

# Papahānaumokuākea

MARINE NATIONAL MONUMENT



## Management Plan Response to Comments

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



VOL. V

# Papahānaumokuākea Marine National Monument

## Response to Comments

December 2008

Prepared by:

Papahānaumokuākea Marine National Monument

National Oceanic and Atmospheric  
Administration  
6600 Kalanianaʻole Highway, Suite 300  
Honolulu, Hawai‘i 96825



United States Fish and  
Wildlife Service  
300 Ala Moana Blvd., Room 5-231  
Honolulu, Hawai‘i 96850



Hawai‘i Department of Land and  
Natural Resources  
1151 Punchbowl Street, Room 130  
Honolulu, Hawai‘i 96813





---

**TABLE OF CONTENTS**

Section	Page
Acronyms and Abbreviations.....	iii
Public Comments and Responses.....	1
Introduction.....	1
Comment Response.....	2
Comment Category 1 - Advisory Body/Public Involvement.....	4
Comment Category 2 - Agency Coordination.....	17
Comment Category 3 - Alien Species.....	32
Comment Category 4 – Carrying Capacity.....	44
Comment Category 5 - Ecosystem Health.....	53
Comment Category 6 - Education.....	67
Comment Category 7 - Emergency Response.....	74
Comment Category 8 - Endangered Species.....	77
Comment Category 9 – Enforcement.....	97
Comment Category 10 - Fishing.....	110
Comment Category 11 - Global Impacts.....	126
Comment Category 12 - Habitat Restoration.....	143
Comment Category 13 - Historic Resources.....	145
Comment Category 14 – Infrastructure.....	150
Comment Category 15 - Marine Debris.....	153
Comment Category 16 - Midway.....	166
Comment Category 17 - Military.....	186
Comment Category 18 - Native Hawaiian.....	213
Comment Category 19 - Open Process.....	245
Comment Category 20 - Other.....	248
Comment Category 21 - Outreach.....	257
Comment Category 22 - Permitting.....	261
Comment Category 23 - Pollution.....	279
Comment Category 24 - Prioritization.....	286
Comment Category 25 – Research.....	289
Comment Category 26 - Tourism.....	301

---

**TABLE OF CONTENTS** *(continued)*

Section	Page
Comment Category 27 – Transportation.....	317
Comment Category 28 - Volunteers .....	320
Comment Category 29- Cumulative Impacts .....	322

---

**LIST OF TABLES**

Table	Page
Table 1 Public Comment Meetings.....	1
Table 2 Other Comments .....	2

---

**APPENDICES**

---

Appendix A: Agency Comments and Response Letters

Appendix B: NGO and General Public Comment Letters

Appendix C: Comments Received via E-Mail

Appendix D: Public Meeting Comment Sheets

Appendix E: Individuals Submitting E-Mail Form Letter Comments Through NGO Websites

---

**ACRONYMS/ABBREVIATIONS**

Acronym	Full Phrase
AC	Agency Coordination
AIRFA	American Indian Religious Freedom Act
APPS	Act to Prevent Pollution from Ships
ARPA	Archaeological Resources Protection Act
AS	Alien Species
ATBA	Areas to be Avoided
BMPs	Best Management Practices
CBO	Constituency Building and Outreach
CCP	Comprehensive Conservation Plan
CD	Compatibility Determination
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFO	Coordinated Field Operations
CFR	Code of Federal Regulations
CO	Central Operations
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DDD	Dichlorodiphenyldichloroethane
DDE	Dichlorodiphenyldichloroethylene
DDT	Dichlorodiphenyltrichloroethane
DLNR	Department of Land and Natural Resources (State of Hawai‘i)
DOCARE	Division of Conservation and Resources Enforcement
DOD	Department of Defense
DOT	Department of Transportation (State of Hawai‘i)
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EN	Enforcement
EPA	Environmental Protection Agency
ER	Ecological Reserve
ERAT	Emergency Response and Assessment Team
ESA	Endangered Species Act
ETOPS	Extended Twin Engine aircraft operations
EV	Evaluation
FAA	Federal Aviation Administration
FFS	French Frigate Shoals
FWS	U.S. Fish and Wildlife Services
GIS	Geographic Information Systems
HABS	Historic American Buildings Survey

