

NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE
RESERVE ADVISORY COUNCIL

Non-Government (Voting) May 12, 2016

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John Armor, Acting Director, ONMS
c/o Athline Clark, Superintendent, PMNM
NOAA/DKIRC
NOS/ONMS/PMNM
1845 Wasp Blvd., Bldg. 176
Honolulu, HI 96818

Subject: Possible NWHI CRER transition to NWHI NMS

Dear Mr. Armor:

We are asking for clarification on how best to proceed in designating the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (NWHI CRER) a national marine sanctuary, pursuant to President Clinton's Executive Order (EO) 13178.

EO 13178, issued in 2000, specified that the "Secretary shall initiate the process to designate the Reserve as a national marine sanctuary pursuant to sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1432)". In June 2006, a draft management plan for a NWHI national marine sanctuary was completed, and a draft environmental impact statement (DEIS) was completed and ready to be released for public comment. This process was never completed because President Bush established the NWHI Marine National Monument on June 15, 2006 (later renamed Papahānaumokuākea Marine National Monument).

On June 13, 2014, through a final rule published in the Federal Register, the Office of National Marine Sanctuaries (ONMS) established the Sanctuary Nomination Process and invited communities to submit applications to have NOAA consider nominations for new national marine sanctuaries. Instead of proceeding ahead with the newly implemented 2014 sanctuary nomination process, the RAC would like a determination from ONMS on whether ONMS would allow the Reserve to continue the transition into a NWHI NMS as mandated by Executive Order 13178. The specific question is can the sanctuary designation process can be re-initiated where it left off in 2006, with an updated draft management plan and DEIS, or does the RAC now have to follow the new nomination process?

In addition, we would like to know if the current protections for NWHI marine resources under Presidential Proclamation 8031 could potentially be diminished during the sanctuary designation process or after the NWHI CRER became a national marine sanctuary. Do the Monument protections represent a baseline

upon which a national marine sanctuary would be built, or could the standard protections of a national marine sanctuary potentially supplant current Monument protections?

We understand that you may need to consult with General Counsel for a definitive legal response, and as Acting Director of ONMS, we hope that you can provide the clear and final word on the matter we need to move forward with confidence. We look forward to your response.

Sincerely,

Timothy E. Johns,
Chair
NWHI Coral Reef Ecosystem Reserve Advisory Council