to Table 2 inadvertently indicated that the trimester allocation was “proposed” rather than “final”. This document corrects the heading for Table 2 appearing on page 4213 (FR Doc. E7-1445) of the preamble contained in the January 30, 2007 **Federal Register** final rule document. The remainder of Table 2 is republished in its entirety for the public’s convenience.

Correction

Accordingly, the final rule published on January 30, 2007, at 72 FR 4211 (FR Doc. E7-1445), to be effective March 1, 2007, is corrected as follows:

1. On page 4212, Table 1, title heading is corrected and the table text is republished to read as follows:

APPENDIX E:
Monument Memorandum of Agreement

MEMORANDUM OF AGREEMENT

AMONG THE

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

AND THE

U.S. DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

AND THE

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FOR

PROMOTING COORDINATED MANAGEMENT OF THE
NORTHWESTERN HAWAIIAN ISLANDS MARINE NATIONAL MONUMENT



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I. BACKGROUND

- A. The President established the Northwestern Hawaiian Islands Marine National Monument (Monument) on June 15, 2006, to protect the scientific and historic resources of the Northwestern Hawaiian Islands (NWHI). The purposes and management regime for the Monument, as well as restrictions and prohibitions regarding activities in the Monument, are set forth in Presidential Proclamation 8031 (71 FR 36443, June 26, 2006).
- B. The Monument encompasses a vast and remote chain of islands that is a part of the Hawaiian Archipelago and provides habitat for numerous species found nowhere else on earth. These islands represent a nearly pristine ecosystem where habitats upon which marine species depend include both land and water. This area represents the majority of the coral reefs found within the United States' jurisdiction and supports more than 7,000 marine species, of which at least one quarter are unique to the Hawaiian Islands chain. This diverse ecosystem is home to many species of coral, fish, birds, marine mammals, and other flora and fauna, including the endangered Hawaiian monk seal, the threatened green sea turtle, and the endangered leatherback and hawksbill sea turtles. Like the coral reefs, the islets are home to many plant and animal species found nowhere else in the world, including four endangered land birds, an endangered seabird, and 12 endangered plants. In addition, millions of central Pacific seabirds congregate on these islands to breed. The area is rich in history and represents a place of great cultural significance to Native Hawaiians. It is an area that must be carefully managed to ensure that the resources are not diminished for future generations. The Hawaiian Islands are also the most remote archipelago in the world. This isolation has resulted in the opportunity and need for integrated resource management of this vast and exceptional environment.
- C. The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), has primary responsibility regarding the management of the marine areas of the Monument, in consultation with the Secretary of the Interior. The Secretary of the Interior, through the United States Fish and Wildlife Service (USFWS), has sole responsibility for the areas of the Monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce. Nothing in the Proclamation diminishes or enlarges the jurisdiction of the State of Hawai'i. The State of Hawai'i has primary responsibility for managing the State waters of the Monument. The State of Hawai'i through the Department of Land and Natural Resources has primary responsibility for the Kure Atoll portion of the Hawai'i State Seabird Sanctuary. The State of Hawai'i holds the State submerged and ceded lands of the NWHI in trust. The Department of Land and Natural Resources (DLNR) will collaborate with the Office of Hawaiian Affairs (OHA) in the perpetuation of Hawaiian cultural resources in the Monument, including the customary and traditional rights and practices of Native Hawaiians exercised for subsistence, cultural, and religious purposes under the Constitution of the State of Hawai'i, Article XII, Section 7.

- D. The areas subject to this Agreement are the lands and waters within the Monument. The Monument includes all lands and interest in lands owned or controlled by the Government of the United States in the NWHI, including emergent and submerged lands, and waters out to a distance of approximately 50 nautical miles from the islands. The Monument extends approximately 1200 nautical miles across coral islands, seamounts, banks, and shoals. The Monument includes a portion of State of Hawai'i waters, including the Northwestern Hawaiian Islands State Marine Refuge and the Kure Atoll portion of the Hawai'i State Seabird Sanctuary. The Monument also includes Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial, Hawaiian Islands National Wildlife Refuge, and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve.
- E. The United States and the State of Hawai'i recognize the importance of the Monument's healthy coral reef, marine, and terrestrial ecosystems to the cultural, economic, and biological future of the State of Hawai'i and the Nation as a whole. Both recognize that a well managed terrestrial and marine environment in the NWHI is necessary to maintain the health and vigor of rare and protected species such as Hawaiian monk seals, sea turtles, seabirds, land birds, and plants, as well as to protect the other vital components of the ecosystem. The parties are collectively charged with protecting, conserving, and enhancing fish, plant, and wildlife habitats, including coral reefs and other marine and terrestrial resources in the NWHI. In order to protect the unique resources of these remote islands, the parties will manage the Monument in a manner that is free from exploitation and degradation due to human activities.

II. PARTIES, PURPOSE AND SCOPE

- A. The Parties to this agreement are the State of Hawai'i, the U.S. Department of the Interior (DOI), and the U.S. Department of Commerce (DOC) (hereinafter collectively referred to as the Co-Trustees). This Memorandum of Agreement (Agreement) constitutes an agreement among the Co-Trustees to carry out coordinated resource management for the long-term comprehensive conservation and protection of the Monument.
- B. This Agreement establishes functional relationships to effectively coordinate management actions in this area among the Co-Trustees. This Agreement also provides the general terms and conditions under which the Co-Trustees will cooperate and manage the resources of the Monument.
- C. This Agreement also establishes objectives and responsibilities necessary for coordinated management activities in the Monument and is intended to provide the framework for long-term comprehensive protection of the Monument. The Co-Trustees will focus on coordinating planning efforts, management priorities, and field operations in the Monument.

- D. The Co-Trustees will undertake coordinated, integrated management and protection that will result in comprehensive conservation of the ecosystems of the Monument in perpetuity. The Co-Trustees recognize that the Monument is also a place of special cultural significance for Native Hawaiians, which provides a unique opportunity to manage marine resources in a manner that honors the rich heritage of the Native Hawaiian culture. The Monument also is a place of more recent historical significance, including the Battle of Midway.
- E. Monument Vision, Mission, and Guiding Principles:
1. The Monument vision is that the health, diversity, and resources of the vast NWHI ecosystems and the wildlife they support – unique in the world – be protected forever.
 2. The Monument mission is to carry out seamless integrated management to achieve strong, long-term protection and perpetuation of NWHI ecosystems, Native Hawaiian traditional and customary cultural and religious practices, and heritage resources for current and future generations.
 3. The Monument guiding principles are to manage the Monument in a manner that, consistent with applicable law:
 - is consistent with the vision and mission;
 - recognizes that the resources of the NWHI are administered by the Co-Trustees for the benefit of present and future generations;
 - affirms that the NWHI and its wildlife are important, unique, and irreplaceable;
 - honors the significance of the region for Native Hawaiians;
 - honors the historic importance of the region;
 - incorporates best practices, scientific principles, traditional knowledge, and an adaptive management approach;
 - errs on the side of resource protection when there is uncertainty regarding impacts of an activity;
 - enhances public appreciation of the unique character and environment of the NWHI;
 - authorizes only uses consistent with Presidential Proclamation 8031 and other applicable laws;
 - coordinates with federal, state, and local governments; Native Hawaiians; relevant organizations; and the public; and
 - carries out effective outreach, monitoring, and enforcement to promote compliance.

III. REFERENCES AND AUTHORITIES

The Co-Trustees are authorized to enter into this Agreement under various authorities most relevant to coordinated management, including:

- A. Antiquities Act, 16 U.S.C. § 431, *et seq.*;
- B. Proclamation 8031 of June 15, 2006, 71 FR 36443 (June 26, 2006);
- C. Northwestern Hawaiian Islands Marine National Monument codifying regulations, 50 CFR Part 404 (2006);
- D. State of Hawai'i Organic Act of April 30, 1900, c339, 31 Stat. 141 Section 2; and Hawai'i Admission Act of March 18, 1959, Pub. L. 86-3, 73 Stat. 4 Section 2;
- E. Constitution of the State of Hawai'i, Article XI, Sections 1, 2, 6, and 9; and Article XII, Section 7;
- F. Title 12, Chapter 171, Section 171-3, Chapter 183D, Section 183D-8, Chapter 187A, Section 187A-8, Chapter 188, Sections 188-37 and 188-53, Chapter 195D, Section 195D-5, and Chapter 199, Section 199-3, Hawai'i Revised Statutes; and Title 13, Chapter 60.5 and Chapter 125 Hawai'i Administrative Rules;
- G. National Marine Sanctuaries Amendments Act of 2000, Pub. L. 106-513 §6(g) (2000);
- H. Endangered Species Act of 1973, as amended, 16 U.S.C. § 1531, *et seq.*;
- I. Marine Mammal Protection Act of 1972, 16 U.S.C. § 1361, *et seq.*;
- J. Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801, *et seq.*;
- K. National Wildlife Refuge System Administration Act of 1966, as amended, 16 U.S.C. §§ 668dd-ee;
- L. Refuge Recreation Act, 16 U.S.C. § 460k-3;
- M. Fish and Wildlife Act of 1956, 16 U.S.C. § 742f;
- N. Fish and Wildlife Improvement Act of 1978, 16 U.S.C. § 742l;

IV. MONUMENT MANAGEMENT OFFICIALS AND RESPONSIBILITIES

- A. Senior Executive Board (SEB): The Co-Trustees hereby establish the SEB.
1. The SEB shall provide policy guidance to their respective agency staff assigned to carry-out Monument management activities.
 2. Responsible Officials: SEB Membership will consist of an appropriate senior level designee from each of the following (Co-Trustees will notify each other of appointed designee and upon change of designee):
 - a. State of Hawai'i Department of Land and Natural Resources
 - b. U.S. Department of the Interior
 - c. U.S. Department of Commerce
 3. The SEB shall be responsible for the following activities through the Monument Management Board (MMB):
 - a. Develop a management plan for ensuring the coordinated management of the coral reef ecosystems and related marine resources, terrestrial resources, and cultural and historic resources of the Monument, consistent with Proclamation 8031 and other applicable laws and regulations. To develop the management plan, the SEB shall modify, as appropriate, the plan developed by NOAA's National Marine Sanctuary Program through the public sanctuary designation process and provide for public review of that plan. The management plan should also maximize the efficient use of financial and human capital. Further, the SEB shall regularly review the implementation of the management plan and adjust the management framework as appropriate, consistent with applicable laws and policies.
 - b. Provide access and support for enforcement purposes, share enforcement resources and data, as appropriate, and develop joint enforcement capabilities as needed to ensure compliance with applicable State and Federal laws. Enforcement support may involve assistance from additional agencies such as the U.S. Coast Guard.
 - c. Coordinate research and monitoring efforts to better understand and address major threats to Monument resources. Initiate joint resource assessment, monitoring, and research activities including, but not limited to, population studies, species inventories and assessments, impacts from derelict fishing gear, and documentation of historic and cultural resources. Provide opportunities to participate in research activities initiated by each Co-Trustee, as appropriate. Coordinate research, including permits required for management activities that further the recovery of threatened or endangered species and protect and/or restore biodiversity within the Monument.

- d. Develop a mechanism to access scientific and resource data, as needed, and, consistent with applicable law, a protocol to ensure the necessary confidentiality of certain information, such as fisheries data and the location of heritage resources.
 - e. Provide support to identify locations of cultural and religious significance and for noncommercial Native Hawaiian practices, which may benefit the resources of the Monument and the Native Hawaiian community. Develop a protocol to protect sensitive, culturally significant, and religious locations while allowing permitted access.
 - f. Manage recreational, educational, and commercial activities that may take place within the Monument consistent with Proclamation 8031.
 - g. Identify and facilitate, as appropriate, coordination, consultation, and partnership opportunities regarding Monument management activities among Federal, State, and local governments, Native Hawaiians, the private sector, foreign governments, international organizations, and any other public or private persons or entities.
 - h. Facilitate opportunities to participate in and collaborate on educational activities and projects between and among the Co-Trustees.
 - i. Develop interagency agreements, grants, memoranda of understanding, or other appropriate instruments that allow for ease in sharing resources, including funds as appropriate, and a sharing of in-kind assistance and support such as the sharing of vessel time, aircraft missions, or other logistical support as a means of facilitating cooperative project opportunities. These more detailed agreements on specific issues will be signed at an appropriate level.
 - j. Ensure appropriate monitoring of activities within the Monument. Develop a coordinated response program to assess and address human induced or natural threats to Monument resources.
 - k. Enhance coordination by jointly issuing permits required for activities allowed under Presidential Proclamation 8031.
- B. Monument Management Board (MMB): The Co-Trustees hereby establish the MMB.
- 1. The MMB will promote coordinated management of the Monument at the field level.

2. Responsible Officials: MMB membership will consist of appropriate designees from the following entities (Co-Trustees will notify each other of appointed designee and upon change of designee):
 - a. State of Hawai'i, Department of Land and Natural Resources, Division of Aquatic Resources, Honolulu, HI
 - b. State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife, Honolulu, HI
 - c. U.S. Fish and Wildlife Service, National Wildlife Refuge System, Honolulu, HI
 - d. U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, Honolulu, HI
 - e. National Oceanic and Atmospheric Administration, National Marine Sanctuary Program, Honolulu, HI
 - f. National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Honolulu, HI
 - g. State of Hawai'i, Office of Hawaiian Affairs, Honolulu, HI
 3. The Monument Management Board shall implement the activities set forth in Section IV.A.3.
 4. Whenever appropriate and practicable, the MMB will coordinate and consult with representatives of the U.S. Coast Guard, which provides enforcement support pertaining to laws and regulations regarding marine resources in the area.
- C. Interagency Coordinating Committee (ICC): The Co-Trustees hereby authorize the MMB to establish an Interagency Coordinating Committee (ICC) to assist in the implementation of Monument management activities set forth in Section IV.A.3. The MMB will request the participation of other Federal and State agencies to establish the ICC as it determines to be appropriate and necessary to seek additional input, or as subject to needs that may arise.

V. PERIOD OF AGREEMENT, MODIFICATION, OR TERMINATION

- A. This Agreement becomes effective when all Co-Trustees sign it. The Co-Trustees shall review this Agreement at least every year to determine whether it should be modified or terminated.
- B. The Co-Trustees may modify this Agreement by written amendment only and with the concurrence of all Co-Trustees.
- C. The Co-Trustees may terminate this Agreement by mutual written consent. Any Co-Trustee may terminate its participation in this Agreement by giving the other Co-Trustees six months advance written notice.

VI. DISPUTE RESOLUTION

If the members of the MMB disagree on an issue of Monument resource management, they shall present their differences to each other in writing, and they shall discuss them. The MMB should be the first body to attempt resolution of any disagreement. If the MMB fails to resolve their differences within 30 days after identification of the disagreement, or immediately upon determination that the MMB has reached an impasse, the matter shall be elevated to the SEB for resolution.

VII. OTHER PROVISIONS

- A. Nothing in this Agreement shall be construed to conflict with applicable laws, or otherwise diminish authorities otherwise vested in the Secretaries of Commerce and Interior under federal law or the State of Hawai'i under state law. Any such conflicting term shall be invalid, but the remainder of the Agreement shall remain in effect. If a term is invalid, the Co-Trustees shall immediately review the Agreement to decide what should be done in light of the invalid term, e.g., amend or terminate the Agreement.
- B. This Agreement serves as the foundation for the entering into other agreements among the Co-Trustees and with agencies and other entities, as appropriate, and at a level appropriate to such agreement. Such agreements may be for the purpose of, among other things, the pursuit of research or training, supplementation of enforcement support or enter into cooperative enforcement agreements, data sharing, or increasing management capacity in the Monument. All such agreements shall be coordinated with the other Co-Trustees and may become annexes to this Agreement.
- C. The Co-Trustees intend to enter into an appropriate enforcement agreement to enhance enforcement of the Proclamation and implementing regulations. In the interim, pursuant to the authority of 16 U.S.C. 7421 (b) and Title 12, Chapter 199, Section 199-3, Hawai'i Revised Statutes, NOAA and FWS and the State of Hawai'i each hereby authorize the other to use without reimbursement their respective personnel, services and facilities to enforce the provisions of all applicable Federal and State laws within the boundaries of the Monument.
- D. This Agreement defines in general terms the basis on which the Co-Trustees will cooperate, and as such, does not constitute a financial obligation or an authorization for particular expenditures. Expenditures of funds, human resources, equipment, supplies, facilities, training, public information, and technical expertise are generally intended to be provided by each signatory Co-Trustee to the extent that their participation is required and resources are available.
- E. Nothing in this agreement is intended to require the expenditure of funds in excess or advance of applicable appropriations. This Agreement is not a fiscal or funds obligation document. Any activities involving reimbursement or contribution of funds between Co-Trustees to this Agreement will be handled in accordance with

applicable laws, regulations, and procedures. Such activities will be documented in separate agreements, which will identify the specific projects between the Co-Trustees in appropriate detail. Such separate agreements should also reference this Agreement.

STATE OF HAWAII


LINDA LINGLE
Governor
State of Hawaii

Date: December 8, 2006

U.S. DEPARTMENT OF THE INTERIOR


DIRK KEMPTHORNE
Secretary
United States Department of the Interior

Date: December 8, 2006

U.S. DEPARTMENT OF COMMERCE


CARLOS M. GUTIERREZ
Secretary of Commerce

Date: December 8, 2006

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APPENDIX F:
Operational Protocols and
Best Management Practices

Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment Papahānaumokuākea Marine National Monument¹

I. Equipment and Dive Gear Disinfection

Equipment and gear is treated according to three levels that correspond to the potential for the spread of disease and/or introduced species.

General points applicable to all the levels and acceptable disinfection solutions are listed in D.

A. Level One: Equipment in direct contact with diseased coral tissue or other diseased organisms

- Equipment: includes, but is not limited to, gloves, chisels, forceps, drill bits, shears, clippers, and spear tips.
- Multiple sets of equipment: Use a disinfected set of equipment for diseased coral colonies and another disinfected set of equipment for non-diseased coral colonies at each dive site.
- Disinfect between sites: Use a disinfected set of equipment at each dive site. Disinfect equipment by soaking for a minimum of ten minutes in an acceptable disinfection solution (see acceptable disinfection solutions listed below).

Non-porous equipment (e.g. forceps, chisels): Use wipes in which the active ingredient is quaternary ammonium chloride compounds (QACs) (e.g., Clorox or Lysol® wipes) to remove organic matter. Follow wiping by soaking for a minimum of ten minutes in a disinfectant solution.

Porous equipment and dive gear (e.g. gloves, nylon mesh bags): Manually remove any organic matter, and soak for a minimum of 10 minutes in an acceptable disinfectant solution.

- Secure all samples: Seal all samples in bags or jars under water and place sample bags and jars in secure holding container.

B. Level Two: Benthic equipment not used to sample diseased coral tissue or other diseased organisms

- Benthic equipment: includes equipment that may contact the benthos such as reels, tape measures, goodie bags, transect lines, etc.
- Disinfect between sites: Use a disinfected set of equipment at each dive site.

¹ This protocol and a companion document, “Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment Papahānaumokuākea Marine National Monument,” were accepted at the April 9, 2007 Monument Management Board Meeting.

- Disinfect equipment: achieved by soaking for a minimum of ten minutes in a disinfection solution (see acceptable disinfection solutions listed below).

Non-porous equipment must be wiped and/or soaked. If wiping, use wipes in which the active ingredient is QACs. An accepted wipe is Clorox or Lysol® wipes. If soaking, soak for a minimum of ten minutes in an acceptable disinfectant solution.

Porous equipment must be soaked for a minimum of ten minutes in an acceptable disinfectant solution.

C. Third Level: All dive gear used in the Monument

- Dive gear includes any wetsuit, mask, fin, snorkel, BC, regulator, weight belt, booties, etc.
- Disinfect dive gear daily (if used). Inspect all dive gear and remove any organic matter. Disinfect by submerging for a minimum of ten minutes in an acceptable disinfection solution, followed by a thorough fresh water rinse, and hanging to dry.

D. General points applicable to all three levels

- Disinfect any equipment and gear at least daily if used. Also, only disinfected equipment and gear may be transported either direction between Papahānaumokuākea and the main Hawaiian islands.
- Dispose of organic matter and used solution according to the ship's solid waste disposal or other approved secure holding system.
- Acceptable Disinfection Solutions:
 1. 3% dilution of commercial bleach (e.g. Clorox or other 5-6% sodium hypochlorite product) in fresh water;
 2. the manufacturer's recommended disinfection strength dilution of quaternary ammonium compounds in "soft" (low concentration of calcium or magnesium ions) fresh water. An example of an acceptable QAC solution is Lysol® All Purpose Cleaner in a 6.6% Lysol in water dilution.

II. Cleaning Tender Vessels

- At least daily (if tender vessel if used), inspect for and remove any algal fragments or other organisms (dispose of organic matter and used solution according to the ship's solid waste disposal or other approved secure holding system).
- Rinse tender vessel internal and external surfaces with fresh water between islands, including during transits in either direction between Papahānaumokuākea and the main Hawaiian islands.
- Allow tender vessel to dry before redeployment.

III. Disinfection of Shipboard Wet Laboratory

- At least daily (if lab is used), disinfect entire laboratory, including sinks, countertops, walls, doors, and floors.
- Acceptable Disinfection Solutions and Wipes:

1. 3% dilution of commercial bleach (e.g. Clorox or other 5-6% sodium hypochlorite product) in fresh water;
 2. the manufacturer's recommended disinfection strength dilution of quaternary ammonium compounds in "soft" (low concentration of calcium or magnesium ions) fresh water. An example of an acceptable QAC solution is Lysol® All Purpose Cleaner in a 6.6% Lysol in water dilution. Also, commercially available wipes containing QACs (e.g. Clorox®, Lysol®) are acceptable; and
 3. 70-80% ethanol.
- Dispose of all materials generated during cleaning according to the ship's solid disposal or other secure holding system.
 - The laboratory must be clean between islands, including during transits in either direction between Papahānaumokuākea and the main Hawaiian islands.

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**Papahānaumokuākea Marine National Monument
Special Conditions & Rules
For
Moving Between Islands & Atolls
And
Packing For Field Camps**

June 2007

The islands and atolls of the Papahānaumokuākea Marine National Monument (Monument) and the Hawaiian Islands National Wildlife Refuge are special places providing habitat for many rare, endemic plants and animals. Many of these species are formally listed as Endangered under the Endangered Species Act. Endemic plants and insects, and the predators they support, are especially vulnerable to the introduction of competing or consuming species. Such introductions may cause the extinction of island and reef endemics, or even the destruction of entire island or reef ecological communities. Notable local examples include: the introduction of rabbits to Laysan Island in 1902 which caused the extinction of numerous plant and insect species, and 3 endemic landbird species; the introduction of rats to many Pacific Islands causing the elimination of many burrowing seabird colonies; the introduction of the annual grass, sandbur, to Laysan Island where it has crowded out native bunch grass thus, eliminating nesting habitat for the Endangered Laysan finch; and, the introduction and proliferation of numerous ant species throughout the Pacific Islands to the widespread detriment of endemic plant and insect species.

Several of the islands within the Monument are especially pristine, and as a result are rich in rare and special plants and animals. Nihoa Island has at least 17 endemic and rare insect species, 5 Endangered plants and 2 Endangered birds. Necker Island has Endangered plants and 11 endemic insects. Laysan Island has Endangered plants, 9 endemic arthropods and the Endangered Laysan finch and Laysan duck. Other islands in the Monument such as Lisianski, and islets in Atolls such as Pearl and Hermes Reef and French Frigate Shoals provide homes for a variety of endemic and/or endangered species and require special protection from alien species.

Other Pacific Island such as Kure and the “high islands” (Oahu, Hawaii, Maui, Kauai, etc.) as well as, certain islands within Midway Atoll, Pearl and Hermes Reef and French Frigate Shoals have plants and/or animals that are of high risk for introduction to the relatively pristine islands discussed above. Of special concerns are snakes, rats, cats, dogs, ants and a variety of other insect and plant species. Harmful plant species of highest concern that we know of are *Verbesina encelioides*, *Cenchrus echinatus*, and *Setaria verticillata*.

The Co-trustees are responsible for the management and protection of the islands, reefs and wildlife of the Monument. No one is permitted to set foot within the Monument without the express permission of the Co-trustees through the permitting process. Because of the above concerns, the following restrictions on the movement of personnel and materials throughout the Monument exist.

The Following Conditions and Rules apply to the all islands within the Monument with the exception of those at French Frigate Shoals and Midway Atoll:

Definitions:

“new” means off the shelf and never used anywhere but the island in question.

“clothing” is all apparel , shoes, socks, over and under garments.

"soft gear" is all gear such as daypacks, fannypacks, packing foam or similar material, camera bags, camera/binocular straps, microphone covers, nets, holding or weighing bags, bedding, tents, luggage, or any fabric, fiber, paper or material capable of harboring seeds or insects.

1. Any personnel who will be landing boats, and staying within the boats, at any island should have clean clothes and shoes.
2. Any personnel going ashore at any island and moving inshore from the immediate area in which waves are breaking, or beyond the intertidal area, at the time of landing must have new footwear, new or island specific clothes and new or island specific soft gear. All must be frozen for at least 48 hours prior to landing.
3. Any personnel entering any vegetated area, regardless of how sparse the vegetation, must have new footwear, new clothes and new soft gear all frozen for at least 48 hours prior to landing.
4. To avoid transport of seeds from within small boats the following protocol should be followed. For islands with safe or sandy landing conditions, one should keep quarantine shoes/socks inside quarantine containers until the island is reached. One should go ashore bare foot, and then don the quarantine shoes. Non quarantine shoes should be removed in the small boat, put into a bucket or some kind of sealed container, and left enclosed in that container until the person departs the island. The sealed container, if clean on the outside, may go ashore, but should not be opened ashore. For landings which are rocky, rough, and relatively unsafe (such as Necker and Nihoa) for safety reasons, quarantine shoes should be donned when inside the small boats, but care should be taken to look for seeds and insects which may be in the small boat.
5. Soft gear may not be moved between islands. Hard gear must be thoroughly cleaned and frozen for at least 48 hours between islands.
6. During transit, clothing and gear coming off Kure, Midway, or any islet of French Frigate Shoals must be carefully sequestered to avoid contamination of gear bound for cleaner islands. Special care must be taken to avoid contaminating gear storage areas and quarters aboard transporting vessels with seeds or insects from these islands.
7. Regardless of origin or destination, inspect and clean all equipment, supplies, etc., just prior to any trip to the Monument. Carefully clean all clothing, footwear and softgear following use to minimize risk of cross contamination of materials between islands.
8. Pack supplies in plastic buckets with fitted lids or other sealable metal or plastic containers since they can be thoroughly cleaned inside and out. **Cardboard is not permitted on islands.** Cardboard boxes disintegrate in a short time and harbor seeds, animals, etc., which cannot be easily found or removed. **Wood is not permitted unless sealed (painted or varnished) on all surfaces and frozen for 48 hours.**

Wooden boxes can also harbor insects and seeds and therefore are only allowed if well constructed (tight fitting seams are required). All wood must be treated, and inside and outside surfaces must be painted or varnished to provide a smooth, cleanable finish that seals all holes.
9. Freeze or tarp and fumigate then seal all equipment (clothes, books, tents, everything) just prior to departure. Food and cooking items need not be fumigated but should be cleaned and frozen, if freezable. Cameras, binoculars, radios, and other electronic equipment must be thoroughly cleaned, including internal inspection whenever possible, but do not need to be frozen or

fumigated. Such equipment can only be packed in wooden crates if treated as in #2 above. Any containers must contain new, clean packing materials and be frozen or fumigated.

10. At present, Tern Island is the singular exception to the above rule, having less stringent rules due to the large number of previously established alien species. Careful inspection of all materials and containers is still required. However, it is acceptable to use wooden and cardboard containers for transporting supplies to Tern Island. Also, there is no requirement for freezing or fumigating items disembarked at Tern. Although requirements for Tern Island are more lax, the Refuge is still concerned about the possibilities of new introductions. Do not wear clothing to Tern Island that has been worn at Pearl and Hermes, Midway Atoll or Kure Atoll.