---

**ACRONYMS/ABBREVIATIONS**

Acronym	Full Phrase
HCZMP	Hawai‘i Coastal Zone Management Program
HMC	Habitat Management and Conservation
HR	Historic Resources
HRS	Hawai‘i Revised Statutes
ICC	International Code Council
ICODAS	International Comprehensive Ocean-Atmosphere Data Set
ICS	Incident Command System
IMaST	Information Management and Spatial Technology
IMO	International Maritime Organization
LME	Large Marine Ecosystem
LORAN	Long Range Aid to Navigation
LUCs	Land Use Controls
MARPOL	International Convention for the Prevention of Pollution from Ships 1973
MB	Migratory Bird
MCS	Marine and Conservation Science
MD	Marine Debris
MH	Maritime Heritage
MMB	Monument Management Board
MMPA	Marine Mammal Protection Act
MOA	Memorandum of Agreement
MPRSA	Marine Protection, Research and Sanctuaries Act
MSD	Marine Sanitation Device
MTA	Marine and Transportation Action Plan
MVSP	Midway Visitor Services Plan
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Protection Act
NHCH	Native Hawaiian Culture and History
NHCI	Native Hawaiian Community Involvement
NHL	National Historic Landmark
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Services
NOAA	National Oceanic and Atmospheric Administration
NWHIRAMP	Northwestern Hawaiian Islands Reef Assessment and Monitoring Program
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRHP	National Register of Historic Places

---

**ACRONYMS/ABBREVIATIONS**

Acronym	Full Phrase
NRSP	Natural Resources Science Plan
NWHI	Northwestern Hawaiian Islands
NWR	National Wildlife Refuge
NWRSAA	National Wildlife Refuge System Administration Act
OEL	Ocean Ecosystems Literacy
OHA	Office of Hawaiian Affairs
ONMS	Office of National Marine Sanctuaries
OSHA	Occupational Health and Safety Administration
PAHs	Polycyclic Aromatic Hydrocarbons
PCB	Polychlorinated Biphenyls
PDO	Pacific Decadal Oscillation
PHRI	Public Health Research Institute
PIMS	Papahānaumokuākea Information Management System
PSSA	Particularly Sensitive Sea Area
RCRA	Resource Conservation and Recovery Act
ROI	Region of Influence
ROV	Remotely Operated Vehicle
SAFE	Secure Around Flotation Equipped
SARA	Superfund Amendments and Reauthorization Act
SCUBA	Self-Contained Underwater Breathing Apparatus
SHIELDS	Sanctuaries Hazardous Incident Emergency Logistics Database System
SHPD	Hawai'i State Historic Preservation Division
SHPO	State Historic Preservation Officer
SMA	Special Management Area
SPA	Special Preservation Area
TCP	Traditional Cultural Properties
TES	Threatened and Endangered Species
TSCA	Toxic Substances Control Act
UNESCO	United Nations Educational, Scientific, and Cultural Organization
USCG	United States Coast Guard
USDA	U.S. Department of Agriculture
VMS	Vessel Monitoring System
VOIP	Voice Over Internet Protocol
VOS	Volunteer Observing Ship
VS	Visitor Services

This page intentionally left blank.

# PUBLIC COMMENTS AND RESPONSES

## INTRODUCTION

In accordance with the National Environmental Policy Act (NEPA) of 1969 and Hawaii Revised Statutes (HRS) Chapter 343 Environmental Impact Statement Law, this final environmental assessment provides responses to comments on the four volume draft document, which included the Monument Management Plan, its associated compliance documents and the environmental assessment (EA). In compliance with those regulations, Volume V of the final document includes a list of agencies, organizations, and individuals commenting on the Draft EA (DEA), copies of their comments, and responses to the substantive environmental issues raised in the comments.