Additional Special Conditions for Travel to Nihoa and Necker (Mokumanamana) Islands:

Nihoa and Necker are the most pristine locations in the Monument. Nihoa is home to the highest number of federally listed endangered species in the Monument. Many areas of these small rugged islands are inaccessible. Introduction of any alien species could have disastrous results in a very short time. It would be almost impossible to mount any kind of control or eradication program on these islands should an alien species become established. Because of these reasons, access to Nihoa and Necker are strictly limited, and rules governing entry are more stringent.

1. Access to Nihoa and Necker by permittees will only be allowed under the accompaniment and supervision of a U.S. Fish and Wildlife Service (USFWS) Representative. The representative, who shall be appointed by the U.S. Fish and Wildlife Service Monument Manager will work with permittees to assure careful compliance with all rules for inspection, handling and preparation of equipment. The USFWS Representative will have the authority to control and limit access to various parts of the island to protect animals, plants and archaeological sites, especially endangered species. The USFWS Representative will have the authority to disallow access to the island, or order an immediate departure from the island if conditions for working on the island are not met or are violated in some way.
2. All field equipment made out of fabric material or wood must be new, and never previously used in the Northwestern or main Hawaiian Islands. Equipment previously purchased or made for use on Nihoa and Necker that has been carefully sealed and stored while away from Nihoa and Necker, and not used elsewhere, may also be brought onto the island. Rules for freezing and/or fumigating are as described for other sites in the Monument (see above).
3. Clothing, footwear (shoes, slippers, socks, etc.), daypacks (soft gear) must be new, unused, or previously only used on Nihoa (or Necker) and carefully sealed and stored while off of the island. Hard gear such as camera, and equipment must be thoroughly cleaned and inspected.

Additional Special Conditions for Travel Within Pearl and Hermes Atoll:

In recent years *Verbesina encelioides* has been introduced to Southeast Island within Pearl and Hermes Atoll. This noxious weed has taken over a large portion of the island. To prevent the further spread of this weed to the other islets within this atoll the following precaution must be taken:

1. Every person should have one set of quarantine gear and clothing for Southeast Island and one set of quarantine gear and clothing for all other islets in the atoll. For instance the same clothing, and if needed camping gear, may be used at north and seal kittery, but anything used at southeast needs to stay off all other islets in the atoll. Do not use the outer islet clothing and gear on Southeast Island.

2. Carefully inspect small boats and their associated equipment when traveling between islets at Pearl and Hermes Atoll. Since folks likely take one anchor ashore and put one anchor in the water there is potential for seed dispersal on anchor lines as well as from within the small boats. This needs to be watched very carefully.

Additional Special Conditions for Food:

Fresh foods such as fruits, vegetables, leafy vegetables and tubers are not permitted on quarantine enforced islands (Necker, Nihoa, Laysan, Garner Pinnacles, Lisianski and Pearl and Hermes Reef). Concern is not only that certain species such as tomatoes could easily become established but that decomposing organic waste can also harbor microbes and insects and can act as an introduction vector. Soil can contain many seeds, eggs, larvae, etc., and cannot be transported to or between islands.

All other food that can be safely frozen (this does not apply to food in cans or glass jars) must be packaged in air tight containers just as all other gear and frozen for 48 hours.

DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-76
Hawaii Administrative Rules

August 10, 2007

SUMMARY

Chapter 13-76, Hawaii Administrative Rules,
entitled "Non-Indigenous Aquatic Species", is adopted.

217.81

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4

FISHERIES

PART IV FISHERIES RESOURCE MANAGEMENT

CHAPTER 76

NON-INDIGENOUS AQUATIC SPECIES

Subchapter 1 General Provisions

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§13-76-2	Definitions
§13-76-3	General permit conditions
§13-76-4	Penalties
§13-76-5	Severability
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Subchapter 2 Ballast Water Management

§13-76-11	Purpose
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§13-76-20	Evaluation and compliance

SUBCHAPTER 1

GENERAL PROVISIONS

§13-76-1 Purpose. This chapter governs rules aimed at preventing, to the extent practical, the introduction and spread of non-indigenous aquatic species into State waters. Such non-indigenous aquatic species are potentially harmful to the environment and economy of Hawaii because they may replace or destroy native species and alter their habitats. [Eff OCT 12 2007] (Auth: HRS §187A-32) (Imp: HRS §187A-32)

§13-76-2 Definitions. As used in this chapter unless otherwise provided:

"Board" means the board of land and natural resources.

"Department" means the department of land and natural resources.

"Master" means the person authorized by the vessel operator to be the captain of the vessel.

"Non-indigenous aquatic species" means any marine, brackish water, or freshwater species or other viable biological material, including, but not limited to, eggs, spores, or seeds, that enters or exists in an ecosystem where it was not known to have existed before, is outside its natural or historic range, or may have come to Hawaii by human introduction.

"Person" means any individual, corporation, partnership, trust, association, or other private entity, or any officer, employee, agent, department, or instrumentality of the federal government, of any state or political subdivision thereof, or of any foreign government.

"State" means the State of Hawaii.

"State marine waters" means all waters of the State, including the water column and the water surface, extending from the upper reaches of the wash of the waves on shore seaward to the limit of the

State's police power and management authority, including the United States territorial sea, notwithstanding any law to the contrary.

"USCG" means the United States Coast Guard.

"Vessel operator" means a company that owns, operates or has chartered a vessel. [Eff OCT 12 2007]
(Auth: HRS §187A-32) (Imp: HRS §187A-32)

§13-76-3 General permit conditions. (a) The general permit provisions of this section shall be in addition to the more specific provisions of section 13-76-15, and as otherwise provided in this chapter.

(b) The department may require persons to submit an application for a permit issued pursuant to this chapter.

(c) The submission of an application to the department shall not obligate the department to issue a permit or constitute a right or interest on the part of the applicant to have a permit issued.

(d) A permit shall have a limited duration subject to the provisions of this chapter, but such duration shall not exceed one year from the date of issuance. The issuance of a permit shall not constitute a vested right or property interest to receive future or additional permits.

(e) Permits are non-transferable, so that whenever a permittee parts with possession or transfers, in whole or in part, the title to or interest in the vessel identified in the permit to another person by any arrangement, the permit shall immediately expire. The permittee must notify the department prior to and immediately after such transfer has occurred.

(f) The department may impose terms and conditions it deems necessary to carry out the purposes of this chapter, including requiring a report or reports of any activity conducted that may potentially introduce a non-indigenous species to state marine waters by the applicant or permit holder within the state.

(g) It is unlawful for any person to violate any provision of any permit issued pursuant to this chapter. Failure to comply with any provision of this chapter, or any provision of any permit issued hereunder, shall be cause for termination of said permit.

(h) If the department determines that the protection and conservation of aquatic life in the area requires the cessation of all or certain activities allowed under the permits, upon notification to the permit holders of this determination by any reasonable means, the permits shall automatically expire on a date provided in the notification.

(i) There is no right to a renewal or re-issuance of a permit. When reviewing an application for a permit, the department shall consider whether the applicant has previously violated or not complied with any term or condition of a permit and may deny the application on this basis.

(j) The permittee shall have the permit on board the vessel and be able to show the permit upon the demand of any employee, agent, or officer authorized to enforce this chapter. Failure or refusal to show the permit shall be a violation of this chapter and sufficient cause to immediately but temporarily suspend the permit until such time that the board may take action to revoke the permit.

(k) The board may revoke any permit for any violation of the terms and conditions of the permit and a person whose permit was revoked shall not be eligible to apply for another permit until one year from the date of revocation. [Eff **OCT 12 2007**]
(Auth: HRS §§187A-5, 187A-32) (Imp: HRS §§187A-5, 187A-32)

§13-76-4 Penalties. A person violating the provisions of this chapter shall be guilty of a petty misdemeanour, as provided under section 187A-13, HRS, subject to administrative penalties as provided under

section 187A-12.5, HRS, and punished as provided by law. [Eff OCT 12 2007] (Auth: HRS §§187A-12.5, 187A-13, 187A-32) (Imp: HRS §§187A-12.5, 187A-13)

§13-76-5 Severability. The provisions of these rules are declared to be severable, and if any portion or the application thereof to any person or property is held invalid for any reason, the validity or application of the remainder of these rules to other persons or property shall not be affected. [Eff OCT 12 2007] (Auth: HRS §§187A-12.5, 187A-13, 187A-32) (Imp: HRS §§187A-12.5, 187A-13)

SUBCHAPTER 2

BALLAST WATER MANAGEMENT

§13-76-11 Purpose. (a) This subchapter addresses the management and disposition of vessel ballast water as a medium or means for the introduction of aquatic invasive species into state marine waters, such as but not limited to any ocean, estuary, bay, harbor, beach, or coastal area. These rules are intended to act in coordination with federal regulations on ballast water management by 1) establishing state laws that will correspond to and complement federal regulations on ballast water to ensure consistency, 2) providing best practices guidelines to improve vessel ballast water management prior to entering state marine waters, 3) adopting a ballast water management program, including a ballast water exchange reporting system, and 4) monitoring compliance with program requirements.

(b) This subchapter identifies: 1) prohibited activities; 2) vessels exempted from ballast water management plan requirements, ballast water reporting requirements, ballast water exchange requirements, and ballast water discharge requirements; 3) which permits are available to qualifying vessels; 4) requirements

that incoming vessels are subject to regarding ballast water; and 5) State verification of compliance with this subchapter. [Eff **OCT 12 2007**] (Auth: HRS §§187A-5, 187A-32) (Imp: HRS §§187A-5, 187A-32)

§13-76-12 Definitions. As used in this subchapter, unless otherwise provided:

"Aquatic invasive species" means a non-indigenous aquatic species, which, if introduced into an ecosystem, may cause harm to Hawaii's economy, environment, human health, or public safety and welfare.

"Ballast operations" means the transfer, uptake, and/or discharge of ballast water.

"Ballast tank" means any tank, hold, or part of a vessel used to carry ballast water, whether or not the tank or hold was designed for that purpose.

"Ballast water" means any water, associated sediments, and suspended matter taken on board a vessel to manipulate, control, or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried.

"BWM" means ballast water management as required by federal law 33 CFR Part 151 Subpart D, Mandatory Ballast Water Management Program for U.S. Waters, dated July 28, 2004.

"Coastwise trade" includes the transportation of passengers or merchandise between points embraced within the coastwise laws of the United States.

"Discharge" means to drain or remove part or all of the ballast water off the vessel.

"EEZ" means the United States exclusive economic zone established by Presidential Proclamation No. 5030, dated March 10, 1983, which extends from the baseline of the territorial sea of the United States seaward 200 nautical miles, substantially as defined in federal law 33 CFR 151.2025, dated July 1, 2005.

"Empty/refill exchange" means to pump the ballast tank or tanks out, until empty or as close to empty as the master determines is safe to do so, then refilling

the tank with mid-ocean waters.

"Exchange" means to replace water in ballast tanks by using flow through exchange, empty/refill exchange, or other exchange methodology recommended or required by the United States Coast Guard.

"Flow through exchange" means to flush out ballast tanks by pumping in mid-ocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of the ballast water tank capacity have been changed.

"MHI EEZ" means the main Hawaiian islands exclusive economic zone identified as those waters of the EEZ surrounding the main Hawaiian islands east of 161° West longitude.

"Mid-ocean waters" means waters at least 200 nautical miles from any coast.

"Permanent ballast" means a weight or heavy material added to a vessel to enhance the vessel's stability that is always left on the vessel and not normally removed either between or during voyages.

"Transfer" means the on-board movement of ballast water from one part of the vessel to another.

"Qualifying vessels" means all vessels, United States or foreign flagged, carrying ballast water into state marine waters after operating outside the EEZ.

"Sediments" means any material that settles out of ballast water within a vessel.

"Uptake" means to fill part or all of the vessel's ballast tanks with water from outside the vessel.

"Vessel in innocent passage" means a ship engaged in continuous and expeditious surface passage through the territorial sea and archipelagic waters of foreign coastal states in a manner not prejudicial to its peace, good order, or security. Passage includes stopping and anchoring, but only if incidental to ordinary navigation or necessary by rough weather or distress, or for the purpose of rendering assistance to persons, ships, or aircraft in danger or distress.

"Voyage" means any transit by a vessel that originates from a port or place outside of the EEZ

surrounding the State of Hawaii and destined for a port or place in Hawaii. [Eff **OCT 12 2007**] (Auth: HRS §187A-32) (Imp: HRS §187A-32)

§13-76-13 Prohibited activities. (a) Unless exempted under the provisions of section 13-76-14, by permit issued pursuant to section 13-76-15, or as may be otherwise provided by law, it is unlawful for the master of a qualifying vessel:

- (1) To fail to have or fail to follow a ballast water management plan, as required under section 13-76-16;
- (2) To exchange ballast water contrary to the provisions of section 13-76-17;
- (3) To discharge, or allow the discharge of, ballast water in state marine waters in violation of section 13-76-18;
- (4) To fail to submit a ballast water report form, as required in section 13-76-19; and
- (5) To violate any provision in this subchapter.

(b) It is unlawful for the master to prevent, hinder, or otherwise interfere with the department's or USCG's evaluation of the vessel's compliance with the provisions of this subchapter. The evaluation may be conducted in accordance with section 13-76-20 and as may be otherwise provided in this subchapter. [Eff **OCT 12 2007**] (Auth: HRS §§187A-5, 187A-32) (Imp: HRS §§187A-5, 187A-32)

§13-76-14 Applicability. (a) The ballast water management plan requirements of section 13-76-16 shall apply to qualifying vessels.

(b) The ballast water reporting requirements of section 13-76-19 shall apply to qualifying vessels, except for the following:

- (1) Crude oil tankers engaged in coastwise trade. This exemption applies only to vessels carrying unrefined crude oil product from one U.S. place to another, including

Hawaii;

- (2) Any vessel of the United States Department of Defense or USCG, subject to the requirements of Section 1103 of the National Invasive Species Act of 1996, or any vessel of the armed forces, as defined in Section 1322(a)(14) of Title 33 of the United States Code that is subject to the "Uniform National Discharge Standards for Vessels of the Armed Forces" pursuant to Section 1322(n) of Title 33 of the United States Code;
- (3) Any vessel that operates exclusively within the MHI EEZ;
- (4) Any vessel that operates outside of the EEZ, but conducts all ballast operations exclusively in the MHI EEZ, regardless of the number of voyages the vessel makes; and
- (5) Any vessel in innocent passage or having entered state marine waters due to circumstances beyond its control; provided that the vessel does not discharge ballast water into state marine waters, or into waters that may impact state marine waters, unless the vessel meets the requirements of section 13-76-18;

(c) The ballast water exchange requirements of section 13-76-17 shall apply to qualifying vessels that conduct ballast water exchanges; except for vessels exempted under subsection 13-76-14(b) (1), (2), (3), (5) and the following:

- (1) Any vessel equipped with a functioning treatment system designed to kill all living aquatic organisms in the ballast water; provided that USCG or other approving authority has determined that the system is designed to be at least as effective as ballast water exchange at reducing the risk of transfer of aquatic invasive species in ballast water and the treatment system is properly functioning as designed; and

(2) Any vessel, to the extent that it is equipped with permanent, freshwater, or treated ballast, as specified in section 13-76-14 (c) (1) above or will not discharge ballast water in state marine waters.

(d) The ballast water discharge requirements of section 13-76-18 shall apply to qualifying vessels that either will discharge or have discharged ballast water into state marine waters; except for vessels exempted under subsections 13-76-14(b) (2) and (3), and 13-76-14(c) (1) and (2).

(e) The master, or vessel operator when there is no master, shall be responsible for complying with the provisions of this subchapter, unless otherwise provided. Nothing in this subchapter shall relieve the master of the responsibility to ensure the safety and stability of the vessel or the safety of the crew and passengers, or any other responsibility. [Eff

OCT 12 2007] (Auth: HRS §187A-32) (Imp: HRS §187A-32)

§13-76-15 Permits. (a) The department may issue permits to vessel operators, exempting qualifying vessels from the provisions of this subchapter, subject to the provisions of section 13-76-3 and the following conditions:

- (1) Receipt of a completed application, on a form provided by the department, and any other information the department may require; and
- (2) Approval by the department, after an assessment of the appropriateness of the application based on:
 - (A) Safety of the crew or its passengers, USCG approved ballast water treatment system, protection of property, vessel integrity or other factors the department considers relevant to the intent and purpose of this subchapter; and

(B) All applicable state and federal law.

(b) The permit exemptions are limited to the provisions of this subchapter and do not exempt the master from other state laws or any federal laws.

[Eff **OCT 12 2007**] (Auth: HRS §§187A-5, 187A-32)
(Imp: HRS §§187A-5, 187A-32)

§13-76-16 Ballast water management plan requirements. Vessels in compliance with BWM requirements for a ballast water management plan, shall be deemed to also be in compliance with this section. It is unlawful for any master to violate BWM requirements for a ballast water management plan.
[Eff **OCT 12 2007**] (Auth: HRS §187A-32) (Imp: HRS §187A-32)

§13-76-17 Ballast water exchange requirements.

(a) Qualifying vessels that require ballast water exchanges shall conduct such exchanges in mid-ocean waters. Unless exempted by section 13-76-14(c), or as may be otherwise provided by law, it is unlawful for a master to conduct a ballast water exchange within state marine waters while holding ballast water obtained from an area less than 200 nautical miles from any coast.

(b) All such exchanges shall be by flow through exchange, empty/refill exchange, or other exchange methodology recommended or required by the USCG or other approving authority.

(c) The master is responsible for the safety of the vessel, its crew, and its passengers and is not required to conduct a ballast water management practice, including exchange, if the master determines that the practice would threaten the safety of the vessel, its crew, or its passengers because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions. Should the master make such a determination, the master shall

take all feasible measures, based on the best available technologies economically achievable, that do not compromise the safety of the vessel, its crew, and its passengers, to minimize the discharge of ballast water containing non-indigenous aquatic species into state marine waters or waters that may impact state marine waters. Such discharge shall be subject to the provisions of section 13-76-18.

(d) Nothing in this subchapter relieves the master of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers, or any other responsibility. [Eff
OCT 12 2007] (Auth: HRS §187A-32) (Imp: HRS §187A-32)

§13-76-18 Ballast water discharge requirements.

(a) To the extent practical, the master of any qualifying vessel that has not conducted a mid-ocean waters ballast water exchange, and is subject to the provisions of subsection 13-76-14(d), shall not discharge ballast water into state marine waters.

(b) The master shall report to the department, pursuant to section 13-76-19, when a mid-ocean waters ballast water exchange was not done and a ballast water discharge into state marine waters is necessary.

(c) Unless exempted by subsections 13-76-14(c) or 13-76-14(e) of this section, prior to any ballast water discharge into the EEZ or state marine waters, the master shall obtain approval from the department to discharge ballast water. Upon approval, the master shall then implement all feasible measures to minimize the discharge of ballast water.

(d) This subchapter does not authorize the discharge of oil, noxious liquid substances, or any other pollutant in a manner prohibited by state, federal or international laws or regulations. Ballast water carried in any tank containing a residue of oil, noxious liquid substances, or any other pollutant shall be discharged in accordance with the applicable requirements.

(e) The master shall be exempted from the provisions of subsections 13-76-18(a) and 13-76-18(c), if the master determines that such ballast water discharge is necessary to ensure the safety and stability of the vessel or the safety of the crew and passengers, because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions. [Eff **OCT 12 2007**]
(Auth: HRS §187A-32) (Imp: HRS §187A-32)

§13-76-19 Ballast water reporting requirements.

(a) Unless exempted in subsection 13-76-14(b), for all qualifying vessels, the master shall:

- (1) Fully and accurately fill out the USCG ballast water report form;
- (2) Submit the form by fax, electronic mail, or as otherwise provided to the department no later than twenty-four (24) hours prior to vessel arrival into state marine waters;
- (3) Submit an amended form to the department before the vessel departs state marine waters, should there be a change in any of the information submitted in accordance with this section; and
- (4) Maintain on board the vessel records that include all of the information provided on the form for at least two years.

(b) Submission of this form or an amended form to the department does not relieve the master of the responsibility to report to the USCG, if the USCG requires such report or amended form. [Eff **OCT 12 2007**] (Auth: HRS §187A-32) (Imp: HRS §187A-32)

§13-76-20 Evaluation and compliance. (a) In order to evaluate the compliance rate of qualifying vessels with the provisions of this subchapter, the department, in coordination with the USCG, may:

- (1) Take samples of ballast water and sediment, examine documents, and make other appropriate inquiries;
 - (2) Compile the information obtained from submitted reports and use the information in conjunction with existing information relating to the number of vessel arrivals; and
 - (3) Take other actions necessary for the purposes of this subchapter.
- (b) The master shall make available to the department, upon the department's request, the records required by section 13-76-19 and other relevant information. [Eff OCT 12 2007] (Auth: HRS §187A-32) (Imp: HRS §187A-32)

DEPARTMENT OF LAND AND NATURAL RESOURCES

Chapter 13-76, Hawaii Administrative Rules, on the Summary Page dated August 10, 2007, was adopted on August 10, 2007, following a public hearing held on June 28, 2007, after public notice was given in the Honolulu Star-Bulletin on May 20, 2007.

The adoption of chapter 13-76 shall take effect ten days after filing with the Office of the Lieutenant Governor.



Laura H. Thielen
Interim Chairperson
Board of Land and Natural
Resources

APPROVED:



Linda Lingle
Governor
State of Hawaii

Dated: OCT -1 2007

APPROVED AS TO FORM:



Deputy Attorney General

Filed

76-15

27 61

Precautions for Minimizing Human Impacts on Endangered Land Birds in Papahānaumokuākea Marine National Monument

The Nihoa finch (*Telespiza ultima*), Nihoa millerbird (*Acrocephalus remota*), and Laysan finch (*Telespiza cantans*) are inquisitive birds that constantly inspect and probe their environment while foraging. While this probably benefits them in their natural environment, it can be problematic when humans bring in equipment or set up encampments. Things that we normally would not think of as hazards to wildlife become sources of finch or millerbird mortality (usually by drowning, entanglement, and entrapment). In order to avoid the unintentional killing of these endangered species, it is imperative that visitors to Nihoa, Laysan, and Pearl and Hermes Atoll be aware of the different hazards that humans pose to passerine birds. The guidelines below derive from documented mortalities and will help you “bird-proof” your operation, but additional hazards exist, so use common sense at all times.

1. The burn barrel must be attended **at all times** when burning trash; be vigilant. When not burning, any vents or rust-eaten holes in the barrel or lid must be covered (e.g., with rocks).
2. Buckets must always be overturned so that they won’t collect rainwater.
3. Laundry buckets must have lids on them while laundry is soaking.
4. Water-filled buckets for dishwashing (or any other chore) must always be attended.
5. Desalinator garbage cans should have netting placed between the can and the lid. Make sure the lids close properly; faulty positioning of hoses can interfere with proper closure.
6. Tarps (e.g., those covering propane, etc.) must be tucked in tightly so that they don’t collect rainwater.
7. Fabric with loose threads should be burned; little feet can become entangled when fabric is hung out to dry. Cut loose threads off tents and tarps.
8. Anything with small mesh (e.g., bird nets or insect nets) should be put away to avoid foot entanglement.
9. Water jugs should be aligned with ample space between rows so that finches won’t get trapped. Always keep jugs capped.
10. For stability reasons, buckets should not be stacked more than two high. Keep an eye out for leaning buckets or water jugs, and level the sand beneath them if necessary.
11. Tents should be zipped at all times (day and night) so that finches and millerbirds cannot enter.
12. Finches and millerbirds should be discouraged from eating people-food so as not to augment the camp population any more than it is already. Dependency by the finches on the camp will result in suffering when temporary and more-permanent field camps dissolve.

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Human Hazards to Seabirds in Papahānaumokuākea Marine National Monument

Most seabirds exhibit insular tameness, which is behavior characterized by a lack of the wariness you might observe in birds living in areas with terrestrial predators. Because of this, it sometimes appears by their actions as if humans pose no problems for them. In fact there are a number of potentially serious consequences every time a seabird colony is entered, even by experienced researchers. Hazards to seabirds also result from the movement of vessels through the waters of the Monument.

Mechanical - At most seabird colonies in the Monument, you will see birds nesting on three different levels, under the ground, on the surface, and in the shrubs and trees. At many times of the year it is difficult to walk in some parts of the colony without stepping on eggs or caving in the burrows of the petrels and shearwaters. Chicks of several of the tern species hide in vegetation so you should be careful about setting your foot where you cannot see the surface of the ground. Ground-nesting gray-backed terns and brown noddies are often most affected by your activities because they are very timid and nest in open areas that may be travel pathways. If you have occasion to have to walk in burrow areas, you must be prepared to rescue a shearwater or petrel by digging if you accidentally cave in its home. Putting out temporary tents or stacks of equipment may provide a site that burrowing or crevice nesting birds will use. Subsequently removing these materials may cause the nest to fail. Special care should be taken never to leave string or line anywhere in the colony. Seabirds have an uncanny ability to find it and get tangled in any material of this kind. Lights in camps or on vessels at sea cause a collision hazard for petrels and shearwaters in particular because they are confused by the light and collide with the vessel or lighted structure. All ship lights except for running lights or anchor lights should be extinguished or shielded, especially when operating in proximity to seabird colonies.

Thermal - The climate of the tropical and subtropical islands seems mild but the eggs and small chicks of all the species live a precarious life on the edge of thermal disaster. The attendance patterns of adults reflect this with eggs and tiny chicks virtually never left unattended. Great care and attention must be given to never keeping a bird off its egg or chick for more than a few minutes. Keep this in mind if you must spend more than 3 or 4 minutes in any area. This is an issue when it is hot as well as when it is cool and wet. When first approaching a site look for any nests or adults flushed from an inconspicuous nest and plan your work to minimize keeping birds from attending their eggs or chicks for more than 3 minutes.

Biological - In some colonies, one species may learn to take advantage of human disturbance to prey upon others. Frigatebirds will take chicks and steal nest material from booby nests and other frigatebird nests when the owners of the nest are frightened off by human disturbance. In colonies inhabited by finches of various species, the minute an egg is exposed the finch will rush in and peck a hole and consume the contents. Unattended eggs of ground-nesting species are often eaten by shorebirds such as ruddy turnstones. All small seabirds are at great risk in colonies where there are introduced rats. It is possible that going up to isolated or cryptic nests and handling the eggs will provide a trail that might lead rats to the nest.

Behavioral considerations – Young ground-nesting terns such as sooty terns, gray-backed terns and brown noddies are particularly vulnerable to disturbance at age 2 through 7 days from hatching because they are large enough to run in panic if a person walks through the nesting area but not old enough to find their way back to their own nest-site where their parent will recognize and feed them. A colony with chicks at this young age (before scapular feathers have erupted) must not be disturbed. All three species

of boobies (brown, red-footed, and masked) are vulnerable to injury and death when they dive on towed lures used during trolling operations. Younger birds seem particularly susceptible to this. Sustenance fishing operations in the Monument should be stopped immediately if birds are flying in the area and express interest in the lures.

Papahānaumokuākea Marine National Monument

National Marine Fisheries Service Best Management Practices

- If there is any Hawaiian monk seal or any other protected species in the area when performing any permitted activity, the activity shall cease until the animal(s) depart the area unless the activity is covered under a separate permit that allows that activity (e.g., ESA and/or MMPA permits);
- The applicant and those working under any permit issued for this activity shall be familiar with the “Marine Wildlife Viewing Guidelines,” accessible at NOAA’s National Marine Fisheries Service website: http://www.fpir.noaa.gov/PRD/prd_laws_policies_guidelines1.html;
- Implement the “Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment Papahānaumokuākea Marine National Monument” for in-water activities; and
- Implement the “Bests Practices for Minimizing the Impact of Artificial Light on Sea Turtles” Pacific Islands regional Office, NOAA National Marine Fisheries service, Rev. Nov. 9, 2007, as applicable.

February 28, 2008 Pacific Islands Regional Office.

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Best Practices for Minimizing the Impact of Artificial Light on Sea Turtles

NOAA's National Marine Fisheries Service (NOAA Fisheries) and the U.S. Fish and Wildlife Service are jointly responsible for the protection of threatened and endangered sea turtles. In Hawai'i, the agencies are especially concerned about the impact of shoreline activities on the successful nesting and basking of green and hawksbill sea turtles.

Over 90 percent of nesting activity for the Hawaiian population of the threatened green sea turtle (*Chelonia mydas*) occurs at French Frigate Shoals in the Northwestern Hawaiian Islands (NWHI). Green turtles nest from May through September, peaking in June and July. Hatchlings continue to emerge from nests through November. Large numbers of green turtles are also known to bask throughout the NWHI. The endangered hawksbill sea turtle (*Eretmochelys imbricata*) also nests in Hawai'i, with over 90 percent of documented nests occurring on the Island of Hawai'i. Regular nesting also occurs on Maui and Moloka'i. Hawksbills appear to nest and forage primarily within the main Hawaiian Islands, though they have been sighted in the Northwestern Hawaiian Islands.

Many factors affect the potential survival of these turtles, including the loss or destruction of nesting and basking beaches, and other human shoreline activities such as the use of artificial lights. The following set of measures should be adopted as appropriate, to minimize the impacts of lighting on sea turtles:

A. Avoid the use of artificial lighting near beaches, where possible, particularly during nesting and hatching seasons.

Artificial light sources on a nesting beach may deter adult females from exiting the water to lay eggs on the beach, cause abandonment of nesting attempts, or disorient adult females and disrupt their natural behavior of returning to the sea after nesting. Artificial light will disorient hatchlings that use light cues to find their way to the sea, making them more vulnerable to predation, exhaustion, and desiccation. Artificial light may also disturb basking turtles.

B. Do not use excessive or unnecessary amounts of light, or leave lights on or allow campfires to burn longer than necessary.

Basking behavior may help turtles avoid marine predators. If artificial lighting causes a basking turtle to return to the sea, it may be more vulnerable to predation.

C. Shield or redirect lights to reduce as much as possible the amount of light that can be seen from the nesting or basking beach.

Effective light shields should be completely opaque, sufficiently large, and positioned so that light from the shielded source does not reach the beach.

D. Where possible, use low-intensity light sources that emit long wavelength light (yellow, red) and avoid sources that emit short wavelengths (ultraviolet, blue, green, white).

Long wavelengths are the least disturbing to sea turtles. Red light-emitting diodes (LEDs) are the best option and one of the light sources least disruptive to sea turtles. Amber or yellow filters placed on light sources are less desirable than red lighting, as they vary in effectiveness and will fade over time.

E. Aboard vessels at sea, use the minimum lighting necessary to comply with navigation rules and best safety practices.

Sea turtles of all life stages may be attracted to lights from vessels at sea. These turtles may be vulnerable to vessel activities, as well as being vulnerable to predators that may also be attracted to the same lights.

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Special Conditions & Rules for Small Boat Operations at Tern Island

Trip Authorization

All boat trips, including the use of non-FWS vessels, must be authorized by the resident refuge manager before leaving Tern Island or entering French Frigate Shoals. Information must be provided on the trip objectives, the destination(s), and approximate time of return. The resident refuge manager may withhold permission for a boat to leave Tern Island or operate within the refuge boundary if in his/her opinion, the seas are too rough, the weather is inclement, the equipment is in questionable condition, or the operator lacks the experience to cope with prevailing conditions.

Boat Operators and Passengers

All boat operators are required to have completed a Boat Safety Course for use of boats at French Frigate Shoals. FWS Employees must have official DOI boat training certification. Operators must be experienced in handling small craft around coral heads and choppy seas and be familiar with outboard engine operation and repair. If the resident refuge manager is not familiar with their abilities, he/she may request a demonstration ride or other means for skills verification. All persons involved in boating operations must be able to swim. The operator is responsible for seeing that all boat use policy requirements are met. Any kind of unsafe boat operation (violation of boating policy, reckless driving, excessive speed, etc.) will be cause for the resident refuge manager to revoke that person's right to operate boats at French Frigate Shoals. Everyone in the boat must have his/her life jacket on at all times! Each person that is to operate boats at French Frigate Shoals will be required to read and sign the Tern Island copy of the Boat Use Policy to verify that he/she has read and understood it.

Boats and Equipment

All boats going on solo trips are required to have two motors in working condition. Both motors must be tested before leaving the dock area and must be attached to the boat by a safety chain or rope unless bolted to the hull. Boats must have standard safety equipment on board including a life preserver for each person (diving buoyancy compensators and wet suits are not adequate), a bow anchor with at least 120 feet of line (and a similarly equipped stern anchor, if landing on another islet), paddles or oars, an emergency tool kit, a first-aid kit, an emergency locating transmitter (EPIRB), an emergency strobe light, and handheld radios.

A second boat with two motors in good working condition will either travel with the other boat(s) or be ready for immediate use at Tern Island should an emergency arise and rescue be required.

Radio Procedure

All boats launched from Tern Island must be equipped with two operational radios. An exception to this rule is when several boats are being used to offload vessels. Since all boats will be in visual contact with other boats, Tern Island, or the offloading vessel, only one radio is required. Check with the resident refuge manager for the radio frequencies being used. Radios must be tested before leaving the dock area. It is the responsibility of the boat operator to make sure that radios are properly charged prior to any trip (check with the resident refuge manager for proper charging procedures).

Boats must contact Tern Island when they leave a location and when they reach their destination. Arrangements must be made prior to a boat trip to have someone monitoring the radios at Tern Island within 15 minutes after arrival at a destination, or of the time of a prearranged radio call. If contact is not made the boat must immediately return to Tern Island. If radio contact is made while returning to Tern Island the trip can be resumed. If Tern Island does not hear from a boat 1 hour past the expected arrival or prearranged radio call, the backup boat will be launched and a search will commence.

Previous FFS Boating Policy required a rescue boat to be launched 1 hour after any boat is overdue for radio check in. This remains unchanged except that in the late afternoon all boat operators must check in prior to the Departure Guidelines listed below. If a boat has not checked in by the listed guideline, a rescue boat will be launched immediately and sent to the last known location of the missing boat.

Departure Guidelines

All boating activities must be limited to a period between half an hour after sunrise and 1 1/2 hours before sunset. If you change your original route for any reason during the day, contact the resident refuge manager by radio on Channel 16. To allow reasonable amount of time to perform search and rescue, boats must depart the following areas before sunset as stated: Disappearing Island 5 hours, the Gins 2 hr 15 min; East Island 2 hours; Shark, Trig, and Round Islands 1 hr 50 min.

General Rules

No boats may be launched if the wind speed exceeds 20 knots or if seas are deemed exceedingly rough by the resident refuge manager. Approach to within one-half mile of any islet not specifically mentioned on Monument Permits is prohibited, except in emergency situations or unless permission is otherwise obtained in advance from the resident refuge manager. At least two people must be aboard a boat at all times unless pre-approved by the resident refuge manager.

**APPENDIX G:
IMO Particularly Sensitive Sea Area Designation
and Associated Protective Measures**



MARINE ENVIRONMENT PROTECTION
COMMITTEE
57th session
Agenda item 21

MEPC 57/21
7 April 2008
Original: ENGLISH

**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE
ON ITS FIFTY-SEVENTH SESSION**

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ANNEX 12**RESOLUTION MEPC.171(57)****Adopted on 4 April 2008****DESIGNATION OF THE
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT
AS A PARTICULARLY SENSITIVE SEA AREA**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

BEING AWARE of the ecological, socio-economic and scientific attributes of the Papahānaumokuākea Marine National Monument, as well as its vulnerability to damage by international shipping activities and the steps taken by the United States to address that vulnerability,

NOTING the Revised Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas adopted by resolution A.982(24) (PSSA Guidelines) and the Revised Guidance Document for Submission of PSSA Proposals to IMO set forth in MEPC/Circ.510,

HAVING CONSIDERED the proposal made by the Government of the United States that the Papahānaumokuākea Marine National Monument be designated as a Particularly Sensitive Sea Area,

HAVING AGREED that the criteria for the identification and designation of a Particularly Sensitive Area provided in resolution A.982(24) are fulfilled for the Papahānaumokuākea Marine National Monument,

HAVING NOTED that the Maritime Safety Committee, at its eighty-third session, in considering the necessary associated protective measures, adopted new and amended, routing measures, as well as a new ship reporting system applicable to the proposed Particularly Sensitive Sea Area,

1. DESIGNATES the Papahānaumokuākea Marine National Monument described in annex 1 as a Particularly Sensitive Sea Area;
2. INVITES Member Governments to recognize the ecological, socio-economic, and scientific attributes of the area, set forth in annex 2, as well as its vulnerability to damage by international shipping activities, as described in annex 3; and
3. FURTHER INVITES Member Governments to note the associated protective measures established to address the area's vulnerability, the details of which are contained in annex 4, and request ships flying their flag that they act in accordance with such measures.

ANNEX 1

**DESCRIPTION OF THE PAPAĀNAUMOKUĀKEA MARINE
NATIONAL MONUMENT PSSA***

(Reference chart: United States 19016, 2007 edition; 19019, 2007 edition; 19022, 2007 edition. These charts are based on World Geodetic Survey 1984 and astronomic datum.)

Description of the Particularly Sensitive Sea Area for the Papahānaumokuākea Marine National Monument

To avoid the risk of damage from ship groundings and pollution damage by international shipping activities and the destruction and degradation of this unique, fragile, and pristine coral reef ecosystem, as well as of significant cultural and archaeological resources, mariners should exercise extreme care when navigating in the area bounded by a line connecting the following geographical positions which is designated as a Particularly Sensitive Sea Area:

Point	LATITUDE	LONGITUDE
1	28°26'.24 N	175°10'.65 W
2	28°16'.07 N	175°00'.00 W
3	26°50'.89 N	173°30'.79 W
4	26°36'.00 N	171°37'.70 W
5	26°35'.49 N	171°33'.84 W
6	26°35'.09 N	171°30'.84 W
7	26°34'.07 N	171°27'.50 W
8	26°33'.35 N	171°25'.16 W
9	26°14'.25 N	170°23'.04 W
10	25°50'.55 N	167°57'.88 W
11	25°48'.99 N	167°48'.35 W
12	25°47'.09 N	167°36'.72 W
13	25°39'.84 N	167°26'.48 W
14	25°35'.10 N	167°19'.79 W
15	25°10'.43 N	166°45'.00 W
16	24°40'.91 N	166°03'.36 W
17	24°35'.64 N	165°34'.99 W
18	24°23'.98 N	164°32'.24 W
19	23°52'.82 N	161°44'.54 W
20	23°52'.10 N	161°41'.20 W
21	23°51'.18 N	161°37'.92 W
22	23°50'.08 N	161°34'.71 W
23	23°48'.79 N	161°31'.58 W
24	23°47'.33 N	161°28'.55 W
25	23°45'.69 N	161°25'.62 W
26	23°43'.88 N	161°22'.81 W
27	23°41'.92 N	161°20'.13 W
28	23°39'.80 N	161°17'.60 W
29	23°37'.54 N	161°15'.21 W

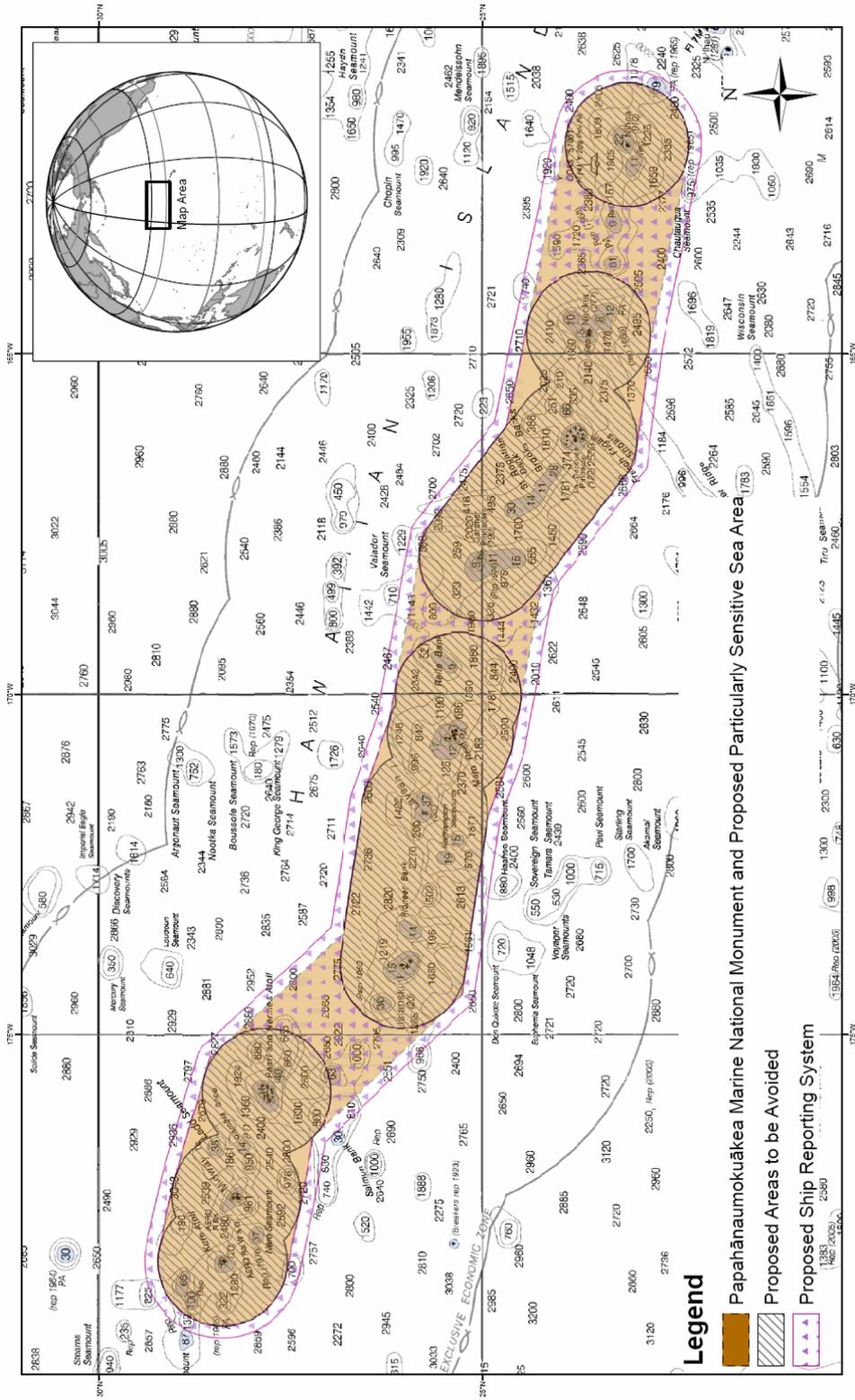
* The text in this annex is taken from the United States submission contained in document MEPC 56/8.

Point	LATITUDE	LONGITUDE
30	23°35'.14 N	161°12'.99 W
31	23°32'.62 N	161°10'.93 W
32	23°29'.99 N	161°09'.05 W
33	23°27'.25 N	161°07'.35 W
34	23°24'.42 N	161°05'.85 W
35	23°21'.51 N	161°04'.54 W
36	23°18'.52 N	161°03'.43 W
37	23°15'.48 N	161°02'.53 W
38	23°12'.39 N	161°01'.84 W
39	23°09'.27 N	161°01'.35 W
40	23°06'.13 N	161°01'.09 W
41	23°02'.97 N	161°01'.03 W
42	22°59'.82 N	161°01'.19 W
43	22°56'.69 N	161°01'.57 W
44	22°53'.58 N	161°02'.15 W
45	22°50'.51 N	161°02'.95 W
46	22°47'.50 N	161°03'.95 W
47	22°44'.55 N	161°05'.15 W
48	22°41'.67 N	161°06'.54 W
49	22°38'.88 N	161°08'.13 W
50	22°36'.19 N	161°09'.90 W
51	22°33'.61 N	161°11'.85 W
52	22°31'.14 N	161°13'.97 W
53	22°28'.81 N	161°16'.25 W
54	22°26'.61 N	161°18'.69 W
55	22°24'.56 N	161°21'.26 W
56	22°22'.66 N	161°23'.97 W
57	22°20'.92 N	161°26'.80 W
58	22°19'.35 N	161°29'.74 W
59	22°17'.95 N	161°32'.78 W
60	22°16'.73 N	161°35'.90 W
61	22°15'.70 N	161°39'.10 W
62	22°14'.85 N	161°42'.37 W
63	22°14'.20 N	161°45'.68 W
64	22°13'.73 N	161°49'.03 W
65	22°13'.47 N	161°52'.41 W
66	22°13'.40 N	161°55'.80 W
67	22°13'.53 N	161°59'.18 W
68	22°13'.85 N	162°02'.55 W
69	22°14'.31 N	162°05'.45 W
70	22°14'.37 N	162°05'.89 W
71	22°45'.18 N	164°51'.62 W
72	22°50'.26 N	165°34'.99 W
73	22°55'.50 N	166°19'.63 W
74	22°55'.93 N	166°23'.32 W
75	22°57'.41 N	166°36'.00 W
76	23°03'.75 N	166°45'.00 W
77	23°05'.48 N	166°47'.45 W

Point	LATITUDE	LONGITUDE
78	24°12'.69 N	168°22'.84 W
79	24°12'.69 N	168°22'.84 W
80	24°12'.70 N	168°22'.86 W
81	24°35'.77 N	170°44'.39 W
82	24°36'.29 N	170°47'.58 W
83	24°37'.18 N	170°50'.37 W
84	24°37'.76 N	170°52'.17 W
85	24°56'.23 N	171°50'.19 W
86	25°16'.61 N	174°24'.84 W
87	25°49'.84 N	175°00'.00 W
88	27°14'.76 N	176°29'.87 W
89	27°24'.95 N	177°33'.31 W
90	27°35'.87 N	178°29'.90 W
91	27°36'.64 N	178°33'.93 W
92	27°37'.53 N	178°37'.32 W
93	27°38'.60 N	178°40'.65 W
94	27°39'.85 N	178°43'.90 W
95	27°41'.28 N	178°47'.05 W
96	27°42'.89 N	178°50'.10 W
97	27°44'.66 N	178°53'.03 W
98	27°46'.59 N	178°55'.83 W
99	27°48'.67 N	178°58'.49 W
100	27°50'.89 N	179°01'.00 W
101	27°53'.25 N	179°03'.35 W
102	27°55'.74 N	179°05'.54 W
103	27°58'.34 N	179°07'.54 W
104	28°01'.05 N	179°09'.35 W
105	28°03'.85 N	179°10'.98 W
106	28°06'.74 N	179°12'.40 W
107	28°09'.71 N	179°13'.61 W
108	28°12'.73 N	179°14'.62 W
109	28°15'.80 N	179°15'.41 W
110	28°18'.91 N	179°15'.98 W
111	28°22'.05 N	179°16'.33 W
112	28°24'.72 N	179°16'.44 W
113	28°25'.20 N	179°16'.45 W
114	28°25'.82 N	179°16'.44 W
115	28°28'.35 N	179°16'.36 W
116	28°31'.49 N	179°16'.03 W
117	28°34'.60 N	179°15'.49 W
118	28°37'.68 N	179°14'.72 W
119	28°40'.71 N	179°13'.74 W
120	28°43'.68 N	179°12'.54 W
121	28°46'.58 N	179°11'.13 W
122	28°49'.39 N	179°09'.52 W
123	28°52'.11 N	179°07'.70 W
124	28°54'.72 N	179°05'.70 W
125	28°57'.21 N	179°03'.51 W

Point	LATITUDE	LONGITUDE
126	28°59'.58 N	179°01'.15 W
127	29°01'.81 N	178°58'.62 W
128	29°03'.90 N	178°55'.93 W
129	29°05'.83 N	178°53'.10 W
130	29°07'.60 N	178°50'.13 W
131	29°09'.21 N	178°47'.04 W
132	29°10'.64 N	178°43'.84 W
133	29°11'.89 N	178°40'.54 W
134	29°12'.95 N	178°37'.16 W
135	29°13'.82 N	178°33'.71 W
136	29°14'.50 N	178°30'.21 W
137	29°14'.99 N	178°26'.66 W
138	29°15'.28 N	178°23'.08 W
139	29°15'.36 N	178°19'.49 W
140	29°15'.25 N	178°15'.90 W
141	29°14'.94 N	178°12'.32 W
142	29°14'.43 N	178°08'.78 W
143	29°03'.47 N	177°12'.07 W
144	29°02'.55 N	177°07'.29 W
145	28°38'.96 N	175°35'.47 W
146	28°38'.67 N	175°34'.35 W
147	28°34'.91 N	175°19'.74 W
148	28°26'.24 N	175°10'.65 W

CHARTLET



ANNEX 2

ECOLOGICAL, SOCIO-ECONOMIC, AND SCIENTIFIC ATTRIBUTES OF THE PAPAĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT PSSA*

1 *Ecological Criteria*

1.1 Uniqueness or rarity

1.1.1 The Papahānaumokuākea Marine National Monument (North-western Hawaiian Islands or NWHI) supports a unique, dynamic coral reef ecosystem, which, thanks to its relative isolation, is among the healthiest in the world (Citizen's Guide 2006). It is one of the last remaining large-scale wilderness coral reef ecosystems on the planet and the largest coral reef ecosystem in the marginal tropical seas (Cousteau 2003). Approximately one-quarter of the species found in the NWHI are endemic to the Hawaiian Island chain, which is one of the highest rates of marine endemism in the world (Friedlander *et al.* 2005; Citizen's Guide 2006). The proportion of scientifically non-described coral reef species (e.g., sponges, corals, algae, and other invertebrates) in this area is one of the highest in the world (Cousteau 2003). The NWHI also contain important breeding and nesting grounds for a number of species, many of which are at risk, including the critically endangered Hawaiian monk seal, the threatened green sea turtle, and 19 species of seabirds (Henderson 2001; NOAA 2004b; Citizen's Guide 2006).

1.1.2 The uniqueness of this area was expressed in 2003 by ocean explorer Jean-Michel Cousteau in his **Voyage to Kure** expedition log: "These islands are a celebration of the uniqueness brought on by isolation. Along this ribbon of life, we found teeming populations of spinner dolphins and large apex predators such as reef sharks, jacks, and groupers. We encountered many of the Hawaiian endemic species of reef fish, including the rare masked angelfish and Hawaiian grouper; all perfect reminders of an intact coral reef ecosystem" (Cousteau 2003).

1.2 Critical Habitat

1.2.1 Parts of the proposed area provide critical habitat for a variety of endangered or threatened species that are protected under various United States domestic laws. These species include the critically endangered Hawaiian monk seal; the endangered sperm whale; the endangered hawksbill, leatherback, and green sea turtles; the endangered short-tailed albatross; six endangered plant species; and four endangered land birds: the Nihoa finch, Nihoa millerbird, Laysan finch, and Laysan Duck, the world's rarest duck. Of these species, seven are listed in Appendix I of the Convention on Trade in Endangered Species of Wild Flora and Fauna (CITES) and nine are listed on the World Conservation Union (IUCN) Red List of Threatened Species (including three with "critically endangered" status).

1.3 Dependency

1.3.1 The ecological processes of the NWHI ecosystem are dependent on the health of its vast, diverse coral reef tracts. Often called the "rainforests" of the sea, coral reefs are vital to

* The text in this annex is taken from the United States submission contained in document MEPC 56/8.

maintaining the biological diversity of the oceans (Citizen's Guide 2006). The pristine coral reefs of the NWHI are the foundation of a symbiotic community composed of countless millions of plants and animals dependent upon one another for survival (Citizen's Guide 2006). These reefs perform important ecosystem services including filtering water, protecting islands from sediment deposition and storms, and providing nourishment for marine organisms.

1.3.2 Thousands of species depend on the coral reefs of the NWHI. Hawaiian monk seals, a majority of which make their home in the NWHI, are the only surviving marine mammal that is dependent on coral reef ecosystems (Citizen's Guide 2006; Cousteau 2003). The high incidence of apex predators such as sharks, jacks, and groupers also depends on the high productivity of this ecosystem. In turn, the prevalence of apex predators has a significant effect on the structuring of the fish assemblage of the area, impacting the diversity and relative abundance of species lower on the food chain. Thus, adverse impacts on these apex predators could cause populations of smaller fish to quickly become unbalanced, changing the trophic structure and order of dominance within the ecosystem (Maragos and Gulko 2002; Friedlander and DeMartini 2002; Suthers 2004).

1.3.3 Approximately 14 million seabirds, with 5.5 million nesting annually in the NWHI, rely on the coral reef ecosystem for food and other habitat needs (Naughton and Flint 2004). In turn, the ecosystem is dependent on these birds' role in the high relative productivity and diversity of the NWHI. Nutrient-rich defecation (guano) deposited by the birds on the islands and nearshore waters – which subsequently is dissolved and provides significant levels of nitrogen to the ecosystem – is thought to stimulate the prolific growths of algae found around the islands. When high levels of algal growth are combined with significant wave action, such as at La Perouse Pinnacle at French Frigate Shoals, this creates favourable conditions for the growth of other species (Maragos and Gulko 2002).

1.3.4 The ecological processes of the NWHI depend on more than just its coral reefs. Beyond the banks and steep slopes, between 1,640 and 14,000 feet, the ocean floor levels out at sea bottom which contains distinct, rich habitat (Press and Siever 1986; Benoit-Bird *et al.* 2001). This habitat is linked to the coral reef ecosystem by a dense assemblage of small fish, shrimp, and squid that migrate from the ocean depths to near the surface in regular patterns and serve as an important food resource for many animals, including spinner dolphins, bottom fish, tunas, and billfish (Benoit-Bird *et al.* 2001). The importance of offshore and deepwater habitat is also evidenced by the movements and diets of Hawaiian monk seals. Although part of the seals' diet comes from shallow-water coral reef fish, the seals are known to travel over one hundred miles between islands and dive to depths of greater than 900 feet when foraging for deepwater prey, mainly bottom fish, which make up the primary part of their diet (Henderson 2001; TenBruggencate 2006). Each of these habitats is essential to the other, and the loss of one affects the operation of all the others throughout the system. Accordingly, an impact on one part of the system can threaten the entire ecosystem as well as the diversity of species that depend on the area.

1.4 Diversity

1.4.1 The NWHI supports more than 7,000 species of fishes, mammals, plants, coral, and other invertebrates (Bush 2006). Discoveries of species in the NWHI are continuing to be made, as demonstrated by a 2006 research expedition in French Frigate Shoals which yielded over 100 species not previously known to exist in the area and many of which may be previously unknown to science (Associated Press 2006). The rich diversity of the NWHI is in part due to

the relative isolation of the area and minimal impact from humans, which is underscored by the starkly contrasting lower levels of diversity found in the marine areas of the main Hawaiian Islands (DeMartini and Friedlander 2004; Friedlander *et al.* 2005a; NOAA 2004g). Coral reefs are among the most highly diverse of all ecosystems on the planet; the coral reef ecosystem of the NWHI exemplifies this point.

1.4.2 Further contributing to diversity, the ecosystem of the NWHI contains a wide variety of habitats, extending from the shoreline to depths of approximately 14,000 feet. For example, within the pristine coral reefs of the NWHI, the percentage of coral cover varies widely, creating a series of interconnected but distinct types of coral reef habitats, or zones (e.g., shelf, fore reef, reef crest, back reef, and lagoon). Wave exposure is the primary factor causing zonation in the NWHI, but gradients in sediment, salinity, and temperature are also important (Friedlander *et al.* 2005a). As a result of this zonation, the coral reefs of the NWHI contain a variety of environmental niches and resources that support a diverse array of species.