The DEA for the implementation of the Papahānaumokuākea Marine National Monument Management Plan in the Northwestern Hawaiian Islands was circulated for public review and comment from April 23, 2008, to July 23, 2008. Public meetings were held during the review period to provide the public with the opportunity to ask questions about the project and to comment on the DEA. As summarized in Table 1, a total of ten meetings were held on six different Hawaiian islands and in Washington, DC, as follows: three meetings on O‘ahu, two meetings on the Island of Hawai‘i, and one meeting each on Maui, Lāna‘i, Moloka‘i, and Kaua‘i and in Washington, DC. With a grand total of 231 people attending the public meetings, 87 individuals provided public testimony. Comments given at these public meetings were recorded in transcripts taken by court reporters.

**Table 1**  
**Public Comment Meetings**

<b>Date</b>	<b>Location</b>	<b>Number of Attendees</b>	<b>Number of Speakers</b>
June 9, 2008	Wai‘anae Parks and Recreation Complex 85-601 Farrington Highway, Wai‘anae, O‘ahu	12	3
June 11, 2008	Auditorium, Main Interior Building 1849 C Street NW, Washington, DC	10	1
June 12, 2008	Maui Arts and Cultural Center One Cameron Way, Kahului, Maui	15	7
June 13, 2008	Lāna‘i High and Elementary School 555 Frasier Avenue, Lāna‘i City, Lāna‘i	3	2
June 16, 2008	Kūlana ‘Oiwī Hālau 610 Maunaloa Highway, Kaunakakai, Moloka‘i	12	9
June 17, 2008	He‘eia State Park 46-465 Kamehameha Highway, Kāne‘ohe, O‘ahu	20	6
June 18, 2008	King Kamehameha Hotel 75-5660 Palani Road, Kailua-Kona, Kona, Hawai‘i	35	22
June 19, 2008	Mokupāpapa Discovery Center 308 Kamehameha Ave., Suite 109, Hilo, Hawai‘i	36	9
June 23, 2008	Hilton Kaua‘i Beach Resort 4331 Kauai Beach Drive, Līhu‘e, Kaua‘i	28	11

June 24, 2008	Japanese Cultural Center 2454 South Beretania Street, Honolulu, O‘ahu	60	17
---------------	--	----	----

In addition to comments received at public meetings, written comments were accepted via e-mails, individual letters, and form letters throughout the review period. A total of 6,347 written comments were received. Table 2 shows a breakdown of the written comments received.

<b>Table 2 Other Comments</b>	
E-mails	74
Letters	27
Form letters/e-mail	6,246
Total	6,347

The following pages show comments received that relate to the four-volume Monument Management Plan/EA and the Monument Management Board's (MMB) responses to those comments. The MMB reviewed and considered all comments and determined whether or not they were substantive and warranted further analysis and documentation. While the MMB greatly appreciates the participation of all those who commented, not all comments required further analysis or changes to the Final EA. The MMB noted in the individual responses when further analysis or changes were made.

#### **COMMENT RESPONSE**

This section contains comments made by individuals and the respective MMB responses. Based on their content, comments are organized with regard to the comment categories. Within comment categories, comments were further organized into summarized comments and unique comments. Summaries of some comments were developed, where several individual comments expressed the same concern. The response to these summarized comments received the same response. Other comments were grouped. These grouped comments are numbered within the table and then received a response that applies to all of the comments in the group. Unique comments were comments which were not similar to other comments received and merited unique responses. In addition, some comments that we received were not relevant to the MMP (i.e. comments about past DoD NEPA documents, activities that occur outside the Monument), such comments are not included here.

This page intentionally left blank.