1.5 Productivity

1.5.1 Coral reef ecosystems have the highest gross primary productivity of all ocean areas, and the proposed area contains several thousand square miles of coral reefs, indicating a highly productive ecosystem. Also indicative of the area's productivity is the high incidence of apex predators such as sharks, jacks, and groupers, which make up more than half of the total fish biomass in the NWHI. A very high replacement rate of small and mid-size fish is necessary to support an apex predator-dominated ecosystem.

1.5.2 The productivity of the proposed area can readily be seen by comparing it to the productivity in the main Hawaiian Islands. A comparison of both biomass and trophic structure between reef fish communities in the NWHI and the main Hawaiian Islands showed that across similar habitats, biomass was 260 per cent higher in the NWHI (Friedlander and DeMartini 2002). Productivity is especially high in the area's inshore waters, shallow lagoons, and coral reefs. For example, the lagoon in French Frigate Shoals produces nearly ten times the amount of phytoplankton as produced in the same volume of water in the open seas. The area also has extensive submerged banks, which have high levels of primary productivity due to the existence of expansive algal meadows. Furthermore, while apex predators represent only three per cent of the fish biomass in the main Hawaiian Islands, they make up 54 per cent of the biomass in the NWHI (Suthers 2004).

1.6 Spawning or Breeding Grounds

1.6.1 The NWHI provide critical breeding and nesting grounds for a wide variety of species. The area contains the breeding grounds for almost the entire remaining population of the Hawaiian monk seal, and serves as the seals' primary haul-out, pupping, and weaning habitat. The area also provides the breeding grounds and primary nesting sites for approximately 90 per cent of the threatened Hawaiian Islands green sea turtle population. Millions of Central Pacific seabirds also congregate on these islands to breed, including all but three of Hawaii's 22 species of seabirds, such as the grey-backed tern, short-tailed albatross, and the red-tailed tropicbird. More than 99 per cent of the world's Laysan albatrosses and 98 per cent of the world's black-footed albatrosses return to the NWHI each year to reproduce. For some bird species, the NWHI provide their only breeding site.

1.7 Naturalness

1.7.1 Because of their geographical isolation and long history of protection, the reefs of the NWHI are among the healthiest and most undisturbed coral reefs on the planet. Their naturalness is perhaps best evidenced by the relatively high diversity and productivity in the NWHI as compared with the reefs of the main Hawaiian Islands, which have experienced much greater impacts from humans, and by the fact that the NWHI is one of the worlds last remaining large-scale apex predator-dominated reef ecosystems.

1.8 Integrity

1.8.1 The area of the NWHI is a prime example of a self-sustaining ecological entity. The volcanic islands, coral atolls, shallow reefs, banks, slopes, shoals, seamounts, deep reefs, and open water form the basis for this interlocking and complex ecosystem. Its integrated nature is evidenced by the vast number of interdependent processes that connect the varied NWHI habitats, as discussed in particular in section 3.4 (Dependency) of this proposal. Examples of this include: (1) the critical link between the shallow coral reef and the deep ocean floor habitats manifested by species that migrate regularly from great depths and are consumed by many shallower water animals; (2) the foraging, feeding, breeding, and pupping areas of the Hawaiian monk seal range from the offshore, deepwater habitats to the land areas; and (3) the deposits of bird guano stimulate algal growth which, when combined with wave action, contributes to the growth of other species and the high productivity of the ecosystem.

1.8.2 While the NWHI are a part of the greater chain of Hawaiian Islands, there is clear evidence that the NWHI function as a distinct, biological unit. The NWHI ecosystem is highly productive, diverse, and apex predator-dominated while the ecosystem around the main Hawaiian Islands has substantially lower productivity, less species diversity, and is not apex predator-dominated. These differences demonstrate that the NWHI function as an integral unit.

1.9 Fragility

1.9.1 The area contains several thousand square miles of coral reefs made up of at least 57 species of hard coral and 12 species of soft coral. Coral communities are fragile ecosystems. They require a delicate balance across a range of environmental conditions in order to be healthy and grow. The health of a coral ecosystem may be threatened by changes to even one of those environmental conditions. Corals derive a substantial portion of their nutrition from symbiotic algae (called zooxanthellae) within their tissues. Because algae require light for photosynthesis, clear and clean water conditions are necessary for growth and well-being. The introduction of pollutants can be toxic to the coral.

1.9.2 The physical structure of the reef is provided by calcium carbonate, which forms the rock framework or reef "skeleton". This calcium carbonate is deposited at a rate of about one-centimetre per year by the living coral animal (polyp). These polyps exist in a thin layer at the surface of the reef rock. The coral reef system of the NWHI has taken thousands of years to build and, if damaged, regeneration of the reef may never occur. If optimal conditions for regeneration exist, it would still take hundreds, and perhaps thousands of years, for a damaged area of the reef to return to its previous condition.

1.9.3 In the NWHI, transiting ships are a primary anthropogenic threat to this fragile ecosystem because of ship groundings and pollution from operational and accidental discharges. Secondary and cumulative damage may occur when dislocated coral fragments caused by groundings are tossed against healthy coral by wave action, currents, and storms.

1.9.4 The isolation of the NWHI affords both protection from and vulnerability to invasive species, which can be transferred by ships. The islands' ecosystems have evolved without the influence of outside forces, demonstrated by the high level of native and endemic species. To date, 11 non-native species have been identified in the waters of the NWHI. Non-native species can displace native species and seriously disrupt and imbalance the natural ecosystem.

1.10 Bio-geographic importance

1.10.1 The NWHI represent one of the last remaining examples of an intact apex predator-dominated coral reef ecosystem with large top predator fish such as sharks in abundance. Because it is isolated, many aspects of the area represent what a completely pristine and undisturbed bio-geographic system would look like at this latitude if one still existed.

1.10.2 The area is geologically unique. The islands were created from a single plume of magma rising from a hot spot in the earth's mantle. Built up over millions of years of eruption, high volcanic islands were formed, then carried north-westerly by the movement of the Pacific Plate beneath. Twenty-eight million years ago the last emergent feature of the chain, Kure, was located where the present Big Island of Hawaii is now located.

2 Social, cultural and economic criteria

2.1 Human Dependency

2.1.1 The NWHI are of particular importance because of their significance in Native Hawaiian history and culture. The NWHI have long been considered a sacred place in Native Hawaiian traditions, and two of the islands in particular contain important archaeological sites (Kikiloi 2006). Early Polynesian voyagers, in their trans-Pacific voyages aboard large double-hulled sailing canoes, were the first humans to arrive in the NWHI, as early as 1000 A.D. Early Hawaiians lived on Nihoa for an estimated 700 years, but this occupation mysteriously ceased before Captain Cook's first landing in Hawaii in 1778 (Citizen's Guide 2006). Their early presence is evidenced by numerous sites on Nihoa and Mokumanamana (Necker), which are listed on both United States and State of Hawaii Registers of Historic Places for their cultural and historical significance. Together, the two islands have 140 recorded cultural sites, including ceremonial, residential, and agricultural sites, some which resemble historically important Polynesian sites in Tahiti and the Marqueses (Emory 1928; Cleghorn 1988; Liller 2000; Kawaharada 2001; Kikiloi 2006). These sites are being studied to increase the understanding of the connection between Native Hawaiian culture and the early Polynesians.

2.1.2 Oral traditions also confirm the relationship of the islands to ancestral Native Hawaiians, and recent ethnological studies have highlighted the continuity of traditional practices in the NWHI. Native Hawaiian cultural practitioners continue to voyage to the NWHI to honour their ancestors and perpetuate these practices. In 1997, Hui Mälama i Nä Kūpuna o Hawaii's Nei, a group dedicated to the repatriation of ancestral remains, returned sets of iwi (bones) to Nihoa and Mokumanamana (Necker). In 2003, the voyaging canoe *Hōkūle`a* travelled to Nihoa so that a group could conduct traditional ceremonies. In 2004, the *Hōkūle`a* sailed to Kure Atoll, and

in 2005 it took a group to Mokumanamana (Necker) for ceremonies on the summer solstice (Citizen's Guide 2006). Finally, underscoring the importance of the NWHI marine ecosystem in Native Hawaiian culture, oral traditions identify the coral polyp as the first living creature to emerge on Earth and the foundation and the building block of all other life in the sea (Friedlander *et al.* 2005b). It follows that ensuring a healthy, intact ecosystem in the NWHI plays an important role in perpetuating Native Hawaiian cultural traditions.

2.2 Cultural heritage

2.2.1 The NWHI are rich in underwater cultural heritage. The numerous wrecks found in the area are time capsules which capture specific elements of our seagoing past. Documents indicate that over 120 vessels and aircraft have been lost in the waters of the proposed area. These remains are representative of distinct phases of Pacific history and include Japanese junks, Hawaiian sampans, 19th century whalers, United States Navy side wheel steamers, French sailing ships, and fighter aircraft lost during the World War II Battle of Midway. Only a handful of these sites have been located and assessed so far, but these surveys reveal resources unique to the North-western Hawaiian Islands. The wrecks of the whaling ships **Pearl** and **Hermes**, both of which ran aground in 1822, are the only archaeological remains of the South Seas whaling industry, and the oldest shipwrecks found thus far in Hawaii. The scattered remains of the **USS Saginaw**, lost in 1870, capture the United States Civil War-era technology of the "old steam navy." The wreck site of the **Dunnottar Castle**, an iron hulled sailing ship lost in 1886, offers a rare glimpse of the days of the Tall Ships. These and many other sites are rare, representative of broad themes of maritime history, and a testimony to the uniqueness of Pacific seafaring history. Unwarranted damage or removal of submerged archaeological sites is prohibited by state and federal preservation laws, and United States Monument management agencies seek to protect these heritage resources as windows into the past.

3 Scientific and educational criteria

3.1 Research

3.1.1 This area is of high scientific interest and offers unparalleled opportunity for research. Given the fact that the NWHI are remote and rich with marine and terrestrial life, they provide one of the few areas in the world where researchers can conduct large-scale comparisons between human-impacted marine ecosystems and un-impacted marine ecosystems (Citizen's Guide; Friedlander and DeMartini 2002). Such comparisons may serve as a living model to guide restoration efforts elsewhere.

3.1.2 As further evidence of the importance of this area for research, in October 2006 an international team of biologists made discoveries in French Frigate Shoals of several new species of coral, sea stars, snails, and clams. The researchers also discovered over one hundred species never before seen in French Frigate Shoals and many of which may have been previously unknown to science (Associated Press 2006). These scientific discoveries suggest that much research remains to be done to fully understand and appreciate this complex ecosystem.

3.1.3 Research and monitoring conducted by United States federal and state agencies, academic institutions, and other organizations over the last 30 years have contributed substantially to the understanding of natural and anthropogenic factors influencing the NWHI and the interconnectedness of the physical and biological processes along the entire Hawaiian Island chain. Ongoing research and monitoring of the marine ecosystems in the NWHI will continue to

provide significant insights that will benefit management not only for the NWHI but in the entire Hawaiian Island chain and marine ecosystems around the world.

3.2 Baseline for monitoring studies

3.2.1 The NWHI are one of the few marine regions on earth where monitoring and research activities can be conducted in the virtual absence of local human habitation and activities. It thus provides ideal baseline conditions with regard to biota and environmental characteristics because it has not had substantial perturbations and is thus in a natural or near-natural condition. Remote, uninhabited, and relatively pristine in comparison to the main Hawaiian Islands and other marine ecosystems around the world, the NWHI serve as one of the few modern sentinels for monitoring and deciphering short-term and long-term responses to local, regional, and global environmental and anthropogenic stressors.

3.3 Education

3.3.1 The NWHI provide a model and rare benchmark of a healthy, intact integrated ecosystem preserved in its natural or near-natural state that may inspire Hawaiian residents as well as others to take part in ocean restoration efforts in their communities. This guiding premise led to “Navigating Change”, a multi-year, interagency project which focuses on raising awareness and motivating people to change their attitudes and behaviours to better care for Hawaii’s land and ocean resources. A five-part video and educational curriculum featuring the traditional Polynesian voyaging canoe *Hōkūle`a* during its 2004 expedition to the NWHI was completed in partnership with several agencies and organizations. Teacher workshops on the “Navigating Change” program have been held since 2003 across Hawaii and an outreach co-ordinator leads an associated curriculum in schools state-wide. As people learn more about the NWHI, many will want to go there and experience it. Therefore, the educational message that is being sent to preserve the fragile balance of the NWHI is that people must admire it from afar. Educational activities, therefore, will focus on bringing the place to the people, not the people to the place.

ANNEX 3

VULNERABILITY TO DAMAGE BY INTERNATIONAL SHIPPING ACTIVITIES*

1 *Vessel Traffic Characteristics*

1.1 Operational factors

1.1.1 There are limited maritime activities conducted in the waters of the NWHI, undoubtedly due to the islands' remote location and harsh environmental conditions for human activities. Pursuant to the Presidential Proclamation of June 15, 2006, most domestic activities within NWHI waters are prohibited or strictly regulated. Public access to the land portions of the NWHI has for many years been allowed by permit only, except for Midway Atoll, and permits are issued only for research and Native Hawaiian cultural activities. The maritime activities in this area are primarily research and management, fishing, cultural practices, and recreation. Research activities include assessment, long-term monitoring of resources, impacts and threats from human activities, and protection and conservation of NWHI resources. An estimated four million dollars are spent annually on research and management of the area. There are eight remaining commercial fishing permits in the NWHI, although the Presidential Proclamation and codifying regulations require closure of the fishery five years from the date of the Proclamation. Native Hawaiian cultural practitioners voyage to the NWHI to honour their ancestors and perpetuate traditional practices. Current tourism and recreational activities are limited to Midway Atoll and, under the Proclamation, a permit is now required. The extent to which ocean tourism and recreation occurs in the NWHI is unknown, but it appears to be extremely low. These activities may include wildlife watching, diving and snorkelling, charter fishing, and tour boats. Additionally, a management plan for tourism to the historic World War II location and military heritage sites on Midway Atoll is currently being developed and up to three cruise ships may visit the island each year.

1.2 Vessel Types

1.2.1 Container ships, bulk carriers, tankers, freighters, and fishing vessels regularly transit the waters surrounding the NWHI. With the exception of a few small boats at Midway Atoll and Tern Island (French Frigate Shoals), no vessels home port in the NWHI. Research and management vessels, eight fishing vessels, vessels used by Native Hawaiians, some recreational vessels, and a few cruise ships, conduct strictly regulated activities in NWHI waters (Franklin 2006; Mohri 2006).

1.3 Traffic Characteristics

1.3.1 Although due to its remoteness, the exact route of vessels through this area is unknown, it appears that most traffic passes to the north of the island chain, following the great circle routes to and from ports on the west coast of North America and East Asia. Other trans-Pacific ships travelling from ports in Hawaii transit at least 100 miles south of the NWHI. Occasionally, vessels transiting from the south pass within the boundaries of the proposed PSSA (Franklin 2006; Tosatto 2005; Horizon Lines 2006; Devany 2006).

* The text in this annex is taken from the United States submission contained in document MEPC 56/8.

1.3.2 A preliminary analysis of vessel traffic patterns within the NWHI was conducted based on data collected by the World Meteorological Organization's Voluntary Observing Ships scheme. This scheme collects geo-referenced data from select non-research vessels that make frequent and regular crossings of all major ocean basins. While the scheme does not capture the total traffic in the area, during a 21-month study period in 2004 and 2005, approximately 132 vessels reported from within the area of the proposed PSSA: 104 of these vessels were freighters, 8 were tankers, 4 were research vessels, 2 were passenger vessels, 2 were vessels used for educational purposes, 1 was a recreational vessel, 1 was a towing vessel with a 666-foot vessel in tow, and 10 were unidentified vessels. The 132 vessels were flagged in 23 different countries (Franklin 2006).

1.4 Substances Carried

1.4.1 While precise data is not available for the types of harmful substances carried on board the vessels that transit the waters of the NWHI, it is possible to identify examples of such substances from incidents that have occurred in the area. Three vessels, the **Paradise Queen II** (1998), the **Swordman I** (2000), and the **Casitas** (2005), all grounded in the NWHI and had significant quantities of bunker fuel or were carrying other types of fuel onboard (Cascadia Times 2006; Shallenberger 2004). These substances are harmful to the marine ecosystem and to the terrestrial environment when washed ashore. In another incident, a container of the pesticide, carbofuran, washed ashore at Laysan Island (Friedlander *et al.* 2005).

1.4.2 Three other ship accidents occurred involving cargoes that may not be classified as "hazardous substances," but that would be harmful if released into this area of the sea. The first incident involved the **Anangel Liberty** in 1980 where 2,200 tons of kaolin clay was dumped overboard to lighten the ship enough to pull it off one of the reefs on French Frigate Shoals. Fortunately, the currents on that day carried most of the clay out to sea rather than onto the reef. Had it not, the clay could have smothered coral thus adversely affecting the ecosystem. The other two incidents involved the grounding on Laysan of fishing vessels that had evidence of rats on board. Again, fortunately, the rats did not take up residence on the nearby island; however, if they had, it would have been extremely harmful to the ecology of the area because such introduced species can become "ecosystem busters" and cripple the ecosystem within that area (Shallenberger 2004).

2 Natural Factors

2.1 Hydrographical

2.1.1 The hydrography of the NWHI underscores the need for mariners to navigate with extreme caution. The chain of small islands, atolls, banks, seamounts, pinnacles, shoals, and other emergent features are remnants of volcanic islands which are eroding and subsiding beneath the ocean surface. While only the peaks of the original islands remain above the water's surface, coral growth on submerged slopes has matched the rate of subsidence (Evans *et al.* 2004). Due to these features, navigation in this area is dangerous and must be done with extreme caution. Water depths in this area range from the water's surface to slightly submerged banks, reefs, and other emergent features to the ocean floor at more than 14,000 feet.

2.1.2 The area of the proposed PSSA is currently covered by mostly small scale charts, with the most recent surveys taking place since 2000 near known islands, reefs and atolls. Although modern hydrographic surveys by the University of Hawaii and satellite imagery of the area have

allowed NOAA's Office of Coast Survey to correct the position of several of these features, many of the submerged banks and isolated features have yet to be updated or discovered.

2.1.3 In 2003, a mapping expedition was undertaken by NOAA and the University of Hawaii Undersea Research Laboratory. The primary objective of this project was to provide for more complete and accurate charts and survey data to support the management of the NWHI Coral Reef Ecosystem Reserve and protection of its resources. This expedition included hydrographic experts to ensure that appropriate International Hydrographic Organization quality standards were met. The hydrographic data will be applied to all affected charts by the end of 2007. Notwithstanding, large areas of the NWHI remain to be surveyed and nautical charts updated.

2.2 Meteorological

2.2.1 The northeast trade winds prevail throughout the year, but westerly blows can be expected during the winter. The average velocity of the winds is 12 knots, with monthly averages of 16 knots in December and 9.5 knots in August. Gales have been experienced in July and September. Occasional heavy showers of short duration also occur, cutting visibility to about 2 miles (Coast Pilot 7, 38th ed., 2006).

2.2.2 Tropical storms and hurricanes are a potential, but infrequent, threat to the shallow coral reef community structure of the NWHI. They can generate extreme wave energy events that can damage the coral and are the primary natural force in altering and shaping coral reef community structures (Dollar 1982; Dollar and Grigg 2004). Since 1979, two hurricanes (category 2) have passed near the NWHI. The most recent significant tropical storm was Hurricane Nele which passed near Gardner Pinnacles in 1985 (Friedlander *et al.* 2005).

2.2.3 Pacific Decadal Oscillation (PDO) events and the El Nino/La Nina phenomenon (ENSO) are two other meteorological factors that occur in the area of the NWHI. PDO events have been described as long-lived El Nino-like patterns of Pacific climate variability. They appear to persist for 20 to 30 years, compared to the 6 to 18 months for an El Niño event. The effects of the PDO are strongest in the North Pacific, while secondary signatures exist in the tropics. PDO sea level pressure anomalies vary with low pressures over the North Pacific and high pressure over the subtropical Pacific. These pressure patterns cause enhanced counter-clockwise wind stress over the North Pacific. With regard to the ENSO, while scientists do not fully understand how one is triggered, the initial detection occurs by a rise in atmospheric pressure in the western Pacific and a drop in pressure in the eastern Pacific (Garrison 1999). This causes trade winds to shift direction, which subsequently causes warm water in the western Pacific to flow across the Pacific basin. This mass of warm water has a number of effects on climate and ocean conditions. For example, it can cause trade wind speeds to drop, which can cause an increase in sea surface temperature (Hoeke *et al.* 2004). Light winds are likely the cause of recent coral bleaching in the NWHI. Increased water temperatures stress the coral, which causes it to expel the symbiotic zooxanthellae. If water temperature does not decrease and zooxanthellae do not return to the coral tissue, the coral will die.

2.3 Oceanographic

2.3.1 The NWHI are influenced by a wide range of oceanographic conditions that vary on spatial and temporal scales. Ocean currents, waves, temperatures, nutrients, and other oceanographic parameters and conditions influence ecosystem composition, structure, and function in the NWHI. Ocean currents play an important role in the dispersal and recruitment of

marine life in the NWHI. Surface currents are highly variable in both speed and direction (Firing *et al.* 2004), with long-term average surface flow from east to west in response to the prevailing northeast trade wind conditions. The highly variable nature of the surface currents is due in large part to eddies created by local island effects on large-scale circulation. Marine debris accumulation in shallow water areas of the NWHI also is influenced by large and small-scale ocean circulation patterns. These eddies might also result in pollution from vessels accumulating in the coral thus damaging resources.

2.3.2 Ocean waves also play an important role in the NWHI. The distribution of corals and other shallow water organisms is influenced by the exposure to waves. The size and strength of ocean wave events have annual, inter-annual, and decadal time scales. Annual extra-tropical storms (storms that originate outside the tropical latitudes) create high energy large wave events from five to over ten meters which approach largely from the northwest during the winter. During this time, the average wave power increases substantially and extreme wave events of over ten meters pound the shallow water coral communities, thus posing a hazard to the coral reef communities and to navigation. Decadal variability in wave power is possibly related to PDO events (Manutau *et al.* 1997). The number of extreme wave events has been recorded during the periods from 1985 to 1989 and from 1998 to 2002, and anomalously low numbers of extreme wave events occurred during the early 1980s and during the period from 1990 to 1996 (Friedlander *et al.* 2005).

2.4 Other helpful information

2.4.1 There is substantial evidence that international shipping activities are causing or may cause damage to the recognized attributes of the proposed PSSA. The hazards to navigation in the NWHI are demonstrated by the large number of shipwrecks throughout the NWHI chain. Over 60 shipwrecks have occurred in the area and some of these wrecks serve as the origin of a number of the islands' names.¹ While some of these wrecks are truly historic and therefore serve as time capsules of seafaring history, there have been a number of significant maritime casualties in more recent years. In 1998, the 80-foot **Paradise Queen II** ran aground on Kure Atoll. It spilled approximately 4,000 gallons of diesel fuel and other petroleum hydrocarbons. The remaining 7,000 gallons on board the vessel were recovered during salvage operations. The 85-foot **Swordman I** ran aground on Pearl and Hermes Atoll in 2000. It was carrying over 10,000 gallons of diesel fuel and hydraulic oil and approximately \$1.5 million was spent for response and removal of the vessel. In 2005, the 145-foot **Casitas** also ran aground on Pearl and Hermes Atoll, carrying over 33,000 gallons of diesel fuel on board. The vast majority of diesel fuel was salvaged and the vessel was removed from the Atoll and scuttled in an estimated \$5 million clean up and removal operation (Cascadia Times 2006; Shallenberger 2004; Biennial Coastal Zone Conference 2003).

2.4.2 The grounding of the **Anangel Liberty** on French Frigate Shoals in 1980 plowed a channel 2-3 metres deep, 100 metres long, and 30 meters wide in the coral reef. Coral communities were damaged within 50 meters on both sides of the channel ploughed by the freighter as a result of cargo (kaolin clay) that was dumped. In 1977, the burning and sinking of the **Hawaiian Patriot** to the south of French Frigate Shoals resulted in more than five million gallons of fuel oil entering the ocean (United States Fish & Wildlife Serv. 2005; United States Coral Reef Task Force 1999). Also in 1977, **Irene's Challenge** spilled

¹ This figure does not include aircraft or vessels that were sunk in the Battle of Midway.

approximately 10.4 million gallons of crude oil approximately 50 miles to the north of Lisianski Island. MEPC 56/INF.2, annex 1, provides a table summarizing select incidents that have occurred between 1970 and 2006 (United States Coral Reef Task Force 1999; NOAA 2006).

2.4.3 In addition to the damage that may be caused to the NWHI by spills or releases of ships' cargos or bunker fuel, damage may be caused by the grounding of ships on fragile coral and other sensitive habitats in the area. In the case of vessel grounding, destruction in the area of contact may be widespread and result in the scouring and destruction of coral by dislodgement and pulverization, as well as the crushing, fracturing, and removal of reef structure. Impacts may also include the scarring and abrading of nearby resources as wave action, currents, and wind move rubble produced at the initial site of the grounding. Additionally, there may be increased sedimentation with the fracturing and erosion of the reef structure, which can smother coral and other sensitive habitats (Coral Reef Restoration Handbook 2006). Damage may also be caused by subsequent vessel removal efforts which can further crush and bury sensitive resources. A vessel that has grounded and then is abandoned can continue to damage resources as debris becomes dislodged from the vessel and from its movement at the grounding location by wind and wave action.

2.4.4 Fortunately, although damage to coral and other resources has occurred from the ships that have grounded or sunk in the NWHI, recovery and removal efforts as well as favourable weather patterns and the currents occurring at the time of these maritime casualties have so far spared the fragile NWHI ecosystem from being seriously adversely impacted (Shallenberger 2004). Without taking the necessary action to increase maritime safety, protect the fragile marine environment, and facilitate the ability to respond to developing maritime emergencies, it is reasonably foreseeable that ships will continue to run aground in the NWHI and cause physical damage to the fragile coral reef ecosystem, as well as pose a threat of severe damage to this pristine area from the release of cargo and bunker fuel. Given the remoteness of the NWHI, the low level of development on the islands, and the minimum amount of domestic maritime activity that takes place within the surrounding waters, vessels that transit the area are one of the most persistent and significant anthropogenic threats to the recognized attributes of the area.

2.4.5 Another element that increases the vulnerability of the NWHI to international shipping activities is that, although the islands span 1,200 miles, most emergency response equipment is stationed in the main Hawaiian Islands, including Kauai, which is to the east of the NWHI. Search, rescue, and response operations have been staged from Midway Atoll, which is at the far north-western end of the island chain; however, without assistance from resources based in the main Hawaiian Islands, search, rescue, and response from Midway can generally reach only 10 miles offshore due to the limited equipment located permanently on the island. The sparse land area and fragile environment of the other islands makes it virtually impossible for them to act as staging areas for emergency response efforts. This fact, coupled with the hazardous nature of navigation throughout this area, results in the NWHI being highly vulnerable to damage by international shipping.

2.4.6 Another potential source of damage to this pristine area by international shipping activities is from the introduction of alien species. While only approximately 11 alien species have been detected in the waters of the NWHI, once established these species are extremely difficult – if not impossible – to control and eradicate from the reefs. Therefore, it is critical to keep ships that may be carrying ballast water or species on their hulls from foundering or

grounding on the reefs and providing the opportunity for the introduction of alien species (Citizen's Guide 2006).

2.4.7 In addition to the threat posed by transiting ships, another stress to the environment of the NWHI is marine debris, a severe and chronic threat to the area. Ocean currents carry a wide array of marine debris to the NWHI, including derelict fishing nets and other gear, household plastics, hazardous materials, and shore-based debris, and deposit it on the reef and beaches of the island chain. The debris frequently entangles and kills coral and leads to the death of animals such as seabirds and the Hawaiian monk seal through the ingestion of material or entanglement in nets. Derelict fishing gear also poses a navigation hazard because, for example, it can get wrapped around the propeller of a vessel. In the past 10 years, United States agencies have removed over 560 tons of debris from NWHI reefs at a cost of approximately US\$13.5 million (Citizen's Guide 2006; Brainard 2006).

2.4.8 The IMO measure of six existing ATBAs is already in effect. While there has been no incident in the areas of the existing ATBAs subsequent to their adoption that involves the vessels to which the ATBAs apply (e.g., vessels of 1,000 gross tons and above), there have been incidents in the NWHI outside of the existing ATBAs and incidents within the ATBAs by vessels to which the ATBAs do not now apply. For instance, the **Paradise Queen II** grounded on Kure Atoll, an area which is not now included within the ATBAs. Within the ATBA surrounding Pearl and Hermes Atoll, the **Swordman I** and **Casitas** ran aground; however, these vessels were smaller than the 1,000 gross ton applicability threshold of the existing ATBAs.

ANNEX 4

**ASSOCIATED PROTECTIVE MEASURES FOR THE PAPAĀNAUMOKUĀKEA
MARINE NATIONAL MONUMENT PSSA***

Expansion and amendment of the areas to be avoided “In the region of the Papahānaumokuākea Marine National Monument Particularly Sensitive Sea Areas (PSSA)”

(Reference chart: United States 19016 (2007 edition; 19019, 2007 edition; 19022, 2007 edition.)
Note: These charts are based on World Geodetic System 1984 Datum (WGS-84) and astronomic datum².)

Description of the Areas to be Avoided

Given the magnitude of obstacles that make navigation in these areas hazardous, and in order to increase maritime safety, protection of the environment, preservation of cultural resources and areas of cultural importance significant to Native Hawaiians, and facilitate the ability to respond to developing maritime emergencies in the Papahānaumokuākea Marine National Monument, all ships solely in transit should avoid the following areas:

1 Those areas contained within a circle of radius of 50 nautical miles centred upon the following geographical positions:

- | | | |
|------|--------------|--------------------------------------------------|
| (1) | 28° 25'.18 N | 178° 19'.75 W (Kure Atoll) |
| (2) | 28° 14'.20 N | 177° 22'.10 W (Midway Atoll) |
| (3) | 27° 50'.62 N | 175° 50'.53 W (Pearl and Hermes Atoll) |
| (4) | 26° 03'.82 N | 173° 58'.00 W (Lisianski Island) |
| (5) | 25° 46'.18 N | 171° 43'.95 W (Laysan Island) |
| (6) | 25° 25'.45 N | 170° 35'.32 W (Maro Reef) |
| (7) | 25° 19'.50 N | 170° 00'.88 W (Between Maro Reef and Raita Bank) |
| (8) | 25° 00'.00 N | 167° 59'.92 W (Gardner Pinnacles) |
| (9) | 23° 45'.52 N | 166° 14'.62 W (French Frigate Shoals) |
| (10) | 23° 34'.60 N | 164° 42'.02 W (Necker Island) |
| (11) | 23° 03'.38 N | 161° 55'.32 W (Nihoa Island) |

2 The areas contained between the following geographical positions:

		Begin Co-ordinates		End Co-ordinates	
		Latitude	Longitude	Latitude	Longitude
Area 1	Lisianski Island (N) ---> Laysan Island	26° 53'.22 N	173° 49'.64 W	26° 35'.58 N	171° 35'.60 W
	Lisianski Island (S) ---> Laysan Island	25° 14'.42 N	174° 06'.36 W	24° 57'.63 N	171° 57'.07 W
Area 2	Gardner Pinnacles (N) ---> French Frigate Shoals	25° 38'.90 N	167° 25'.31 W	24° 24'.80 N	165° 40'.89 W
	Gardner Pinnacles (S) ---> French Frigate Shoals	24° 14'.27 N	168° 22'.13 W	23° 05'.84 N	166° 47'.81 W

* The text in this annex is directly taken from document MSC 83/28, annexes 25 and 26.

² The charts are available in paper, raster, or ENC form and may be found at <http://chartmaker.ncd.noaa.gov/NSD/coastpilot.htm>. Mariners are also urged to consult the latest edition, of the United States Coast Pilot No.7, available at <http://chartmaker.ncd.noaa.gov/nsd/coastpilot7.htm> and in particular, Chapter 14, which pertains to Hawaii, available at http://chartmaker.ncd.noaa.gov/nsd/Cp7/CP7-39ed-Ch14_7.pdf.

A ship reporting system (CORAL SHIPREP) is established in “The Papahānaumokuākea Marine National Monument” Particularly Sensitive Sea Area (PSSA)

1 Categories of ships

1.1 Ships required to participate in the system

1.1.1 As a condition of entry to a United States port or place, all ships 300 gross tonnage or greater, and all ships in the event of a developing emergency, and that are in transit through the reporting area are required to participate in CORAL SHIPREP, except for sovereign immune vessels which are exempt under SOLAS regulation V/1.

1.2 Ships recommended to participate in the system

1.2.1 All ships 300 gross tonnage or greater, fishing vessels, and all ships in the event of a developing emergency, and that are in transit through the reporting area are recommended to participate in CORAL SHIPREP.

2 Geographical coverage of the system and the number and edition of the reference chart used for the delineation of the system

2.1 The geographical coverage of CORAL SHIPREP is depicted by the geographical positions in the appendix.

2.2 The reference charts that include the ship reporting area are United States 19016, 2007 edition, 19019, 2007 edition, and 19022, 2007 edition. These charts are based on World Geodetic System 1984 Datum (WGS-84) and astronomic datum.

3 Format, content of reports, times and geographical positions for submitting reports, authorities to whom reports should³ be sent, available services

3.1 Format

3.1.1 The ship report should be drafted in accordance with the format shown in paragraph 2 of the appendix to resolution A.851(20).

3.2 Content

3.2.1 The report for a ship entering the system should contain the following information:

System identifier: CORAL SHIPREP

A	Name of the ship, call sign, or IMO identification number
B	Date and Time (UTC)
C or D	Position
E or F	Course and speed of ship
I	Destination
L	Intended route through the reporting area
O	Vessel draft

³ For those ships that are required to report the use of the word “should” in this annex is to be read as “shall”.

P	General categories of hazardous cargo on board
Q or R	Defects or deficiencies, if relevant
T	Contact information of ship's agent or owner
U	Ship size and type (<i>e.g.</i> , length, tonnage, and type)
W	Total number of persons on board

3.2.2 The report for a ship leaving the system should contain the following information:

System identifier: CORAL SHIPREP

A	Name of the ship, call sign, or IMO identification number
B	Date and Time (UTC)
C or D	Position

3.2.3 A ship may elect, for reasons of commercial confidentiality, to communicate that section of the report which provides information on general categories of hazardous cargo by non-verbal means prior to entering the reporting area.

3.3 *Geographical positions for submitting reports*

3.3.1 Each ship should submit a full report in accordance with paragraph 3.2.1 as soon as it crosses the boundary to enter the ship reporting system.

3.3.2 Each ship should submit a report in accordance with paragraph 3.2.2 as soon as it crosses the boundary to leave the ship reporting system.

3.3.3 Further reports should be made whenever there is a change in navigation status or circumstances, particularly in relation to item Q of the reporting format.

3.4 *Authority to whom reports should be sent*

3.4.1 The shore-based Authority is the United States Coast Guard's Communication Area Master Station Pacific (CAMSPAC). For ships 300 gross tonnage and greater, an e-mail address to be used for reporting through INMARSAT-C will be provided in advance of implementation of this system through Notices to Mariners. In the event of a developing emergency, ships are urged to call the United States Coast Guard 14th District. Vessels unable to report in through INMARSAT-C should report to nwhi.notification@noaa.gov.

4 Information to be provided to ship and procedures to be followed

4.1 The CORAL SHIPREP shore-based Authority will provide critical alerts and information to shipping about specific and urgent situations and other information that may affect safety of navigation within the IMO-adopted Areas To Be Avoided and "The Papahānaumokuākea Marine National Monument" Particularly Sensitive Sea Area, as well as remind ships about the existence of the IMO-adopted Areas To Be Avoided and necessity of navigating with extreme caution through the Particularly Sensitive Sea Area.⁴

⁴ Pending the final decision of MEPC 57 on the designation of this PSSA.

4.2 Navigational warnings and emergency broadcasts will be issued as NAVTEX messages or specifically directed at GMDSS equipped vessels using INMARSAT-C.

5 Radio Communication required for the system and frequencies on which reports should be transmitted

5.1 This system will be based on INMARSAT-C and an e-mail and ships equipped with such capabilities should report through INMARSAT-C.

5.2 In the event of a developing emergency, a ship is urged to call the United States Coast Guard 14th District at 001-808-541-2500 to request a response and assistance.

5.3 For vessels unable to communicate through INMARSAT-C, reports should be made prior to, during, or after transiting through the reporting area to nwhi.notification@noaa.gov.

5.4 Commercially sensitive information will be kept confidential and should be transmitted prior to entry into the reporting system. Such information may be sent to nwhi.notification@noaa.gov.

5.5 The language used for reports to the system should be English, employing the IMO *Standard Marine Communications Phrases*, where necessary.

5.6 Communications associated with CORAL SHIPREP are, in accordance with SOLAS regulation V/11, free of charge to affected vessels.

6 Relevant rules and regulations in force in the area of the system

6.1 International actions

6.1.1 The United States has taken appropriate action to implement the international conventions to which it is party.

6.1.2 In recognition of the fragile environment in this area and potential hazards to navigation, the IMO has adopted several Areas To Be Avoided to protect the Northwestern Hawaiian Islands and has designated the area as a Particularly Sensitive Sea Areas where mariners should navigate with extreme caution.

6.1.3 The United States applies its laws in accordance with international law, which includes navigational rights under customary international law as reflected in the United Nations Convention on the Law of the Sea. No restrictions shall apply to or be enforced against foreign flagged vessels unless in accordance with such law.

6.2 Domestic Actions

6.2.1 The United States has taken considerable action to ensure maritime safety and to protect the fragile environment and cultural resources and areas of cultural importance significant to Native Hawaiians in the NWHI. This area has been the subject of a variety of protective measures, including designation of this area as the North-western Hawaiian Islands Marine National Monument (subsequently renamed the Papahānaumokuākea Marine National Monument) in recognition of its fragility and to protect the many species of coral, fish, birds, marine mammals, and other flora and fauna, as well as to protect historical and archaeological

heritage resources, including cultural resources and areas of significant importance to Native Hawaiians.

6.2.2 Regulations in this area, *inter alia*, prohibit taking, possessing, injuring, or disturbing any resource; altering the seabed; anchoring or deserting a vessel; and possessing fishing gear unless stowed. All of these activities may be allowed by permit; however, permits cannot be issued for such things as releasing an introduced species. Activities such as discharging or depositing any material into the Monument, or discharging or depositing any material outside the Monument that subsequently injures Monument resources, except discharges incidental to vessel use, such as approved marine sanitation device effluent, cooling water, and engine exhaust are also prohibited. The United States strictly regulates entry into the Monument and, for those vessels subject to United States jurisdiction, requires the mandatory use of vessel monitoring systems on those vessels that may be allowed into the Monument for specific purposes.

7 Shore-based facilities to support operation of the system

7.1 The shore-based Authority is the United States Coast Guard's Communications Area Master Station Pacific (CAMSPAC). CAMSPAC provides maritime distress communication services and safety and weather broadcasts to commercial and recreational mariners, and also provides secure voice communications and record message delivery services for all United States Coast Guard cutters, aircraft, and shore units. Additionally, CAMSPAC is one of the United States Coast Guard's Pacific Area's (PACAREA) Continuity of Operations sites. CAMSPAC delivers contingency and interagency communication services for Incident Commanders by deploying a state-of-the-art transportable communications centre. CAMSPAC is the Operational Commander of the United States Coast Guard's Pacific Area Communications System, consisting of communication stations in Honolulu Hawaii, Kodiak Alaska, and remote facilities in Guam. There are approximately 150 people assigned to CAMSPAC.

7.2 CORAL SHIPREP will use INMARSAT-C communications equipment. A computer server handles and sorts incoming reports and sends the return message. Incoming reports are text messages that arrive via either internet e-mail or telex. When the ship reporting system server receives a report, the server sends the ship a specific return message. Area co-ordinators will monitor and update the information to the server for inclusion in the outgoing message.

8 Alternative communication if the shore-based facilities fail

8.1 NAVTEX Broadcast Notice to Mariners may be used to notify mariners of the temporary failure of the system and can provide mariners with basic information necessary to navigate safely through this area.

8.2 For those ships reporting through INMARSAT-C, the standard protocol now used for such systems will be used to re-route incoming and outgoing communications through an alternative address and it is expected that this will minimize the system's downtime, though a short delay may occur.

9 Measures to be taken if a ship does not report

9.1.1 All means will be used to encourage and promote the full participation of the ships recommended to submit reports.

9.1.2 If reports are not submitted by those ships required to report and the ship can be positively identified, appropriate action will be taken – including interaction with the flag State – in accordance with customary international law as reflected in the 1982 United Nations Convention on the Law of the Sea.

APPENDIX

GEOGRAPHICAL CO-ORDINATES

SHIP REPORTING SYSTEM

(Reference chart: United States 19016 (2007 edition; 19019, 2007 edition; 19022, 2007 edition.)
These charts are based on World Geodetic System 1984 Datum (WGS-84) and astronomic datum.)

1 Outer Boundary

Point	LATITUDE	LONGITUDE
1	29°25'.47 N	178°16'.97 W
2	28°43'.73 N	175°13'.84 W
3	27°00'.77 N	173°25'.78 W
4	26°44'.91 N	171°28'.07 W
5	26°24'.23 N	170°20'.59 W
6	25°56'.43 N	167°32'.10 W
7	24°50'.20 N	165°58'.69 W
8	24°05'.52 N	161°56'.86 W
9	24°05'.29 N	161°56'.62 W
10	24°04'.37 N	161°51'.53 W
11	24°03'.44 N	161°46'.45 W
12	24°02'.41 N	161°41'.39 W
13	24°01'.31 N	161°36'.35 W
14	23°59'.68 N	161°31'.55 W
15	23°57'.85 N	161°26'.85 W
16	23°55'.54 N	161°22'.31 W
17	23°52'.96 N	161°17'.92 W
18	23°50'.12 N	161°13'.72 W
19	23°46'.94 N	161°10'.08 W
20	23°43'.49 N	161°06'.47 W
21	23°39'.71 N	161°03'.09 W
22	23°35'.72 N	161°00'.14 W
23	23°31'.59 N	160°57'.46 W
24	23°27'.32 N	160°55'.23 W
25	23°22'.74 N	160°53'.71 W
26	23°18'.29 N	160°52'.17 W
27	23°13'.57 N	160°51'.04 W
28	23°08'.68 N	160°50'.46 W
29	23°03'.70 N	160°50'.17 W
30	22°58'.67 N	160°50'.35 W
31	22°53'.84 N	160°51'.04 W
32	22°49'.11 N	160°52'.20 W
33	22°44'.46 N	160°53'.56 W
34	22°40'.03 N	160°55'.52 W

Point	LATITUDE	LONGITUDE
35	22°35'.73 N	160°57'.68 W
36	22°31'.54 N	161°00'.25 W
37	22°27'.57 N	161°03'.23 W
38	22°23'.76 N	161°06'.64 W
39	22°20'.24 N	161°10'.23 W
40	22°17'.02 N	161°14'.13 W
41	22°14'.04 N	161°18'.34 W
42	22°11'.35 N	161°22'.80 W
43	22°09'.19 N	161°27'.45 W
44	22°07'.29 N	161°32'.11 W
45	22°05'.87 N	161°36'.94 W
46	22°04'.62 N	161°41'.89 W
47	22°03'.94 N	161°47'.09 W
48	22°03'.41 N	161°52'.36 W
49	22°03'.41 N	161°57'.51 W
50	22°03'.82 N	162°02'.83 W
51	22°04'.49 N	162°08'.04 W
52	22°05'.43 N	162°13'.12 W
53	22°05'.97 N	162°16'.41 W
54	22°06'.29 N	162°16'.85 W
55	22°34'.57 N	164°47'.27 W
56	22°47'.60 N	166°38'.23 W
57	24°03'.82 N	168°27'.91 W
58	24°25'.76 N	170°45'.39 W
59	24°46'.54 N	171°53'.03 W
60	25°07'.60 N	174°28'.71 W
61	27°05'.82 N	176°35'.51 W
62	27°27'.32 N	178°38'.66 W
63	27°28'.93 N	178°43'.56 W
64	27°30'.64 N	178°48'.40 W
65	27°32'.74 N	178°52'.96 W
66	27°35'.06 N	178°57'.30 W
67	27°37'.89 N	179°01'.49 W
68	27°40'.90 N	179°05'.60 W
69	27°44'.17 N	179°09'.41 W
70	27°47'.74 N	179°12'.85 W
71	27°51'.45 N	179°16'.00 W
72	27°55'.32 N	179°18'.82 W
73	27°59'.33 N	179°21'.13 W
74	28°03'.49 N	179°23'.15 W
75	28°07'.82 N	179°24'.76 W
76	28°12'.31 N	179°26'.18 W
77	28°16'.95 N	179°27'.05 W
78	28°21'.61 N	179°27'.63 W
79	28°26'.18 N	179°27'.77 W
80	28°30'.87 N	179°27'.48 W
81	28°35'.61 N	179°26'.95 W
82	28°40'.09 N	179°25'.75 W

Point	LATITUDE	LONGITUDE
83	28°44'.46 N	179°24'.31 W
84	28°48'.70 N	179°22'.50 W
85	28°52'.81 N	179°20'.43 W
86	28°56'.71 N	179°17'.77 W
87	29°00'.58 N	179°14'.92 W
88	29°04'.18 N	179°11'.69 W
89	29°07'.62 N	179°08'.20 W
90	29°10'.86 N	179°04'.37 W
91	29°13'.76 N	179°00'.21 W
92	29°16'.24 N	178°55'.78 W
93	29°18'.51 N	178°51'.26 W
94	29°20'.45 N	178°46'.50 W
95	29°22'.26 N	178°41'.67 W
96	29°23'.52 N	178°36'.64 W
97	29°24'.53 N	178°31'.54 W
98	29°25'.16 N	178°26'.31 W
99	29°25'.42 N	178°20'.92 W
100	29°25'.29 N	178°16'.70 W

2 Inner Boundary Around Kure Atoll, Midway Atoll, and Pearl and Hermes Atoll

Point	LATITUDE	LONGITUDE
1	27°14'.76 N	176°29'.87 W
2	27°24'.95 N	177°33'.31 W
3	27°35'.87 N	178°29'.90 W
4	27°36'.64 N	178°33'.93 W
5	27°37'.53 N	178°37'.32 W
6	27°38'.60 N	178°40'.65 W
7	27°39'.85 N	178°43'.90 W
8	27°41'.28 N	178°47'.05 W
9	27°42'.89 N	178°50'.10 W
10	27°44'.66 N	178°53'.03 W
11	27°46'.59 N	178°55'.83 W
12	27°48'.67 N	178°58'.49 W
13	27°50'.89 N	179°01'.00 W
14	27°53'.22 N	179°03'.39 W
15	27°55'.69 N	179°05'.61 W
16	27°58'.29 N	179°07'.61 W
17	28°01'.01 N	179°09'.47 W
18	28°03'.81 N	179°11'.10 W
19	28°06'.71 N	179°12'.53 W
20	28°09'.67 N	179°13'.75 W
21	28°12'.70 N	179°14'.75 W
22	28°15'.78 N	179°15'.54 W
23	28°18'.91 N	179°16'.11 W
24	28°22'.04 N	179°16'.45 W
25	28°24'.72 N	179°16'.56 W

Point	LATITUDE	LONGITUDE
26	28°25'.20 N	179°16'.57 W
27	28°25'.81 N	179°16'.56 W
28	28°28'.35 N	179°16'.44 W
29	28°31'.49 N	179°16'.10 W
30	28°34'.61 N	179°15'.54 W
31	28°37'.69 N	179°14'.75 W
32	28°40'.71 N	179°13'.74 W
33	28°43'.68 N	179°12'.54 W
34	28°46'.58 N	179°11'.13 W
35	28°49'.39 N	179°09'.52 W
36	28°52'.11 N	179°07'.70 W
37	28°54'.72 N	179°05'.70 W
38	28°57'.21 N	179°03'.51 W
39	28°59'.58 N	179°01'.15 W
40	29°01'.81 N	178°58'.62 W
41	29°03'.90 N	178°55'.93 W
42	29°05'.83 N	178°53'.10 W
43	29°07'.60 N	178°50'.13 W
44	29°09'.21 N	178°47'.04 W
45	29°10'.64 N	178°43'.84 W
46	29°11'.89 N	178°40'.54 W
47	29°12'.95 N	178°37'.16 W
48	29°13'.82 N	178°33'.71 W
49	29°14'.50 N	178°30'.21 W
50	29°14'.99 N	178°26'.66 W
51	29°15'.28 N	178°23'.08 W
52	29°15'.36 N	178°19'.49 W
53	29°15'.25 N	178°15'.90 W
54	29°14'.94 N	178°12'.32 W
55	29°14'.43 N	178°08'.78 W
56	29°03'.47 N	177°12'.07 W
57	29°02'.55 N	177°07'.29 W
58	28°38'.96 N	175°35'.47 W
59	28°38'.67 N	175°34'.35 W
60	28°34'.91 N	175°19'.74 W
61	28°26'.24 N	175°10'.65 W
62	28°24'.61 N	175°08'.95 W
63	28°24'.53 N	175°09'.04 W
64	28°20'.09 N	175°04'.91 W
65	28°16'.05 N	175°01'.92 W
66	28°11'.78 N	174°59'.33 W
67	28°07'.29 N	174°57'.23 W
68	28°02'.63 N	174°55'.68 W
69	27°57'.84 N	174°54'.62 W
70	27°53'.01 N	174°54'.05 W
71	27°48'.12 N	174°54'.05 W
72	27°43'.28 N	174°54'.62 W
73	27°38'.48 N	174°55'.71 W

Point	LATITUDE	LONGITUDE
74	27°33'.81 N	174°57'.32 W
75	27°29'.30 N	174°59'.43 W
76	27°25'.00 N	175°02'.03 W
77	27°20'.93 N	175°05'.07 W
78	27°17'.18 N	175°08'.59 W
79	27°13'.73 N	175°12'.47 W
80	27°10'.59 N	175°16'.67 W
81	27°07'.88 N	175°21'.25 W
82	27°05'.57 N	175°26'.09 W
83	27°03'.66 N	175°31'.15 W
84	27°02'.22 N	175°36'.40 W
85	27°01'.29 N	175°41'.78 W
86	27°00'.73 N	175°47'.22 W
87	27°00'.68 N	175°52'.74 W
88	27°01'.09 N	175°58'.16 W
89	27°01'.99 N	176°03'.53 W
90	27°03'.34 N	176°08'.81 W
91	27°05'.12 N	176°13'.91 W
92	27°07'.37 N	176°18'.79 W
93	27°09'.98 N	176°23'.40 W
94	27°13'.02 N	176°27'.74 W
95	27°13'.77 N	176°28'.70 W

3 Inner Boundary Around Lisianski Island, Laysan Island, Maro Reef, and Raita Bank

Point	LATITUDE	LONGITUDE
1	26°50'.89 N	173°30'.79 W
2	26°36'.00 N	171°37'.70 W
3	26°35'.49 N	171°33'.84 W
4	26°35'.10 N	171°30'.84 W
5	26°34'.07 N	171°27'.50 W
6	26°33'.35 N	171°25'.16 W
7	26°14'.26 N	170°23'.04 W
8	26°08'.69 N	169°48'.96 W
9	26°08'.36 N	169°49'.03 W
10	26°07'.62 N	169°45'.83 W
11	26°06'.03 N	169°40'.57 W
12	26°03'.97 N	169°35'.64 W
13	26°01'.51 N	169°30'.91 W
14	25°58'.65 N	169°26'.45 W
15	25°55'.32 N	169°22'.34 W
16	25°51'.67 N	169°18'.60 W
17	25°47'.78 N	169°15'.19 W
18	25°43'.54 N	169°12'.34 W
19	25°39'.05 N	169°09'.93 W
20	25°34'.37 N	169°08'.08 W
21	25°29'.54 N	169°06'.76 W

Point	LATITUDE	LONGITUDE
22	25°24'.61 N	169°05'.93 W
23	25°19'.63 N	169°05'.64 W
24	25°14'.65 N	169°05'.93 W
25	25°09'.69 N	169°06'.66 W
26	25°04'.85 N	169°08'.02 W
27	25°00'.17 N	169°09'.96 W
28	24°55'.66 N	169°12'.35 W
29	24°51'.35 N	169°15'.14 W
30	24°47'.37 N	169°18'.48 W
31	24°43'.69 N	169°22'.22 W
32	24°40'.34 N	169°26'.31 W
33	24°37'.42 N	169°30'.78 W
34	24°35'.00 N	169°35'.64 W
35	24°33'.02 N	169°40'.66 W
36	24°31'.34 N	169°45'.88 W
37	24°30'.31 N	169°51'.08 W
38	24°29'.68 N	169°56'.53 W
39	24°29'.56 N	170°01'.81 W
40	24°29'.61 N	170°04'.57 W
41	24°35'.77 N	170°44'.39 W
42	24°36'.29 N	170°47'.58 W
43	24°37'.18 N	170°50'.37 W
44	24°37'.76 N	170°52'.17 W
45	24°56'.23 N	171°50'.19 W
46	25°16'.61 N	174°24'.84 W
47	25°29'.56 N	174°38'.45 W
48	25°33'.28 N	174°42'.03 W
49	25°37'.33 N	174°45'.20 W
50	25°41'.68 N	174°47'.84 W
51	25°46'.23 N	174°50'.05 W
52	25°50'.93 N	174°51'.77 W
53	25°55'.80 N	174°52'.91 W
54	26°00'.71 N	174°53'.47 W
55	26°05'.67 N	174°53'.61 W
56	26°10'.59 N	174°53'.07 W
57	26°15'.46 N	174°52'.08 W
58	26°20'.20 N	174°50'.57 W
59	26°24'.75 N	174°48'.44 W
60	26°29'.15 N	174°45'.94 W
61	26°33'.26 N	174°42'.96 W
62	26°37'.11 N	174°39'.49 W
63	26°40'.60 N	174°35'.63 W
64	26°43'.75 N	174°31'.43 W
65	26°46'.49 N	174°26'.87 W
66	26°48'.90 N	174°22'.09 W
67	26°50'.79 N	174°17'.03 W
68	26°52'.20 N	174°11'.79 W
69	26°53'.21 N	174°06'.43 W

Point	LATITUDE	LONGITUDE
70	26°53'.74 N	174°00'.98 W
71	26°53'.74 N	173°55'.48 W
72	26°53'.29 N	173°50'.02 W
73	26°52'.56 N	173°44'.58 W
74	26°51'.85 N	173°39'.14 W
75	26°51'.13 N	173°33'.69 W
76	26°50'.75 N	173°30'.87 W