<b>Comment Category 1 - Advisory Body/Public Involvement</b>	
<b>Summarized Comments</b>	
1-01. Comment	<p>Many comments were received stating that the Monument should establish some sort of citizen-based advisory body to ensure continued public participation in the management of the Monument. The comments provided many different ideas and descriptions for various types of public advisory bodies and offered in-depth suggestions relating to member representation, composition, roles, and responsibilities.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) I support full public participation in the management of our public trust resources. Please establish a citizen’s advisory council.</li> <li>2) To maintain a transparent and accountable decision-making process, the meetings of the MMB must be open to public participation and scrutiny. We strongly advocate that the MMB include public representatives and the meeting themselves be open to the public, including public comment and access to meeting minutes.</li> <li>3) The DMMP fails to establish a meaningful form of citizen advisory body. The DMMP must include a public Monument Advisory Council (“MAC”), which operates under sunshine laws, and includes Native Hawaiians, representatives of the conservation community who have been active in NWHI protections, independent scientists not affiliated with or employed by the Trustees or “Trustee partners” and independent educators as voting members of the council. Additionally, the placement of at least two members of the MAC on the Monument Management Board (“MMB”), by amendment to the Memorandum of Understanding (“MOU”) would ensure public oversight and participation in management decisions.</li> <li>4) The DMMP must include a public Monument Advisory Council, which operates under sunshine laws, and includes Native Hawaiians, representatives of the conservation community who have been active in NWHI protections, independent scientists not affiliated with or employed by the Trustees or “Trustee partners” and independent educators as voting members of the council. Outlined below are proposed terms of membership based in large part on the membership requirements of the current Reserve Advisory Council (RAC):             <ol style="list-style-type: none"> <li>1. 3 Native Hawaiian representatives, including one elder, with experience or knowledge regarding Native Hawaiian subsistence, cultural, religious, or other activities in the Northwestern Hawaiian Islands</li> <li>2. 3 representatives from the non-federal science community with experience specific to the NWHI and with experience in at least one of the following areas: marine mammal science, coral reef ecology, native marine flora and fauna of the Hawaiian Islands, oceanography</li> <li>3. 3 representatives from non-governmental wildlife/marine life, environmental, and/or conservation organizations</li> <li>4. one citizen at large representative.</li> </ol> </li> <li>5) The Papahānaumokuākea Marine National Monument is a treasure belonging to all Hawaiians and the Nation. I</li> </ol>

**Comment Category 1 - Advisory Body/Public Involvement**

am very concerned that you have failed to build an advisory body, similar to the Research Advisory Council, and a robust public-comment process into the management plan. The public and stakeholders must be given the opportunity to provide input to and review of the management of the monument if it is truly going to be the nation's Monument.

- 6) Please establish a citizen's advisory council
- 7) Please let the concerned public have participation in the decisions of our beloved marine ecosystem and wildlife!!! Mahalo nui loa!
- 8) Then I have assorted concerns I'll go through. One is I tried to understand all the ins and outs but I kind of gave up. Basically I think in the management of the Monument there should be Native Hawaiians and there should be citizens involved. A long time ago I worked on a disability committee, a state committee. The agency staff and the citizens had equal standing on the committee. So there were folks with disabilities there. The agency staff would come and say, "Oh, we've got this wonderful program and it's doing this and that." And a person with disabilities would speak up and say, "Hey, you know what? By the time your program gets down to me this is what actually happens in the real world." I think with that involvement of the people who are being affected and the people that know what's going on who have a totally different perspective is really valuable. Let's see. A lot of my comments are from KAHEA, the Hawaiian Environmental Alliance. And they felt that the vision of the plan should include perpetuating Hawaiian culture. And I agree with that. That should be there from the get-go, from the top down.
- 9) And I strongly object to watering down any public or citizen-based or participation in decision-making. In fact the public should be involved for both advice and consent just like the congress does, not just "Here's our mana'o" and the agencies can choose to follow it or not. It's very important that Native Hawaiians and the public be included because they're the right-holders. They're not the stakeholders. They're the right-holders.
- 10) There was enthusiastic and widespread public participation and informed comment during the preparation of the former Draft Plan lead by an effective Reserve Advisory Council composed of representatives of all of the stakeholders generated solid support, as the public "bought in" to the evolving Plan. Withdrawal of the Department of Commerce to draft a substantially different new plan behind closed doors, for two years absent any public or agency input or oversight, and the virtual disbanding of RAC, turned public support to suspicion and guaranteed that the new Management plan would be greeted by a solid phalanx of critics (9). By spurning all advice, this tactic repels all help, especially now, when help is crucial to acceptance. Restoration of the Reserve Advisory Council, with provision for meaningful input into all aspects of Monument planning, permitting, activities and regulation, and maximum transparency of all Monument activities, is essential to regaining

**Comment Category 1 - Advisory Body/Public Involvement**

credibility, political support and future funding. The Proclamation mandates and the Management Plan recognizes the need for transparency and public involvement in planning process and rule making, and yet NOAA suspended RAC oversight and public scrutiny while drafting this Plan, and has no plan for reactivation of RAC or a Monument Advisory Council.