4 Inner Boundary Around Gardner Pinnacles, French Frigate Shoals, and Necker Island

Point	LATITUDE	LONGITUDE
1	25°49'.64 N	167°52'.66 W
2	25°49'.70 N	167°52'.65 W
3	25°48'.99 N	167°48'.35 W
4	25°47'.09 N	167°36'.72 W
5	25°39'.84 N	167°26'.48 W
6	25°35'.10 N	167°19'.79 W
7	25°10'.43 N	166°45'.00 W
8	24°40'.91 N	166°03'.36 W
9	24°35'.64 N	165°34'.99 W
10	24°23'.78 N	164°31'.12 W
11	24°23'.59 N	164°31'.14 W
12	24°23'.31 N	164°29'.74 W
13	24°21'.85 N	164°24'.52 W
14	24°20'.10 N	164°19'.39 W
15	24°17'.75 N	164°14'.56 W
16	24°14'.99 N	164°09'.97 W
17	24°11'.86 N	164°05'.69 W
18	24°08'.30 N	164°01'.80 W
19	24°04'.48 N	163°58'.23 W
20	24°00'.27 N	163°55'.22 W
21	23°55'.85 N	163°52'.59 W
22	23°51'.17 N	163°50'.56 W
23	23°46'.33 N	163°48'.98 W
24	23°41'.37 N	163°47'.99 W
25	23°36'.34 N	163°47'.56 W
26	23°31'.27 N	163°47'.60 W
27	23°26'.27 N	163°48'.28 W
28	23°21'.34 N	163°49'.50 W
29	23°16'.53 N	163°51'.14 W
30	23°11'.96 N	163°53'.47 W
31	23°07'.54 N	163°56'.15 W
32	23°03'.46 N	163°59'.38 W
33	22°59'.65 N	164°03'.01 W
34	22°56'.27 N	164°07'.10 W
35	22°53'.22 N	164°11'.49 W
36	22°50'.60 N	164°16'.18 W

Point	LATITUDE	LONGITUDE
37	22°48'.48 N	164°21'.16 W
38	22°46'.73 N	164°26'.28 W
39	22°45'.49 N	164°31'.60 W
40	22°44'.83 N	164°37'.03 W
41	22°44'.65 N	164°42'.51 W
42	22°44'.92 N	164°47'.99 W
43	22°45'.11 N	164°49'.52 W
44	22°45'.39 N	164°51'.48 W
45	22°45'.17 N	164°51'.53 W
46	22°50'.26 N	165°34'.99 W
47	22°55'.50 N	166°19'.63 W
48	22°55'.93 N	166°23'.32 W
49	22°57'.41 N	166°36'.00 W
50	23°03'.75 N	166°45'.00 W
51	23°05'.48 N	166°47'.45 W
52	24°12'.70 N	168°22'.86 W
53	24°12'.88 N	168°22'.78 W
54	24°16'.05 N	168°27'.28 W
55	24°19'.15 N	168°31'.66 W
56	24°22'.27 N	168°35'.95 W
57	24°25'.71 N	168°39'.94 W
58	24°29'.51 N	168°43'.55 W
59	24°33'.67 N	168°46'.63 W
60	24°38'.06 N	168°49'.29 W
61	24°42'.68 N	168°51'.46 W
62	24°47'.45 N	168°53'.12 W
63	24°52'.34 N	168°54'.28 W
64	24°57'.32 N	168°54'.82 W
65	25°02'.32 N	168°54'.95 W
66	25°07'.30 N	168°54'.43 W
67	25°12'.19 N	168°53'.32 W
68	25°16'.99 N	168°51'.76 W
69	25°21'.57 N	168°49'.60 W
70	25°25'.94 N	168°46'.93 W
71	25°30'.09 N	168°43'.86 W
72	25°33'.89 N	168°40'.42 W
73	25°37'.37 N	168°36'.52 W
74	25°40'.49 N	168°32'.24 W
75	25°43'.24 N	168°27'.68 W
76	25°45'.57 N	168°22'.82 W
77	25°47'.43 N	168°17'.76 W
78	25°48'.79 N	168°12'.47 W
79	25°49'.72 N	168°07'.09 W
80	25°50'.11 N	168°01'.62 W
81	25°50'.18 N	168°00'.09 W

5 Inner Boundary Around Nihoa Island

Point	LATITUDE	LONGITUDE
1	23°52'.82 N	161°44'.54 W
2	23°52'.10 N	161°41'.20 W
3	23°51'.18 N	161°37'.92 W
4	23°50'.08 N	161°34'.71 W
5	23°48'.79 N	161°31'.58 W
6	23°47'.33 N	161°28'.55 W
7	23°45'.69 N	161°25'.62 W
8	23°43'.88 N	161°22'.81 W
9	23°41'.92 N	161°20'.13 W
10	23°39'.80 N	161°17'.60 W
11	23°37'.54 N	161°15'.21 W
12	23°35'.14 N	161°12'.99 W
13	23°32'.62 N	161°10'.93 W
14	23°29'.99 N	161°09'.05 W
15	23°27'.25 N	161°07'.35 W
16	23°24'.42 N	161°05'.85 W
17	23°21'.51 N	161°04'.54 W
18	23°18'.52 N	161°03'.43 W
19	23°15'.48 N	161°02'.53 W
20	23°12'.39 N	161°01'.84 W
21	23°09'.27 N	161°01'.35 W
22	23°06'.13 N	161°01'.09 W
23	23°02'.97 N	161°01'.03 W
24	22°59'.82 N	161°01'.19 W
25	22°56'.69 N	161°01'.57 W
26	22°53'.58 N	161°02'.15 W
27	22°50'.51 N	161°02'.95 W
28	22°47'.50 N	161°03'.95 W
29	22°44'.55 N	161°05'.15 W
30	22°41'.67 N	161°06'.54 W
31	22°38'.88 N	161°08'.13 W
32	22°36'.19 N	161°09'.90 W
33	22°33'.61 N	161°11'.85 W
34	22°31'.14 N	161°13'.97 W
35	22°28'.81 N	161°16'.25 W
36	22°26'.61 N	161°18'.69 W
37	22°24'.56 N	161°21'.26 W
38	22°22'.66 N	161°23'.97 W
39	22°20'.92 N	161°26'.80 W
40	22°19'.35 N	161°29'.74 W
41	22°17'.95 N	161°32'.78 W
42	22°16'.73 N	161°35'.90 W
43	22°15'.70 N	161°39'.10 W
44	22°14'.85 N	161°42'.37 W
45	22°14'.20 N	161°45'.68 W
46	22°13'.73 N	161°49'.03 W

Point	LATITUDE	LONGITUDE
47	22°13'.47 N	161°52'.41 W
48	22°13'.40 N	161°55'.80 W
49	22°13'.53 N	161°59'.18 W
50	22°13'.85 N	162°02'.55 W
51	22°14'.31 N	162°05'.45 W
52	22°14'.37 N	162°05'.89 W
53	22°14'.59 N	162°06'.88 W
54	22°15'.87 N	162°12'.18 W
55	22°17'.70 N	162°17'.31 W
56	22°19'.97 N	162°22'.20 W
57	22°22'.73 N	162°26'.84 W
58	22°25'.88 N	162°31'.15 W
59	22°29'.41 N	162°35'.09 W
60	22°33'.28 N	162°38'.61 W
61	22°37'.47 N	162°41'.72 W
62	22°41'.93 N	162°44'.34 W
63	22°46'.63 N	162°46'.47 W
64	22°51'.48 N	162°48'.05 W
65	22°56'.46 N	162°49'.09 W
66	23°01'.50 N	162°49'.58 W
67	23°06'.58 N	162°49'.49 W
68	23°11'.61 N	162°48'.89 W
69	23°16'.57 N	162°47'.70 W
70	23°21'.36 N	162°45'.98 W
71	23°26'.02 N	162°43'.75 W
72	23°30'.40 N	162°41'.01 W
73	23°34'.51 N	162°37'.83 W
74	23°38'.26 N	162°34'.18 W
75	23°41'.69 N	162°30'.18 W
76	23°44'.72 N	162°25'.79 W
77	23°47'.36 N	162°21'.11 W
78	23°49'.55 N	162°16'.16 W
79	23°51'.24 N	162°10'.99 W
80	23°52'.44 N	162°05'.63 W
81	23°53'.14 N	162°00'.25 W
82	23°53'.36 N	161°54'.75 W
83	23°53'.09 N	161°49'.28 W
84	23°52'.82 N	161°47'.09 W
85	23°52'.39 N	161°44'.67 W

isopropylamine salt of glyphosate, the ethanolamine salt of glyphosate, the dimethylamine salt of glyphosate, the ammonium salt of glyphosate, and the potassium salt of glyphosate on the food commodities cattle, meat byproducts at 5.0 ppm; egg at 0.05 ppm; goat, meat byproducts at 5.0 ppm; grain, aspirated fractions at 310 ppm; hog, meat byproducts at 5.0 ppm; horse, meat byproducts at 5.0 ppm; poultry, meat, at 4.0 ppm; poultry, meat byproducts at 1.0 ppm; sheep, meat byproducts at 5.0 ppm; soybean, seed at 20.0 ppm; soybean, forage at 100.0 ppm; soybean, hay at 200.0 ppm, and soybean, hulls at 120 ppm as discussed in Unit II of this document.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct

effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a “major rule as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 19, 2008.

Donald R. Stubbs,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.364 is amended as follows:

■ a. By removing the entries cattle, meat byproducts; egg; goat, meat byproducts; grain, aspirated fractions; hog, meat byproducts; horse, meat byproducts; poultry, meat; poultry, meat byproducts; sheep, meat byproducts; soybean, forage; soybean, hay; soybean, hulls; and soybean, seed from the table in paragraph (a).

■ b. By redesignating paragraph (a) introductory text and the remainder of the table as paragraph (a)(1) and by adding paragraph (a)(2) to read as follows:

§ 180.364 Glyphosate, Tolerance for residue.

(a) * * * (1) * * *

(2) Tolerances are established for combined residues of glyphosate, N-(phosphonomethyl)glycine and its metabolite N-acetyl-glyphosate (expressed as glyphosate) resulting from the application of glyphosate, the isopropylamine salt of glyphosate, the ethanolamine salt of glyphosate, the dimethylamine salt of glyphosate, the ammonium salt of glyphosate, and the potassium salt of glyphosate on the food commodities:

Commodity	Parts per Million
Cattle, meat byproducts ...	5.0
Egg	0.05
Goat, meat byproducts	5.0
Grain aspirated fractions ..	310.0
Hog, meat byproducts	5.0
Horse, meat byproducts ...	5.0
Poultry, meat	4.0
Poultry, meat byproducts ..	1.0
Sheep, meat byproducts ..	5.0
Soybean, forage	100.0
Soybean, hay	200.0
Soybean, hulls	120.0
Soybean, seed	20.0

* * * * *

[FR Doc. E8-28571 Filed 12-2-08; 8:45 am]

BILLING CODE 6560-50-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 404

[Docket No. 080227317-81455-02]

RIN 0648-AW44

Papahānaumokuākea Marine National Monument Proclamation Provisions

AGENCIES: National Oceanic and Atmospheric Administration (NOAA),

Department of Commerce (DOC); United States Fish and Wildlife Service (USFWS), Department of the Interior (DOI).

ACTION: Final rule.

SUMMARY: NOAA and the USFWS are publishing final regulations to establish a ship reporting system for the Papahānaumokuākea Marine National Monument. This action implements measures adopted by the International Maritime Organization requiring notification by ships passing through the Monument without interruption.

DATES: This rule is effective January 2, 2009.

ADDRESSES: For copies of the environmental assessment or other related documents, please write to: T. Aulani Wilhelm, Monument Superintendent (NOAA); 6600 Kalanianaʻole Highway, 300, Honolulu, HI 96825. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to (enter office name) and by e-mail to David.Rostker@omb.eop.gov, or fax to (202) 395-7285.

Copies of the final environmental assessment may be viewed and downloaded at <http://hawaiireef.noaa.gov/>.

FOR FURTHER INFORMATION CONTACT: T. Aulani Wilhelm, Monument Superintendent (NOAA); 6600 Kalanianaʻole Highway, 300, Honolulu, HI 96825; (808) 397-2657.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

On June 15, 2006, President Bush established the Northwestern Hawaiian Islands Marine National Monument (Monument) by issuing Presidential Proclamation 8031 (Proclamation); (71 FR 36443, June 26, 2006) under the authority of the Antiquities Act (Act) (16 U.S.C. 431). The Proclamation reserves all lands and interests in lands owned or controlled by the Government of the United States in the Northwestern Hawaiian Islands (NWHI), including emergent and submerged lands and waters, out to a distance of approximately 50 nautical miles (nmi) from the islands. The outer boundary of the Monument is approximately 100 nmi wide and extends approximately 1200 nmi around coral islands, seamounts, banks, and shoals. The area includes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial, and the Hawaiian Islands

National Wildlife Refuge. The Monument was renamed the Papahānaumokuākea Marine National Monument by Proclamation 8112 (72 FR 10029, February 28, 2007).

The Proclamation provides that the Secretary of Commerce, through NOAA, has primary responsibility regarding the management of the marine areas of the Monument, in consultation with the Secretary of the Interior. The Secretary of the Interior, through the USFWS, has sole responsibility for management of the areas of the Monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce. Further, the Proclamation provides that nothing in the Proclamation diminishes or enlarges the jurisdiction of the State of Hawaii. The Monument includes state waters, including the Northwestern Hawaiian Islands State Marine Refuge and State Seabird Sanctuary at Kure Atoll. The State currently holds the submerged and ceded lands of the NWHI in trust. This public trust is overseen by the Office of Hawaiian Affairs through an amendment to the Constitution of the State of Hawaii. The State of Hawaii has primary responsibility for managing the State waters of the Monument.

In 2006 NOAA and USFWS published joint regulations codifying the provisions of the Proclamation (71 FR 51134, August 29, 2006). With certain exceptions, the Proclamation and the joint regulations restrict access to the Monument to persons who have been issued Monument permits. Vessels that do not have permits cannot enter the Monument except for uninterrupted passage through the Monument and notice must be provided to NOAA by telephone, fax, or e-mail not less than 72 hours and not more than one month prior to passing through the Monument. Notice must also be provided not more than twelve hours after the vessel has exited the Monument. All of the terms of the Proclamation and the regulations are applied in accordance with international law.

The Proclamation directed the Secretary of State, in consultation with the Secretaries of Commerce and the Interior, to take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of the Monument and to promote the purposes for which it was established. The proclamation further directed the Secretary of State to seek the cooperation of other governments and international organizations in

furtherance of the purposes of the Proclamation and consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas.

In April 2007 and in accordance with the Proclamation, the United States proposed to the International Maritime Organization (IMO), a specialized agency of the United Nations, that the Monument be designated as a Particularly Sensitive Sea Area (PSSA) to protect the attributes of the fragile and integrated coral reef ecosystem from potential hazards associated with international shipping activities. The U.S. noted in its proposal that the burden on international shipping by the proposed PSSA and its associated protective measures would be minimal while its objectives—increased maritime safety, protection of the fragile environment, preservation of cultural resources and areas of cultural importance significant to Native Hawaiians, as well as facilitation of the ability to respond to developing maritime emergencies—would be significantly furthered. PSSA designation had been granted previously to only ten marine areas globally, including the marine areas around the Florida Keys, the Great Barrier Reef, and the Galapagos.

On April 3, 2008, the IMO designated the Monument as a PSSA. As part of the PSSA designation process, the IMO adopted U.S. proposals for associated protective measures consisting of (1) expanding and consolidating the six existing recommendatory Areas To Be Avoided (ATBAs) in the Monument into four larger areas and enlarging the class of vessels to which they apply; and (2) establishing a ship reporting system for vessels transiting the Monument, which is mandatory for ships 300 gross tons or greater that are entering or departing a U.S. port or place and recommended for other ships. The system requires that ships notify the U.S. shore-based authority (i.e., the U.S. Coast Guard; NOAA will be receiving all messages associated with this program on behalf of the Coast Guard) at the time they begin transiting the reporting area and again when they exit. Notification is made by e-mail through the Inmarsat-C system or other satellite communication system. It is estimated that almost all commercial vessel traffic will be able to report via Inmarsat-C.

The PSSA and associated protective measures were adopted to provide additional protection to the exceptional natural, cultural and historic resources in the Monument. Requiring vessels to notify NOAA upon entering the reporting area will help make the

operators of these vessels aware that they are traveling through a fragile area with potential navigational hazards such as the extensive coral reefs found in many shallow areas of the Monument. The PSSA is now in effect, and the IMO has provided for an effective date for the associated protective measures of May 1, 2008.

NOAA and USFWS are establishing the infrastructure that will be required to maintain an international ship reporting system and to ensure that information regarding PSSA designation will be incorporated into nautical charts and other information sources. This rule implements the mandatory ship reporting system as adopted by IMO, establishes the reporting area using the IMO boundary coordinates, and publishes the coordinates of the four ATBAs.

II. Vessel Reporting Requirements

These regulations apply to vessels that do not have permits to enter the Monument and that pass through the Monument without interruption. These regulations do not change the exemptions at 50 CFR 404.8 (activities necessary to respond to emergencies or necessary for law enforcement purposes) and 404.9 (activities and exercises of the Armed Forces, including those of the United States Coast Guard) and, therefore, do not apply to vessels covered by those exemptions. As explained further, below, these regulations also do not apply to sovereign immune vessels.

The regulations accomplish the following actions:

(1) Modify the current notification requirements (at 50 CFR 404.4) for passing through the Monument without interruption and add several new associated terms and definitions (at Sec. 404.3);

(2) Establish a reporting area around the Monument, extending outward ten nautical miles from the Monument boundary but excluding the ATBAs within the Monument;

(3) Describe the categories of vessels that are subject to the reporting requirement;

(4) Specify the type of information regarding the vessel, its location, etc. that is required in the e-mail to NOAA

and that is to be sent in a reporting format that is consistent with the reporting system adopted by IMO;

(5) Allow for vessels that do not have e-mail capability to continue to comply with the current prior notification requirements;

(6) Recommend voluntary participation in the reporting system for all other vessels that are not required to notify NOAA; and

(7) Publish the revised boundaries of the four voluntary ATBAs.

Each of these elements is described below.

A. Modification of Existing Notification Requirements

Monument regulations at 50 CFR 404.4 prohibit entry into the Monument except in certain situations. One of the exceptions is for vessels passing through the Monument without interruption. Those vessels, however, are currently required to provide notice prior to entering and after leaving the Monument. Notification of entry must be provided at least 72 hours, but no longer than 1 month, prior to the entry date. Notification of departure from the Monument must be provided within 12 hours of leaving. Notification may be made by e-mail, telephone, or fax and must include the following information: Position when making the report; vessel name and IMO identification number; name, address, and telephone number of owner and operator; United States Coast Guard documentation, state license, or registration number; home port; intended and actual route through the Monument; general categories of any hazardous cargo on board; and length of vessel and propulsion type (e.g., motor or sail).

These changes to the regulations replace the current notification requirements for vessels that have e-mail capability. Vessels without e-mail capability will continue to provide notification in advance and upon exiting the Monument as described previously but the type of information to be provided is modified by these regulations as indicated below.

The following terms are being added to the definitions at 50 CFR 404.3 to facilitate implementation of the proposed ship reporting requirements:

“Areas to be avoided”; “Categories of hazardous cargoes”; “IMO”; and “Reporting area.” The definitions to these terms are contained in the text of the regulations.

B. Reporting Area

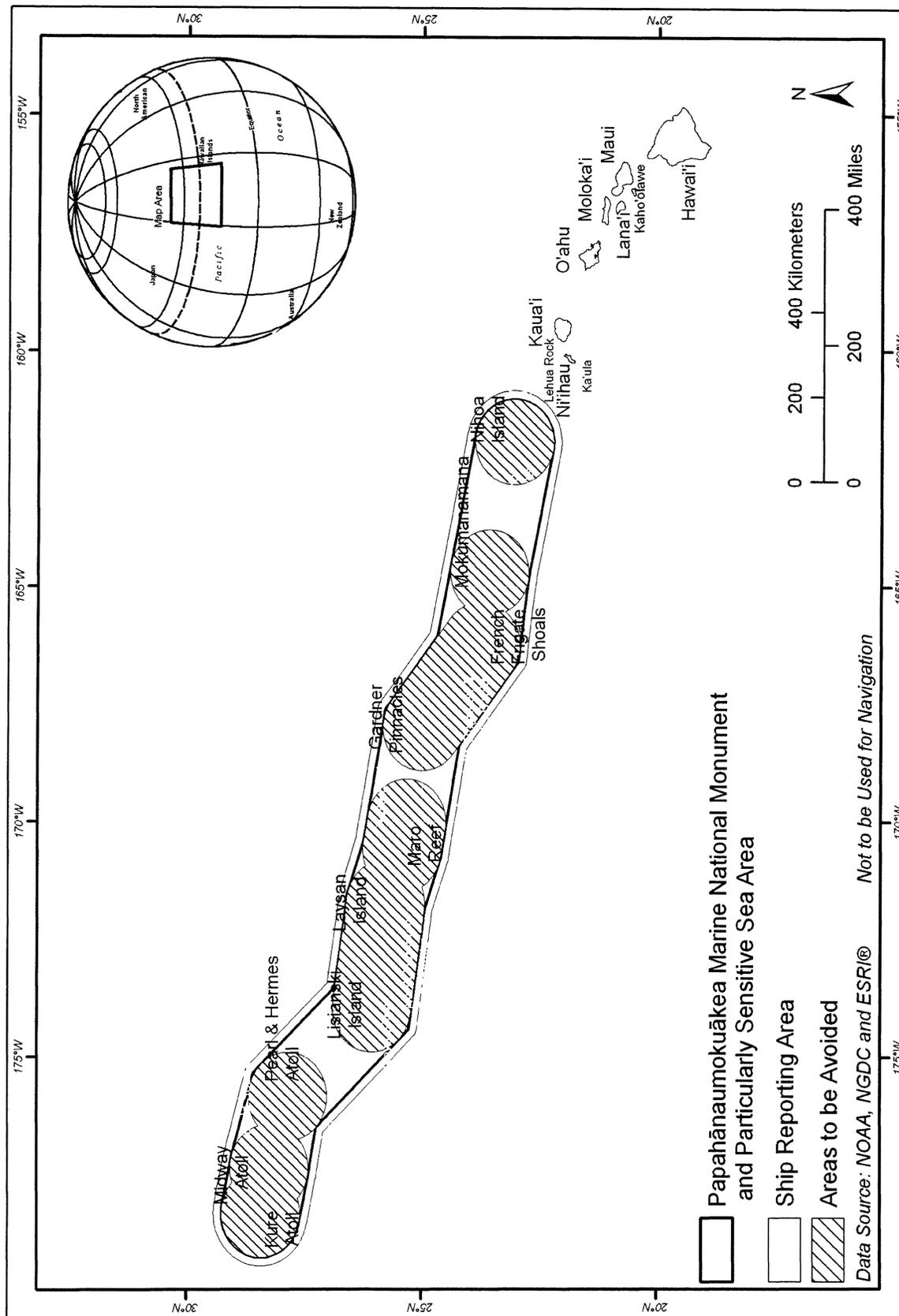
The regulations create a reporting area extending ten miles out and entirely around the Monument boundary. The coordinates of the area are set forth in Appendix D of the regulations and are the same as the coordinates that were adopted by IMO when it accepted the PSSA in principle and adopted the associated protective measures for the PSSA in 2007. Certain categories of vessels (described below) that intend to pass through the Monument without interruption are required to e-mail certain information at the time they cross the reporting area boundary and again when they exit the reporting area after having passed through the Monument.

The reporting area does not include the ATBAs within the Monument. As such, vessels that pass through an ATBA while passing through the Monument must notify NOAA at the time they exit the reporting area and enter the ATBA, and again when they exit the ATBA and re-enter the reporting area.

There are three large areas of the Monument (within the reporting area) that are not within the IMO-designated ATBAs. These breaks between the four ATBAs allow for primarily north-south passage through the Monument. From west to east, these areas are in the following locations and are shown in Figure 1: Between the ATBAs extending around Pearl and Hermes Atoll and Lisianski Island; between the ATBAs around Maro Reef and Gardner Pinnacles; and between the ATBAs around Mokumanamana (Necker Island) and Nihoa Island. It is anticipated that vessels will navigate through the Monument via these areas. Vessels passing through the Monument in these areas are only required to send e-mail notification upon entering the reporting area and again upon leaving it.

BILLING CODE 3510-22-P

Figure 1. Papahānaumokuākea Marine National Monument Particularly Sensitive Sea Areas, Ship Reporting Areas, and Areas to be Avoided



BILLING CODE 3510-22-C

C. Vessels That Are Required To Provide Notification

All vessels of the United States—regardless of size—are subject to the proposed reporting requirements. All foreign vessels greater than 300 gross tons and that are either going to or coming from a U.S. port or place are required to participate in the ship reporting system. Foreign vessels of any size that are heading to or coming from a U.S. port or place are also required to provide e-mail notification if they experience an emergency while crossing through the reporting area. Although e-mail capability is now routine on vessels greater than 300 gross tons and is also widely used by many smaller vessels, vessels of the United States less than 300 gross tons that do not have e-mail capability remain subject to the advanced notice reporting requirements currently in effect. These vessels will continue to be required to follow the current reporting process: Provide notice by telephone, fax, or e-mail not less than 72 hours but not more than one month prior to entering the Monument for uninterrupted passage and to provide notification of departing the Monument within 12 hours of leaving.

Vessels are not required to provide notification if they operate in the reporting area but remain outside of the Monument, such as fishing vessels fishing outside the Monument boundary. However, if the operator of a vessel within the reporting area decides to cross uninterrupted through the Monument all of the notification requirements will then apply. In no case may the vessel lawfully pass through the Monument until notification had been provided, consistent with these regulations.

The reporting requirements do not apply to vessels of the Armed Forces and the United States Coast Guard because the prohibitions in the Proclamation and the regulations do not apply to their activities and exercises (50 CFR 404.9(a)). In addition, the ship reporting system adopted by the IMO specifically exempts all sovereign immune vessels from the reporting requirement and, therefore, the regulations published today do not apply to these vessels. Vessel sovereign immunity is interpreted in light of relevant provisions of international instruments, such as the IMO-adopted ship reporting system, Article 36 of the United Nations Convention on the Law of the Sea, and Chapter 5, Regulation 1 of the International Convention for the Safety of Life at Sea. This is consistent with provisions of the Proclamation and

the regulations that state the Proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

D. Specific Information and Reporting Format Required for Entry and Exit Notifications by Vessels With E-mail Capability

The information that each vessel must submit and the format in which it must be submitted are shown in Appendix E to the regulations. The information to be provided upon entering the reporting area and the reporting format are based on and consistent with the reporting requirements adopted by IMO and include: Vessel identification information (i.e., name, call sign, flag, IMO identification number); date and time of entry; position; true course; speed in knots and tenths; destination and estimated time of arrival; intended route through the reporting area; vessel draft; categories of hazardous cargoes on board; any vessel defects or deficiencies that restrict maneuverability or impair normal navigation; any pollution incident or goods lost overboard within the Monument, reporting area, or the U.S. EEZ; contact information for the vessel's agent or owner; vessel size (length overall, gross tonnage) and type; and total number of persons on board. Information required when the vessel leaves the reporting area includes: Vessel identification information (i.e., name, call sign, flag, IMO identification number); date and time of exit; position; and any pollution incident or goods lost overboard within the Monument, reporting area, or the U.S. EEZ.

The system that is being established to receive the notifications is based on Inmarsat-C and NOAA will assume the cost associated with Inmarsat-C transmissions to the e-mail address provided under this program. This rule does not require a vessel to install or use Inmarsat-C, but NOAA will not assume costs associated with e-mail transmissions sent through other satellite communications systems. Vessel owners who receive an Inmarsat-C charge for any e-mail sent to NOAA pursuant to these regulations will be reimbursed upon invoicing NOAA with a copy of the charges.

E. Specific Information and Reporting Format Required for Entry and Exit Notifications by Vessels Without Onboard E-mail Capability

Vessels of the United States less than 300 gross tons that do not have onboard e-mail capability are required to submit the following information not less than 72 hours but not more than one month prior to entering the Monument for uninterrupted passage: Vessel identification information (e.g., name, call sign, flag, IMO identification number); date and time of entry; position (as applicable); destination and estimated time of arrival; intended route through the Monument and the reporting area; vessel draft; categories of hazardous cargoes on board (as applicable); any vessel defects or deficiencies that restrict maneuverability or impair normal navigation; contact information for the vessel's agent or owner; vessel size (length overall, gross tonnage) and type; and total number of persons on board. Upon exiting the Monument these vessels must provide the following information within 12 hours of leaving: Vessel identification information (e.g., name, call sign, flag, IMO identification number); date and time of exit; position; and any pollution incident or goods lost overboard within the Monument, reporting area, or the U.S. EEZ. This information may be submitted by nonvessel-based e-mail (e.g., from home or office), fax, or telephone. Once a vessel is equipped with an onboard e-mail system, however, it must comply with the requirements for vessels with that capability, including the reporting format shown in Appendix E to the regulations.

F. Voluntary Participation in the Ship Reporting System by All Other Vessels

Vessels that are not required to participate in the ship reporting system are nevertheless strongly urged to participate on a voluntary basis. Participation will help make the operators of these vessels aware that they are traveling through a fragile area with potential navigational hazards such as the extensive coral reefs found in many shallow areas of the Monument. Voluntary participation will increase maritime safety, protection of the fragile environment, preservation of cultural resources and areas of cultural importance significant to Native Hawaiians. Participation will also facilitate the ability to respond to developing maritime emergencies.

G. Modification of the Areas To Be Avoided (ATBAs)

An ATBA is an area within which either navigation is particularly hazardous or it is exceptionally important to avoid casualties. As such, ATBAs should be avoided by all ships, or certain classes of ships. While ATBAs can be mandatory (i.e., vessels are required by applicable law to avoid and operate outside of the area) most are voluntary and vessels may travel through them. The IMO adopted six voluntary ATBAs in the Northwestern Hawaiian Islands in 1980. Part of the action taken in 2008 by the IMO was to enlarge the six original ATBAs so that they now connect in certain places resulting in four larger ATBAs. This rule publishes the coordinates of these four ATBAs. The coordinates are attached to the regulations as Appendix C. The ATBAs are not part of the reporting area and vessels that enter any ATBA while passing through the Monument without interruption must provide an exit notification upon entering the ATBA, an entry notification again upon reentering the reporting area, and a second exit notification when the vessel departed the reporting area and the Monument on the other side. Thus, transiting through the Monument via an ATBA requires four reports as compared with the two reports required for transiting the Monument between the ATBAs.

III. Response to Comments

Comments on the proposed rule and the draft environmental assessment were received from the following: The Department of the Navy; the United States Coast Guard; the Missile Defense Agency; and the Marine Mammal Commission. The comments did not result in any changes to the proposed regulations but additional discussion has been added to the preamble of this final rule to clarify that the reporting requirements do not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard) or to sovereign immune vessels of foreign nations. The comments are summarized below together with responses from NOAA and FWS.

Comment 1: It should be clear that the Armed Forces exception in 50 CFR 404.9 applies to the new ship reporting regulations.

Response: The reporting regulations do not affect the Armed Forces exception to the prohibitions set forth in the Proclamation and in the regulations at 50 CFR 404.9. The reporting regulations do not apply to activities and exercises of the Armed Forces,

(including those carried out by the United States Coast Guard) that are consistent with applicable laws. The Armed Forces exemptions in the Proclamation and at 50 CFR 404.9 are not affected by these regulations.

Comment 2: Clarify that the regulations do not affect international legal principles governing freedom of navigation for sovereign immune vessels in international waters, such as foreign warships, and law-enforcement craft.

Response: Language has been added to section 404.4(c) to clarify that the regulations do not apply to sovereign immune vessels in international waters. The ship reporting system adopted by the IMO specifically exempts all sovereign immune vessels from the reporting requirement and, therefore, the regulations published today do not apply to these vessels. This is consistent with provisions of the Proclamation and the regulations that state the Proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

Comment 3: The ATBAs are recommendatory and ships should not be required to report their entry into or exit from Monument ATBAs.

Response: The regulations do not require vessels to report when they enter or exit ATBAs. They do, however, require vessels to notify the U.S. shore-based authority (NOAA, on behalf of the U.S. Coast Guard) whenever they enter or exit the Reporting Area. As adopted by the IMO and implemented by these regulations, the ATBAs are outside of the Reporting Area. A vessel entering an ATBA is required to notify NOAA because it is exiting the Reporting Area and it must send another e-mail when it reenters the Reporting Area from an ATBA or anywhere else that is outside of the Reporting Area.

Comment 4: Modify the reporting requirements to: (a) Ensure that all vessels in the reporting area or Monument immediately report any emergencies; (b) clarify that emergencies include any accidents, pollution incidents, or losses of cargo that could pose a risk to natural and cultural resources; and (c) identify the types of information to be reported in cases of emergencies.

Response: At this time, NOAA and FWS are maintaining the regulations as proposed to implement the measures recommended by the IMO, but will consider a separate rule making to address whether and how to require the

reporting of emergencies in the Monument. The scope of such a rule could apply to a broader category of vessels than those simply passing through the Monument without interruption and could include vessels entering the Monument pursuant to permits. Such a rule would also be applied in accordance with international law.

Comment 5: Include in the ship reporting system a return message describing why special precautions are needed in the area, the Areas To Be Avoided, other relevant protection measures and appropriate information (e.g., permit requirements for any activity other than uninterrupted passage through the Monument).

Response: A return message will be sent back to vessels that provide e-mail notification and will include relevant information such as precautions while in the Monument and other matters.

IV. Classification

A. National Environmental Policy Act

An environmental assessment has been prepared to evaluate the proposed revisions to the reporting requirements and resulted in a Finding of No Significant Impact (FONSI). Copies are available at the address and Web site listed in the **ADDRESSES** section of this rule.

B. Executive Order 12866: Regulatory Impact

This rule has been determined to be not significant within the meaning of Executive Order 12866.

C. Executive Order 13132: Federalism Assessment

NOAA has concluded this regulatory action does not have federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132. The State of Hawaii was consulted during the promulgation of this rule.

D. Paperwork Reduction Act

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number 0648-0548. Public reporting burden for entry and exit notification is expected to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. In the proposed rule, NOAA and FWS requested public comment regarding this collection of information and

burden estimate. No comments were received.

E. Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule would not have a significant economic impact on a substantial number of small entities.

The factual basis for this certification is as follows:

The regulations establish a ship reporting system for the Monument. When transiting the Monument, all U.S. vessels, all foreign-flag vessels 300 gross tons or greater that are going to or coming from a U.S. port or place, and all foreign-flag vessels of any size coming from a U.S. port or place and experiencing an emergency while crossing through the reporting area are required to participate in the reporting system. Specific information is required to be transmitted via e-mail to NOAA upon entry into and exit from the reporting area. Vessels without onboard e-mail capability will continue to provide notification as originally required by the Monument regulations at 50 CFR part 404, and the information provided is essentially the same as required previously.

The SBA establishes size standards for determining whether a U.S. entity is a small business. The size standards relevant to this proposed rulemaking are: finfish fishing (NAICS Code 114111): Average annual receipts of \$4.0 million or less; and deep sea freight transport (NAICS Code 483111): average employment of 500 employees or less. Approximately 120 U.S. fishing vessels are expected to be impacted by this rulemaking, and all are considered to be small entities. U.S. freight transport vessels are expected to be affected by this rulemaking, though none are considered to be small entities. All vessels without e-mail capability are considered to be small entities.

The cost of the regulation is not expected to be significant. It is expected that vessels transiting the Monument will remain outside of the designated ATBA's to avoid navigational hazards in the ATBA's. For these vessels, two e-mails will be required for compliance with the proposed rule: One upon entering the reporting area and one upon exiting the reporting area. For those vessels that cross into the ATBA's, four e-mails will be necessary. Because the ATBA's are not part of the reporting system, the vessel will enter and exit the reporting area twice. The cost of sending an e-mail varies depending on the type of service, the provider rates and the

length of the message but is estimated to be approximately \$1.75 per entry report e-mail sent via Inmarsat-C. The exit report should cost approximately \$0.50. It will take approximately 15 minutes or less to send each e-mail.

Because NOAA is paying for the monetary cost of e-mail transmissions using the Inmarsat-C system, this cost will not be accrued by any small entities. Entities using other e-mail systems, however, will bear the monetary cost of e-mail transmission in addition to the time cost. For those vessels without on-board e-mail capability, cost of compliance for notification prior to entry is expected to be the cost of a standard fax or e-mail charge, or will be free if the information is provided by telephone using the 1-800 number listed in the regulations. An exit notification made within 12 hours will require the use of a satellite telephone, the cost of which will be subject to rate variables. However, the content to be conveyed is relatively brief and can be provided in approximately one minute.

Given the minimal cost of compliance with this rulemaking, the impact of this rule is not expected to be significant. As a result, a regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 404

Administrative practice and procedure, Coastal zone, Fish, Fisheries, Historic preservation, Intergovernmental relations, Marine resources, Monuments and memorials, Natural resources, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Dated: November 21, 2008.

Jane C. Luxton,

General Counsel, National Oceanic and Atmospheric Administration.

Dated: November 20, 2008.

Lyle Laverty,

Assistant Secretary for Fish and Wildlife and Parks.

■ Accordingly, for the reasons set forth in the preamble, NOAA and USFWS amend part 404, title 50 of the Code of Federal Regulations as follows:

PART 404—[AMENDED]

■ 1. The authority citation for part 404 continues to read as follows:

Authority: 16 U.S.C. 431 *et seq.*; 16 U.S.C. 460k-3; 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 742f, 16 U.S.C. 742l, and 16 U.S.C. 668dd-ee; 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 1531 *et seq.*, Public Law 106-513, Sec. 6(g) (2000).

■ 2. In § 404.3, definitions for “Areas to be avoided,” “Categories of Hazardous

cargoes,” “IMO,” and “Reporting area” are added alphabetically as follows:

§ 404.3 Definitions.

* * * * *

Areas to be avoided means the four designated areas that should be avoided by vessels that are conducting passage through the Monument without interruption. Appendix C sets forth the coordinates of these areas.

* * * * *

Categories of hazardous cargoes means goods classified in the International Maritime Dangerous Goods (IMDG) Code; substances classified in chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) and chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code); oils as defined in MARPOL Annex I; noxious liquid substances as defined in MARPOL Annex II; harmful substances as defined in MARPOL Annex III; and radioactive materials specified in the Code for the Safe Carriage of the Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (INF Code).

* * * * *

IMO means the International Maritime Organization.

* * * * *

Reporting area means the area within the coordinates set forth in Appendix D.

* * * * *

■ 3. Revise § 404.4 to read as follows:

§ 404.4 Access to Monument.

(a) Entering the Monument is prohibited and thus unlawful except:

- (1) As provided in §§ 404.8 and 404.9;
- (2) Pursuant to a permit issued under §§ 404.10 or 404.11; or
- (3) When conducting passage without interruption in accordance with paragraphs (b) through (f) of this section.

(b) Any person passing through the Monument without interruption is subject to the prohibitions in §§ 404.5, 404.6, and 404.7.

(c) The following vessels, except vessels entitled to sovereign immunity under international law, passing through the Monument without interruption must participate in the ship reporting system as provided in paragraphs (d) and (e) of this section:

- (1) Vessels of the United States, except as provided in paragraph (f) of this section;
- (2) All other ships 300 gross tonnage or greater, entering or departing a United States port or place; and

(3) All other ships in the event of an emergency, entering or departing a United States port or place.

(d) Immediately upon entering the reporting area, the vessels described in paragraph (c) of this section must provide the following information by e-mail sent to *nwhi.notifications@noaa.gov* in the IMO standard reporting format and data syntax shown in Appendix E:

(1) Vessel name, call sign or ship station identity, flag, and IMO identification number if applicable, and either Federal documentation or State registration number if applicable.

(2) Date, time (UTC) and month of entry.

(3) Position.

(4) True course.

(5) Speed in knots and tenths.

(6) Destination and estimated time of arrival.

(7) Intended route through the Monument and the reporting area.

(8) Vessel draft (in meters).

(9) Categories of hazardous cargoes on board.

(10) Any vessel defects or deficiencies that restrict maneuverability or impair normal navigation.

(11) Any pollution incident or goods lost overboard within the Monument, the reporting area, or the U.S. EEZ.

(12) Contact information for the vessel's agent or owner.

(13) Vessel size (length overall, gross tonnage) and type.

(14) Total number of persons on board.

(e) Immediately upon leaving the reporting area, the vessels described in paragraph (c) must provide the following information by e-mail sent to *nwhi.notifications@noaa.gov* in the IMO standard reporting format and data syntax shown in Appendix E:

(1) Vessel name, call sign or ship station identity, flag, and IMO identification number if applicable, and either Federal documentation or State registration number if applicable.

(2) Date, time (UTC) and month of exit.

(3) Position.

(4) Any pollution incident or goods lost overboard within the Monument, the reporting area, or the U.S. EEZ.

(f)(1) Vessels of the United States less than 300 gross tonnage that are not equipped with onboard e-mail capability must provide notification of entry and the information described in paragraphs (d)(1), (2), (3) as applicable, (6), (7), (8), (9) as applicable, (10), (12), (13), and (14) of this section at least 72 hours, but no longer than 1 month, prior to the entry date. Notification of departure from the Monument and the

information described in paragraph (e) of this section must be provided within 12 hours of leaving. Notification under this paragraph may be made by e-mail, telephone, or fax, by contacting: (i) *E-mail: nwhi.notifications@noaa.gov*;

(ii) *Telephone: 1-866-478-NWHI (6944)*;

(iii) *Fax: 1-808-397-2662*.

(2) The information must be provided in the IMO standard reporting format and data syntax shown in Appendix E.

(g) All vessels passing through the Monument without interruption other than those described in paragraphs (c)(1) through (3) of this section should participate in the ship reporting system set forth in paragraphs (d) and (e) of this section.

■ 4. Add Appendix C to Part 404 to read as follows:

Appendix C to Part 404—Boundary Coordinated for Papahānaumokuākea Marine National Monument Areas To Be Avoided

Appendix C—Geographical Coordinates

Areas To Be Avoided

Papahānaumokuākea Marine National Monument

Reference chart: United States 540, 2008 edition; 19016, 2008 edition; 19019, 2008 edition; 19022, 2008 edition.

These charts are based on World Geodetic System 1984 Datum (WGS-84) and astronomic datum.

TABLE C-1—KURE ATOLL, MIDWAY ATOLL, AND PEARL AND HERMES ATOLL

Point	Latitude (N)	Longitude (W)
1	27°14'.76	176°29'.87
2	27°24'.95	177°33'.31
3	27°35'.87	178°29'.90
4	27°36'.64	178°33'.93
5	27°37'.53	178°37'.32
6	27°38'.60	178°40'.65
7	27°39'.85	178°43'.90
8	27°41'.28	178°47'.05
9	27°42'.89	178°50'.10
10	27°44'.66	178°53'.03
11	27°46'.59	178°55'.83
12	27°48'.67	178°58'.49
13	27°50'.89	179°01'.00
14	27°53'.22	179°03'.39
15	27°55'.69	179°05'.61
16	27°58'.29	179°07'.61
17	28°01'.01	179°09'.47
18	28°03'.81	179°11'.10
19	28°06'.71	179°12'.53
20	28°09'.67	179°13'.75
21	28°12'.70	179°14'.75
22	28°15'.78	179°15'.54
23	28°18'.91	179°16'.11
24	28°22'.04	179°16'.45
25	28°24'.72	179°16'.56
26	28°25'.20	179°16'.57

TABLE C-1—KURE ATOLL, MIDWAY ATOLL, AND PEARL AND HERMES ATOLL—Continued

Point	Latitude (N)	Longitude (W)
27	28°25'.81	179°16'.56
28	28°28'.35	179°16'.44
29	28°31'.49	179°16'.10
30	28°34'.61	179°15'.54
31	28°37'.69	179°14'.75
32	28°40'.71	179°13'.74
33	28°43'.68	179°12'.54
34	28°46'.58	179°11'.13
35	28°49'.39	179°09'.52
36	28°52'.11	179°07'.70
37	28°54'.72	179°05'.70
38	28°57'.21	179°03'.51
39	28°59'.58	179°01'.15
40	29°01'.81	178°58'.62
41	29°03'.90	178°55'.93
42	29°05'.83	178°53'.10
43	29°07'.60	178°50'.13
44	29°09'.21	178°47'.04
45	29°10'.64	178°43'.84
46	29°11'.89	178°40'.54
47	29°12'.95	178°37'.16
48	29°13'.82	178°33'.71
49	29°14'.50	178°30'.21
50	29°14'.99	178°26'.66
51	29°15'.28	178°23'.08
52	29°15'.36	178°19'.49
53	29°15'.25	178°15'.90
54	29°14'.94	178°12'.32
55	29°14'.43	178°08'.78
56	29°03'.47	177°12'.07
57	29°02'.55	177°07'.29
58	28°38'.96	175°35'.47
59	28°38'.67	175°34'.35
60	28°34'.91	175°19'.74
61	28°26'.24	175°10'.65
62	28°24'.61	175°08'.95
63	28°24'.53	175°09'.04
64	28°20'.09	175°04'.91
65	28°16'.05	175°01'.92
66	28°11'.78	174°59'.33
67	28°07'.29	174°57'.23
68	28°02'.63	174°55'.68
69	27°57'.84	174°54'.62
70	27°53'.01	174°54'.05
71	27°48'.12	174°54'.05
72	27°43'.28	174°54'.62
73	27°38'.48	174°55'.71
74	27°33'.81	174°57'.32
75	27°29'.30	174°59'.43
76	27°25'.00	175°02'.03
77	27°20'.93	175°05'.07
78	27°17'.18	175°08'.59
79	27°13'.73	175°12'.47
80	27°10'.59	175°16'.67
81	27°07'.88	175°21'.25
82	27°05'.57	175°26'.09
83	27°03'.66	175°31'.15
84	27°02'.22	175°36'.40
85	27°01'.29	175°41'.78
86	27°00'.73	175°47'.22
87	27°00'.68	175°52'.74
88	27°01'.09	175°58'.16
89	27°01'.99	176°03'.53
90	27°03'.34	176°08'.81
91	27°05'.12	176°13'.91
92	27°07'.37	176°18'.79
93	27°09'.98	176°23'.40
94	27°13'.02	176°27'.74
95	27°13'.77	176°28'.70

TABLE C-2—LISIANSKI ISLAND, LAYSAN ISLAND, MARO REEF, AND RAITA BANK

Point	Latitude (N)	Longitude (W)
1	26°50'.89	173°30'.79
2	26°36'.00	171°37'.70
3	26°35'.49	171°33'.84
4	26°35'.10	171°30'.84
5	26°34'.07	171°27'.50
6	26°33'.35	171°25'.16
7	26°14'.26	170°23'.04
8	26°08'.69	169°48'.96
9	26°08'.36	169°49'.03
10	26°07'.62	169°45'.83
11	26°06'.03	169°40'.57
12	26°03'.97	169°35'.64
13	26°01'.51	169°30'.91
14	25°58'.65	169°26'.45
15	25°55'.32	169°22'.34
16	25°51'.67	169°18'.60
17	25°47'.78	169°15'.19
18	25°43'.54	169°12'.34
19	25°39'.05	169°09'.93
20	25°34'.37	169°08'.08
21	25°29'.54	169°06'.76
22	25°24'.61	169°05'.93
23	25°19'.63	169°05'.64
24	25°14'.65	169°05'.93
25	25°09'.69	169°06'.66
26	25°04'.85	169°08'.02
27	25°00'.17	169°09'.96
28	24°55'.66	169°12'.35
29	24°51'.35	169°15'.14
30	24°47'.37	169°18'.48
31	24°43'.69	169°22'.22
32	24°40'.34	169°26'.31
33	24°37'.42	169°30'.78
34	24°35'.00	169°35'.64
35	24°33'.02	169°40'.66
36	24°31'.34	169°45'.88
37	24°30'.31	169°51'.08
38	24°29'.68	169°56'.53
39	24°29'.56	170°01'.81
40	24°29'.61	170°04'.57
41	24°35'.77	170°44'.39
42	24°36'.29	170°47'.58
43	24°37'.18	170°50'.37
44	24°37'.76	170°52'.17
45	24°56'.23	171°50'.19
46	25°16'.61	174°24'.84
47	25°29'.56	174°38'.45
48	25°33'.28	174°42'.03
49	25°37'.33	174°45'.20
50	25°41'.68	174°47'.84
51	25°46'.23	174°50'.05
52	25°50'.93	174°51'.77
53	25°55'.80	174°52'.91
54	26°00'.71	174°53'.47
55	26°05'.67	174°53'.61
56	26°10'.59	174°53'.07
57	26°15'.46	174°52'.08
58	26°20'.20	174°50'.57
59	26°24'.75	174°48'.44
60	26°29'.15	174°45'.94
61	26°33'.26	174°42'.96
62	26°37'.11	174°39'.49
63	26°40'.60	174°35'.63
64	26°43'.75	174°31'.43
65	26°46'.49	174°26'.87
66	26°48'.90	174°22'.09
67	26°50'.79	174°17'.03
68	26°52'.20	174°11'.79
69	26°53'.21	174°06'.43

TABLE C-2—LISIANSKI ISLAND, LAYSAN ISLAND, MARO REEF, AND RAITA BANK—Continued

Point	Latitude (N)	Longitude (W)
70	26°53'.74	174°00'.98
71	26°53'.74	173°55'.48
72	26°53'.29	173°50'.02
73	26°52'.56	173°44'.58
74	26°51'.85	173°39'.14
75	26°51'.13	173°33'.69
76	26°50'.75	173°30'.87

TABLE C-3—GARDNER PINNACLES, FRENCH FRIGATE SHOALS, AND NECKER ISLAND

Point	Latitude (N)	Longitude (W)
1	25°49'.64	167°52'.66
2	25°49'.70	167°52'.65
3	25°48'.99	167°48'.35
4	25°47'.09	167°36'.72
5	25°39'.84	167°26'.48
6	25°35'.10	167°19'.79
7	25°10'.43	166°45'.00
8	24°40'.91	166°03'.36
9	24°35'.64	165°34'.99
10	24°23'.78	164°31'.12
11	24°23'.59	164°31'.14
12	24°23'.31	164°29'.74
13	24°21'.85	164°24'.52
14	24°20'.10	164°19'.39
15	24°17'.75	164°14'.56
16	24°14'.99	164°09'.97
17	24°11'.86	164°05'.69
18	24°08'.30	164°01'.80
19	24°04'.48	163°58'.23
20	24°00'.27	163°55'.22
21	23°55'.85	163°52'.59
22	23°51'.17	163°50'.56
23	23°46'.33	163°48'.98
24	23°41'.37	163°47'.99
25	23°36'.34	163°47'.56
26	23°31'.27	163°47'.60
27	23°26'.27	163°48'.28
28	23°21'.34	163°49'.50
29	23°16'.53	163°51'.14
30	23°11'.96	163°53'.47
31	23°07'.54	163°56'.15
32	23°03'.46	163°59'.38
33	22°59'.65	164°03'.01
34	22°56'.27	164°07'.10
35	22°53'.22	164°11'.49
36	22°50'.60	164°16'.18
37	22°48'.48	164°21'.16
38	22°46'.73	164°26'.28
39	22°45'.49	164°31'.60
40	22°44'.83	164°37'.03
41	22°44'.65	164°42'.51
42	22°44'.92	164°47'.99
43	22°45'.11	164°49'.52
44	22°45'.39	164°51'.48
45	22°45'.17	164°51'.53
46	22°50'.26	165°34'.99
47	22°55'.50	166°19'.63
48	22°55'.93	166°23'.32
49	22°57'.41	166°36'.00
50	23°03'.75	166°45'.00
51	23°05'.48	166°47'.45
52	24°12'.70	168°22'.86

TABLE C-3—GARDNER PINNACLES, FRENCH FRIGATE SHOALS, AND NECKER ISLAND—Continued

Point	Latitude (N)	Longitude (W)
53	24°12'.88	168°22'.78
54	24°16'.05	168°27'.28
55	24°19'.15	168°31'.66
56	24°22'.27	168°35'.95
57	24°25'.71	168°39'.94
58	24°29'.51	168°43'.55
59	24°33'.67	168°46'.63
60	24°38'.06	168°49'.29
61	24°42'.68	168°51'.46
62	24°47'.45	168°53'.12
63	24°52'.34	168°54'.28
64	24°57'.32	168°54'.82
65	25°02'.32	168°54'.95
66	25°07'.30	168°54'.43
67	25°12'.19	168°53'.32
68	25°16'.99	168°51'.76
69	25°21'.57	168°49'.60
70	25°25'.94	168°46'.93
71	25°30'.09	168°43'.86
72	25°33'.89	168°40'.42
73	25°37'.37	168°36'.52
74	25°40'.49	168°32'.24
75	25°43'.24	168°27'.68
76	25°45'.57	168°22'.82
77	25°47'.43	168°17'.76
78	25°48'.79	168°12'.47
79	25°49'.72	168°07'.09
80	25°50'.11	168°01'.62
81	25°50'.18	168°00'.09

TABLE C-4—NIHOA ISLAND

Point	Latitude (N)	Longitude (W)
1	23°52'.82	161°44'.54
2	23°52'.10	161°41'.20
3	23°51'.18	161°37'.92
4	23°50'.08	161°34'.71
5	23°48'.79	161°31'.58
6	23°47'.33	161°28'.55
7	23°45'.69	161°25'.62
8	23°43'.88	161°22'.81
9	23°41'.92	161°20'.13
10	23°39'.80	161°17'.60
11	23°37'.54	161°15'.21
12	23°35'.14	161°12'.99
13	23°32'.62	161°10'.93
14	23°29'.99	161°09'.05
15	23°27'.25	161°07'.35
16	23°24'.42	161°05'.85
17	23°21'.51	161°04'.54
18	23°18'.52	161°03'.43
19	23°15'.48	161°02'.53
20	23°12'.39	161°01'.84
21	23°09'.27	161°01'.35
22	23°06'.13	161°01'.09
23	23°02'.97	161°01'.03
24	22°59'.82	161°01'.19
25	22°56'.69	161°01'.57
26	22°53'.58	161°02'.15
27	22°50'.51	161°02'.95
28	22°47'.50	161°03'.95
29	22°44'.55	161°05'.15
30	22°41'.67	161°06'.54
31	22°38'.88	161°08'.13
32	22°36'.19	161°09'.90
33	22°33'.61	161°11'.85

TABLE C-4—NIHOA ISLAND—
Continued

Point	Latitude (N)	Longitude (W)
34	22°31'.14	161°13'.97
35	22°28'.81	161°16'.25
36	22°26'.61	161°18'.69
37	22°24'.56	161°21'.26
38	22°22'.66	161°23'.97
39	22°20'.92	161°26'.80
40	22°19'.35	161°29'.74
41	22°17'.95	161°32'.78
42	22°16'.73	161°35'.90
43	22°15'.70	161°39'.10
44	22°14'.85	161°42'.37
45	22°14'.20	161°45'.68
46	22°13'.73	161°49'.03
47	22°13'.47	161°52'.41
48	22°13'.40	161°55'.80
49	22°13'.53	161°59'.18
50	22°13'.85	162°02'.55
51	22°14'.31	162°05'.45
52	22°14'.37	162°05'.89
53	22°14'.59	162°06'.88
54	22°15'.87	162°12'.18
55	22°17'.70	162°17'.31
56	22°19'.97	162°22'.20
57	22°22'.73	162°26'.84
58	22°25'.88	162°31'.15
59	22°29'.41	162°35'.09
60	22°33'.28	162°38'.61
61	22°37'.47	162°41'.72
62	22°41'.93	162°44'.34
63	22°46'.63	162°46'.47
64	22°51'.48	162°48'.05
65	22°56'.46	162°49'.09
66	23°01'.50	162°49'.58
67	23°06'.58	162°49'.49
68	23°11'.61	162°48'.89
69	23°16'.57	162°47'.70
70	23°21'.36	162°45'.98
71	23°26'.02	162°43'.75
72	23°30'.40	162°41'.01
73	23°34'.51	162°37'.83
74	23°38'.26	162°34'.18
75	23°41'.69	162°30'.18
76	23°44'.72	162°25'.79
77	23°47'.36	162°21'.11
78	23°49'.55	162°16'.16
79	23°51'.24	162°10'.99
80	23°52'.44	162°05'.63
81	23°53'.14	162°00'.25
82	23°53'.36	161°54'.75
83	23°53'.09	161°49'.28
84	23°52'.82	161°47'.09
85	23°52'.39	161°44'.67

■ 5. Add Appendix D to Part 404 to read as follows:

Appendix D to Part 404—Boundary Coordinates for Papahānaumokuākea Marine National Monument Ship Reporting Area

Appendix D—Geographical Coordinates

Ship Reporting Area

Papahānaumokuākea Marine National Monument

Reference chart: United States 540, 2008 edition; 19016, 2008 edition; 19019, 2008 edition; 19022, 2008 edition.

These charts are based on World Geodetic System 1984 Datum (WGS-84) and astronomic datum.

TABLE D-1—OUTER BOUNDARY

Point	Latitude (N)	Longitude (W)
1	29°25'.47	178°16'.97
2	28°43'.73	175°13'.84
3	27°00'.77	173°25'.78
4	26°44'.91	171°28'.07
5	26°24'.23	170°20'.59
6	25°56'.43	167°32'.10
7	24°50'.20	165°58'.69
8	24°05'.52	161°56'.86
9	24°05'.29	161°56'.62
10	24°04'.37	161°51'.53
11	24°03'.44	161°46'.45
12	24°02'.41	161°41'.39
13	24°01'.31	161°36'.35
14	23°59'.68	161°31'.55
15	23°57'.85	161°26'.85
16	23°55'.54	161°22'.31
17	23°52'.96	161°17'.92
18	23°50'.12	161°13'.72
19	23°46'.94	161°10'.08
20	23°43'.49	161°06'.47
21	23°39'.71	161°03'.09
22	23°35'.72	161°00'.14
23	23°31'.59	160°57'.46
24	23°27'.32	160°55'.23
25	23°22'.74	160°53'.71
26	23°18'.29	160°52'.17
27	23°13'.57	160°51'.04
28	23°08'.68	160°50'.46
29	23°03'.70	160°50'.17
30	22°58'.67	160°50'.35
31	22°53'.84	160°51'.04
32	22°49'.11	160°52'.20
33	22°44'.46	160°53'.56
34	22°40'.03	160°55'.52
35	22°35'.73	160°57'.68
36	22°31'.54	161°00'.25
37	22°27'.57	161°03'.23
38	22°23'.76	161°06'.64
39	22°20'.24	161°10'.23
40	22°17'.02	161°14'.13
41	22°14'.04	161°18'.34
42	22°11'.35	161°22'.80
43	22°09'.19	161°27'.45
44	22°07'.29	161°32'.11
45	22°05'.87	161°36'.94
46	22°04'.62	161°41'.89
47	22°03'.94	161°47'.09
48	22°03'.41	161°52'.36
49	22°03'.41	161°57'.51
50	22°03'.82	162°02'.83
51	22°04'.49	162°08'.04
52	22°05'.43	162°13'.12
53	22°05'.97	162°16'.41
54	22°06'.29	162°16'.85
55	22°04'.57	164°47'.27
56	22°47'.60	166°38'.23
57	24°03'.82	168°27'.91
58	24°25'.76	170°45'.39
59	24°46'.54	171°53'.03
60	25°07'.60	174°28'.71
61	27°05'.82	176°35'.51
62	27°27'.32	178°38'.66
63	27°28'.93	178°43'.56
64	27°30'.64	178°48'.40
65	27°32'.74	178°52'.96
66	27°35'.06	178°57'.30
67	27°37'.89	179°01'.49

TABLE D-1—OUTER BOUNDARY—
Continued

Point	Latitude (N)	Longitude (W)
68	27°40'.90	179°05'.60
69	27°44'.17	179°09'.41
70	27°47'.74	179°12'.85
71	27°51'.45	179°16'.00
72	27°55'.32	179°18'.82
73	27°59'.33	179°21'.13
74	28°03'.49	179°23'.15
75	28°07'.82	179°24'.76
76	28°12'.31	179°26'.18
77	28°16'.95	179°27'.05
78	28°21'.61	179°27'.63
79	28°26'.18	179°27'.77
80	28°30'.87	179°27'.48
81	28°35'.61	179°26'.95
82	28°40'.09	179°25'.75
83	28°44'.46	179°24'.31
84	28°48'.70	179°22'.50
85	28°52'.81	179°20'.43
86	28°56'.71	179°17'.77
87	29°00'.58	179°14'.92
88	29°04'.18	179°11'.69
89	29°07'.62	179°08'.20
90	29°10'.86	179°04'.37
91	29°13'.76	179°00'.21
92	29°16'.24	178°55'.78
93	29°18'.51	178°51'.26
94	29°20'.45	178°46'.50
95	29°22'.26	178°41'.67
96	29°23'.52	178°36'.64
97	29°24'.53	178°31'.54
98	29°25'.16	178°26'.31
99	29°25'.42	178°20'.92
100	29°25'.29	178°16'.70

TABLE D-2—INNER BOUNDARY
AROUND KURE ATOLL, MIDWAY
ATOLL, AND PEARL AND HERMES
ATOLL

Point	Latitude (N)	Longitude (W)
1	27°14'.76	176°29'.87
2	27°24'.95	177°33'.31
3	27°35'.87	178°29'.90
4	27°36'.64	178°33'.93
5	27°37'.53	178°37'.32
6	27°38'.60	178°40'.65
7	27°39'.85	178°43'.90
8	27°41'.28	178°47'.05
9	27°42'.89	178°50'.10
10	27°44'.66	178°53'.03
11	27°46'.59	178°55'.83
12	27°48'.67	178°58'.49
13	27°50'.89	179°01'.00
14	27°53'.22	179°03'.39
15	27°55'.69	179°05'.61
16	27°58'.29	179°07'.61
17	28°01'.01	179°09'.47
18	28°03'.81	179°11'.10
19	28°06'.71	179°12'.53
20	28°09'.67	179°13'.75
21	28°12'.70	179°14'.75
22	28°15'.78	179°15'.54
23	28°18'.91	179°16'.11
24	28°22'.04	179°16'.45
25	28°24'.72	179°16'.56
26	28°25'.20	179°16'.57

TABLE D-2—INNER BOUNDARY AROUND KURE ATOLL, MIDWAY ATOLL, AND PEARL AND HERMES ATOLL—Continued

Point	Latitude (N)	Longitude (W)
27	28°25'.81	179°16'.56
28	28°28'.35	179°16'.44
29	28°31'.49	179°16'.10
30	28°34'.61	179°15'.54
31	28°37'.69	179°14'.75
32	28°40'.71	179°13'.74
33	28°43'.68	179°12'.54
34	28°46'.58	179°11'.13
35	28°49'.39	179°09'.52
36	28°52'.11	179°07'.70
37	28°54'.72	179°05'.70
38	28°57'.21	179°03'.51
39	28°59'.58	179°01'.15
40	29°01'.81	178°58'.62
41	29°03'.90	178°55'.93
42	29°05'.83	178°53'.10
43	29°07'.60	178°50'.13
44	29°09'.21	178°47'.04
45	29°10'.64	178°43'.84
46	29°11'.89	178°40'.54
47	29°12'.95	178°37'.16
48	29°13'.82	178°33'.71
49	29°14'.50	178°30'.21
50	29°14'.99	178°26'.66
51	29°15'.28	178°23'.08
52	29°15'.36	178°19'.49
53	29°15'.25	178°15'.90
54	29°14'.94	178°12'.32
55	29°14'.43	178°08'.78
56	29°03'.47	177°12'.07
57	29°02'.55	177°07'.29
58	28°38'.96	175°35'.47
59	28°38'.67	175°34'.35
60	28°34'.91	175°19'.74
61	28°26'.24	175°10'.65
62	28°24'.61	175°08'.95
63	28°24'.53	175°09'.04
64	28°20'.09	175°04'.91
65	28°16'.05	175°01'.92
66	28°11'.78	174°59'.33
67	28°07'.29	174°57'.23
68	28°02'.63	174°55'.68
69	27°57'.84	174°54'.62
70	27°53'.01	174°54'.05
71	27°48'.12	174°54'.05
72	27°43'.28	174°54'.62
73	27°38'.48	174°55'.71
74	27°33'.81	174°57'.32
75	27°29'.30	174°59'.43
76	27°25'.00	175°02'.03
77	27°20'.93	175°05'.07
78	27°17'.18	175°08'.59
79	27°13'.73	175°12'.47
80	27°10'.59	175°16'.67
81	27°07'.88	175°21'.25
82	27°05'.57	175°26'.09
83	27°03'.66	175°31'.15
84	27°02'.22	175°36'.40
85	27°01'.29	175°41'.78
86	27°00'.73	175°47'.22
87	27°00'.68	175°52'.74
88	27°01'.09	175°58'.16
89	27°01'.99	176°03'.53
90	27°03'.34	176°08'.81
91	27°05'.12	176°13'.91
92	27°07'.37	176°18'.79
93	27°09'.98	176°23'.40

TABLE D-2—INNER BOUNDARY AROUND KURE ATOLL, MIDWAY ATOLL, AND PEARL AND HERMES ATOLL—Continued

Point	Latitude (N)	Longitude (W)
94	27°13'.02	176°27'.74
95	27°13'.77	176°28'.70

TABLE D-3—INNER BOUNDARY AROUND LISIANSKI ISLAND, LAYSAN ISLAND, MARO REEF, AND RAITA BANK

Point	Latitude (N)	Longitude (W)
1	26°50'.89	173°30'.79
2	26°36'.00	171°37'.70
3	26°35'.49	171°33'.84
4	26°35'.10	171°30'.84
5	26°34'.07	171°27'.50
6	26°33'.35	171°25'.16
7	26°14'.26	170°23'.04
8	26°08'.69	169°48'.96
9	26°08'.36	169°49'.03
10	26°07'.62	169°45'.83
11	26°06'.03	169°40'.57
12	26°03'.97	169°35'.64
13	26°01'.51	169°30'.91
14	25°58'.65	169°26'.45
15	25°55'.32	169°22'.34
16	25°51'.67	169°18'.60
17	25°47'.78	169°15'.19
18	25°43'.54	169°12'.34
19	25°39'.05	169°09'.93
20	25°34'.37	169°08'.08
21	25°29'.54	169°06'.76
22	25°24'.61	169°05'.93
23	25°19'.63	169°05'.64
24	25°14'.65	169°05'.93
25	25°09'.69	169°06'.66
26	25°04'.85	169°08'.02
27	25°00'.17	169°09'.96
28	24°55'.66	169°12'.35
29	24°51'.35	169°15'.14
30	24°47'.37	169°18'.48
31	24°43'.69	169°22'.22
32	24°40'.34	169°26'.31
33	24°37'.42	169°30'.78
34	24°35'.00	169°35'.64
35	24°33'.02	169°40'.66
36	24°31'.34	169°45'.88
37	24°30'.31	169°51'.08
38	24°29'.68	169°56'.53
39	24°29'.56	170°01'.81
40	24°29'.61	170°04'.57
41	24°35'.77	170°44'.39
42	24°36'.29	170°47'.58
43	24°37'.18	170°50'.37
44	24°37'.76	170°52'.17
45	24°56'.23	171°50'.19
46	25°16'.61	174°24'.84
47	25°29'.56	174°38'.45
48	25°33'.28	174°42'.03
49	25°37'.33	174°45'.20
50	25°41'.68	174°47'.84
51	25°46'.23	174°50'.05
52	25°50'.93	174°51'.77
53	25°55'.80	174°52'.91
54	26°00'.71	174°53'.47
55	26°05'.67	174°53'.61

TABLE D-3—INNER BOUNDARY AROUND LISIANSKI ISLAND, LAYSAN ISLAND, MARO REEF, AND RAITA BANK—Continued

Point	Latitude (N)	Longitude (W)
56	26°10'.59	174°53'.07
57	26°15'.46	174°52'.08
58	26°20'.20	174°50'.57
59	26°24'.75	174°48'.44
60	26°29'.15	174°45'.94
61	26°33'.26	174°42'.96
62	26°37'.11	174°39'.49
63	26°40'.60	174°35'.63
64	26°43'.75	174°31'.43
65	26°46'.49	174°26'.87
66	26°48'.90	174°22'.09
67	26°50'.79	174°17'.03
68	26°52'.20	174°11'.79
69	26°53'.21	174°06'.43
70	26°53'.74	174°00'.98
71	26°53'.74	173°55'.48
72	26°53'.29	173°50'.02
73	26°52'.56	173°44'.58
74	26°51'.85	173°39'.14
75	26°51'.13	173°33'.69
76	26°50'.75	173°30'.87

TABLE D-4—INNER BOUNDARY AROUND GARDNER PINNACLES, FRENCH FRIGATE SHOALS, AND NECKER ISLAND

Point	Latitude (N)	Longitude (W)
1	25°49'.64	167°52'.66
2	25°49'.70	167°52'.65
3	25°48'.99	167°48'.35
4	25°47'.09	167°36'.72
5	25°39'.84	167°26'.48
6	25°35'.10	167°19'.79
7	25°10'.43	166°45'.00
8	24°40'.91	166°03'.36
9	24°35'.64	165°34'.99
10	24°23'.78	164°31'.12
11	24°23'.59	164°31'.14
12	24°23'.31	164°29'.74
13	24°21'.85	164°24'.52
14	24°20'.10	164°19'.39
15	24°17'.75	164°14'.56
16	24°14'.99	164°09'.97
17	24°11'.86	164°05'.69
18	24°08'.30	164°01'.80
19	24°04'.48	163°58'.23
20	24°00'.27	163°55'.22
21	23°55'.85	163°52'.59
22	23°51'.17	163°50'.56
23	23°46'.33	163°48'.98
24	23°41'.37	163°47'.99
25	23°36'.34	163°47'.56
26	23°31'.27	163°47'.60
27	23°26'.27	163°48'.28
28	23°21'.34	163°49'.50
29	23°16'.53	163°51'.14
30	23°11'.96	163°53'.47
31	23°07'.54	163°56'.15
32	23°03'.46	163°59'.38
33	22°59'.65	164°03'.01
34	22°56'.27	164°07'.10
35	22°53'.22	164°11'.49
36	22°50'.60	164°16'.18

TABLE D-4—INNER BOUNDARY AROUND GARDNER PINNACLES, FRENCH FRIGATE SHOALS, AND NECKER ISLAND—Continued

Point	Latitude (N)	Longitude (W)
37	22°48'.48	164°21'.16
38	22°46'.73	164°26'.28
39	22°45'.49	164°31'.60
40	22°44'.83	164°37'.03
41	22°44'.65	164°42'.51
42	22°44'.92	164°47'.99
43	22°45'.11	164°49'.52
44	22°45'.39	164°51'.48
45	22°45'.17	164°51'.53
46	22°50'.26	165°34'.99
47	22°55'.50	166°19'.63
48	22°55'.93	166°23'.32
49	22°57'.41	166°36'.00
50	23°03'.75	166°45'.00
51	23°05'.48	166°47'.45
52	24°12'.70	168°22'.86
53	24°12'.88	168°22'.78
54	24°16'.05	168°27'.28
55	24°19'.15	168°31'.66
56	24°22'.27	168°35'.95
57	24°25'.71	168°39'.94
58	24°29'.51	168°43'.55
59	24°33'.67	168°46'.63
60	24°38'.06	168°49'.29
61	24°42'.68	168°51'.46
62	24°47'.45	168°53'.12
63	24°52'.34	168°54'.28
64	24°57'.32	168°54'.82
65	25°02'.32	168°54'.95
66	25°07'.30	168°54'.43
67	25°12'.19	168°53'.32
68	25°16'.99	168°51'.76
69	25°21'.57	168°49'.60
70	25°25'.94	168°46'.93
71	25°30'.09	168°43'.86
72	25°33'.89	168°40'.42
73	25°37'.37	168°36'.52
74	25°40'.49	168°32'.24
75	25°43'.24	168°27'.68
76	25°45'.57	168°22'.82
77	25°47'.43	168°17'.76
78	25°48'.79	168°12'.47
79	25°49'.72	168°07'.09
80	25°50'.11	168°01'.62
81	25°50'.18	168°00'.09

TABLE D-5—INNER BOUNDARY AROUND NIHOA ISLAND

Point	Latitude (N)	Longitude (W)
1	23°52'.82	161°44'.54
2	23°52'.10	161°41'.20
3	23°51'.18	161°37'.92
4	23°50'.08	161°34'.71
5	23°48'.79	161°31'.58
6	23°47'.33	161°28'.55
7	23°45'.69	161°25'.62
8	23°43'.88	161°22'.81
9	23°41'.92	161°20'.13
10	23°39'.80	161°17'.60
11	23°37'.54	161°15'.21
12	23°35'.14	161°12'.99
13	23°32'.62	161°10'.93
14	23°29'.99	161°09'.05
15	23°27'.25	161°07'.35
16	23°24'.42	161°05'.85
17	23°21'.51	161°04'.54
18	23°18'.52	161°03'.43
19	23°15'.48	161°02'.53
20	23°12'.39	161°01'.84
21	23°09'.27	161°01'.35
22	23°06'.13	161°01'.09
23	23°02'.97	161°01'.03
24	22°59'.82	161°01'.19
25	22°56'.69	161°01'.57
26	22°53'.58	161°02'.15
27	22°50'.51	161°02'.95
28	22°47'.50	161°03'.95
29	22°44'.55	161°05'.15
30	22°41'.67	161°06'.54
31	22°38'.88	161°08'.13
32	22°36'.19	161°09'.90
33	22°33'.61	161°11'.85
34	22°31'.14	161°13'.97
35	22°28'.81	161°16'.25
36	22°26'.61	161°18'.69
37	22°24'.56	161°21'.26
38	22°22'.66	161°23'.97
39	22°20'.92	161°26'.80
40	22°19'.35	161°29'.74
41	22°17'.95	161°32'.78
42	22°16'.73	161°35'.90
43	22°15'.70	161°39'.10
44	22°14'.85	161°42'.37
45	22°14'.20	161°45'.68
46	22°13'.73	161°49'.03
47	22°13'.47	161°52'.41
48	22°13'.40	161°55'.80
49	22°13'.53	161°59'.18
50	22°13'.85	162°02'.55
51	22°14'.31	162°05'.45
52	22°14'.37	162°05'.89
53	22°14'.59	162°06'.88
54	22°15'.87	162°12'.18
55	22°17'.70	162°17'.31
56	22°19'.97	162°22'.20

TABLE D-5—INNER BOUNDARY AROUND NIHOA ISLAND—Continued

Point	Latitude (N)	Longitude (W)
57	22°22'.73	162°26'.84
58	22°25'.88	162°31'.15
59	22°29'.41	162°35'.09
60	22°33'.28	162°38'.61
61	22°37'.47	162°41'.72
62	22°41'.93	162°44'.34
63	22°46'.63	162°46'.47
64	22°51'.48	162°48'.05
65	22°56'.46	162°49'.09
66	23°01'.50	162°49'.58
67	23°06'.58	162°49'.49
68	23°11'.61	162°48'.89
69	23°16'.57	162°47'.70
70	23°21'.36	162°45'.98
71	23°26'.02	162°43'.75
72	23°30'.40	162°41'.01
73	23°34'.51	162°37'.83
74	23°38'.26	162°34'.18
75	23°41'.69	162°30'.18
76	23°44'.72	162°25'.79
77	23°47'.36	162°21'.11
78	23°49'.55	162°16'.16
79	23°51'.24	162°10'.99
80	23°52'.44	162°05'.63
81	23°53'.14	162°00'.25
82	23°53'.36	161°54'.75
83	23°53'.09	161°49'.28
84	23°52'.82	161°47'.09
85	23°52'.39	161°44'.67

■ 6. Add Appendix E to Part 404 to read as follows:

Appendix E to Part 404—Content and Syntax for Papahānaumokuākea Ship Reporting System

Immediately upon crossing the reporting area boundary, notification should be sent as a direct e-mail to nwhi.notifications@noaa.gov in the prescribed format and data syntax shown. Use of batch message routing services which may delay receipt of a report should not be used. Failure to follow the exact format (e.g., extra information, extraneous characters, or double spacing) may cause the automated computer system to reject your report. **Note:** Report transmission costs via INMARSAT-C will be assumed by NOAA.

E.1 Entry Notification Format

Immediately upon entering the Reporting Area, vessels required to participate must provide the following information.

TABLE E.1—INFORMATION REQUIRED FOR ENTRY NOTIFICATION

Telegraphy	Function	Information required	Example field text
	System identifier	CORAL SHIPREP //	CORAL SHIPREP //
A	Ship	Vessel name/call sign/flag/IMO number/Federal documentation or State registration number if applicable //.	A/OCEAN VOYAGER/C5FU8/BAHAMAS/IMO 9359165//
B	Date, time (UTC), and month of entry.	A 6-digit group giving day of month (first two digits), hours and minutes (last four digits) in coordinated universal time, suffixed by the letter Z (indicating time in UTC), and three letters indicating month //.	B/271107Z DEC//

TABLE E.1—INFORMATION REQUIRED FOR ENTRY NOTIFICATION—Continued

Telegraphy	Function	Information required	Example field text
	System identifier	CORAL SHIPREP //	CORAL SHIPREP //
C	Position	A 4-digit group giving latitude in degrees and minutes, suffixed with the letter N (indicating north), followed by a single /, and a five-digit group giving longitude in degrees and minutes, suffixed with the letter W (indicating west) // [Report in the World Geodetic System 1984 Datum (WGS-84)].	C/2728N/17356W//
E	True course	3-digit number indicating true course //	E/180//
F	Speed in knots and tenths.	3-digit group indicating knots decimal tenths //	F/20.5//
I	Destination and estimated time of arrival.	Name of port city/country/estimated arrival date and time group expressed as in (B) //.	I/SEATTLE/USA/311230Z DEC//
L	Intended route through the reporting area.	Route information should be reported as a direct rhumbline (RL) course through the reporting area and intended speed (expressed as in E and F) or a series of waypoints (WP). Each waypoint entry should be reported as latitude and longitude, expressed as in (C), and intended speed between waypoints (as in F) // (Note: As many "L" lines as needed may be used to describe the vessel's intended route.).	L/RL/215/20.5// -OR- L/WP/2734N/17352W/20.5// L/WP/2641N/17413W/20.5// L/WP/2605N/17530W/20.5//
O	Vessel draft in meters.	Maximum present static draft reported in meters decimal centimeters //.	O/11.50//
P	Categories of Hazardous Cargoes*.	Classification Code (e.g. IMDG, IBC, IGC, INF) / and all corresponding Categories of Hazardous Cargoes (delimited by commas) // Note: If necessary, use a separate "P" line for each type of Classification Code.	P/IMDG/1.4G,2.1,2.2,2.3,3,4.1,6.1,8,9//
Q	Defects or deficiencies**.	Brief details of defects, damage, deficiencies or limitations that restrict maneuverability or impair normal navigation // (If none, enter the number zero.).	Q/Include details as required//
R	Pollution incident or goods lost overboard**.	Description of pollution incident or goods lost overboard within the Monument, the Reporting Area, or the U.S. Exclusive Economic Zone//(If none, enter the number zero.).	R/0//
T	Contact information of ship's agent or owner.	Name/address/and phone number of ship's agent or owner //	T/JOHN DOE/GENERIC SHIPPING COMPANY INC, 6101 ACME ROAD, ROOM 123, CITY, STATE, COUNTRY 12345/123-123-1234//
U	Ship size (length overall and gross tonnage) and type.	Length overall reported in meters decimal centimeters/number of gross tons/type of ship (e.g. bulk carrier, chemical tanker, oil tanker, gas tanker, container, general cargo, fishing vessel, research, passenger, OBO, RORO) //.	U/294.14/54592/CONTAINER SHIP//
W	Persons	Total number of persons on board //	W/15//

TABLE E.1 NOTES

*Categories of hazardous cargoes means goods classified in the International Maritime Dangerous Goods (IMDG) Code; substances classified in chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) and chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code); oils as defined in MARPOL Annex I; noxious liquid substances as defined in MARPOL Annex II; harmful substances as defined in MARPOL Annex III; and radioactive materials specified in the Code for the Safe Carriage of the Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (INF Code).

**In accordance with the provisions of the MARPOL Convention, ships must report information relating to defects, damage, deficiencies or other limitations as well as, if necessary, information relating to pollution incidents or loss of cargo. Safety related reports must be provided to CORAL SHIPREP without delay should a ship suffer damage, failure or breakdown affecting the safety of the ship (Item Q), or if a ship makes a marked deviation from a route, course or speed previously advised (Item L). Pollution or cargo lost overboard must be reported without delay (Item R).

E.2 Prior Notification of Entry Format

Vessels of the United States less than 300 gross tonnage that are not equipped with onboard e-mail capability must provide the following notification of entry at least 72 hrs, but no longer than 1 month, prior to entry date, utilizing the data syntax described above. Notification may be made via the following communication methods, listed in order of preference: E-mail [nwhi.notifications@noaa.gov]; fax [1-808-397-2662]; telephone [1-866-478-NWHI (6944), 1-808-395-NWHI (6944)].

TABLE E.2—INFORMATION REQUIRED FOR PRIOR NOTIFICATION

System identifier. Items	PRIOR NOTICE //.
	A, B, C (as applicable), I, L, O, P (as applicable), Q, T, U, W.

E.3 Exit Notification Format

Immediately upon leaving the Reporting Area, vessels required to participate must provide the following information. Vessels of

the United States less than 300 gross tonnage that are not equipped with onboard e-mail capability must provide the following Exit Notification information within 12 hrs of leaving the Reporting Area. Notification may be made via the following communication methods, listed in order of preference: E-mail [nwhi.notifications@noaa.gov]; fax [1-808-397-2662]; telephone [1-866-478-NWHI (6944), 1-808-395-NWHI (6944)].

TABLE E.3—INFORMATION REQUIRED FOR EXIT NOTIFICATION

Telegraphy	Function	Information required	Example field text
	System identifier	CORAL SHIPREP //	CORAL SHIPREP//
A	Ship	Vessel name / call sign / flag / IMO number / Federal documentation or State registration number if applicable //.	A/OCEAN VOYAGER/C5FU8/BAHAMAS/IMO9359165//
B	Date, time (UTC), and month of exit.	A 6-digit group giving day of month (first two digits), hours and minutes (last four digits), suffixed by the letter Z indicating time in UTC, and three letters indicating month//.	B/271657Z DEC//
C	Position	A 4-digit group giving latitude in degrees and minutes, suffixed with the letter N (indicating north), followed by a single //, and a five digit group giving longitude in degrees and minutes, suffixed with the letter W (indicating west) // [Report in the World Geodetic System 1984 Datum (WGS-84)].	C/2605N/17530W//
R	Pollution incident or goods lost overboard.	Description of pollution incident or goods lost overboard within the Monument, the Reporting Area, or the U.S. Exclusive Economic Zone // (If none, enter the number zero).	R/0//

E.4 Example Entry Report

CORAL SHIPREP//
A/SEA ROVER/WFSU/USA/IMO 8674208/
DOC 602011//
B/010915Z JUN//
C/2636N/17600W//
E/050//
F/20.0//
I/LOS ANGELES/USA/081215Z JUN//
L/RL/050/20.0//

O/10.90//
P/IMDG/3,4.1,6.1,8,9//
Q/0//
R/0//
T/JOHN DOE/CONTAINER SHIPPERS INC,
500 PORT ROAD, ROOM 123, LOS
ANGELES, CA, USA 90050/213-123-
1234//
U/199.90/27227/CONTAINER SHIP//
W/15//

E.5 Example Exit Report

CORAL SHIPREP//
A/SEA ROVER/WFSU/USA/IMO 8674208/
DOC 602011//
B/011515Z JUN//
C/2747N/17416W//
R/0//
[FR Doc. E8-28245 Filed 12-2-08; 8:45 am]
BILLING CODE 3510-22-P