- 11) There should be a citizen-based public commission/council comprised of a cross-section of the public and government representatives, a member from each main Hawaiian island, an educator, a member of OHA, an artist, writer, a journalist, and fishermen all to be members of this commission with legal authority to grant all permits.
- 12) Also an independent citizen-based advisory council should be involved in decisions including all permitting.
- 13) There is an obligation to ensure that the public is informed and able to participate in decision-making about the management of the Monument. Throughout the Management Plan there is a commitment to keep the public informed of activities affecting the Monument. It is important that there is meaningful public participation with adequate notice and opportunity for comment. At present, management decisions, including permit processing, are decided by a board. Board meetings should be open and accountable to the public and board members should be guided by strict conflict of interest standards. Additionally, permit applications should be announced in the Federal Register and the public given an opportunity to comment prior to any authorizations. To ensure the protection of the Monument's sensitive wildlife and habitat, it is vitally important that the permit process be subject to public and environmental review.
- 14) I think having a public participation and, you know, people from various sectors being involved in the ongoing management in the sense of giving comments or recommendations is really important. If there is some way of having an advisory council that is collaborative of all the agencies, not just one, I think that would be something that can worth pursuing.
- 15) I'd like to echo the calls for having a Monument Advisory Council. I believe the Council has to be citizen based. The council has to be full participation, has to advise all three agencies. We respect the idea of Friends of the Monument which it's a great idea. It's a great idea it doesn't take the place of something that provides oversight for legal authority, legal responsibility. The only thing I would ask in commenting on the state's draft is make enhancements, meeting fairly regularly. Something that meets once a year is not sufficient, needs to meet far more often, quarterly at the least. Part of that should also include the opportunity for members of the advisory council to attend the Monument nature board meetings. Sort of close the loop of public transparency. Ensure there's oversight, and accountability in every decision that's made.

**Comment Category 1 - Advisory Body/Public Involvement**

- 16) I think it's going to be a real challenge to figure out whether you want an advisory, and in what capacity, and who individuals would change in that position. But it's really critical, in my opinion, if you have both the well-informed advice from a variety of folks, but you also have an opportunity for people to show their appreciation and interest in the area as friends groups do so effectively in refuge system and the parks system and other places. I think a friends group at Midway is a good example of people who have really come together to exercise their support for that.
- 17) So I thank everybody for, you know, coming out and allowing the public process. And yes, like Dave Rainey said, we did want a national-monument status, though some kind of an advisory body should have been incorporated.
- 18) The Draft Management Plan does not meet the public's long-standing demand that the management of the Northwestern Hawaiian Islands empower Hawaiian decision-makers to protect Hawai'i's public trust resources for generations to come. This plan closes the door on meaningful public participation in management decisions. Without a citizen-based Monument advisory council with the legal authority to oversee and advise on management activities, this plan will continue the same flawed system that has granted unlimited access to the Northwestern Hawaiian Islands and will dump the precautionary principle like dirty bilge water by failing to find out the total human impact in the region or assess its carrying capacity.
- 19) And you must have a community advisory team working side-by-side with you so that we can know that this area is really being protected and not just going to be rubber stamped.
- 20) We fully support a Monument Advisory Council as an effective means of meeting the unique public participation issues related to the Monument.
- 21) First of all, we also strongly support the establishment of a Monument Advisory Council similar to the Reserve Advisory Council which is citizen based. These are citizen resources. These are public resources. And I think as good as the people are in the state and federal government they can't forget that we care about this resources and they belong to all of us. And I think, you know, tapping into the citizens' body of knowledge or expertise is really a good thing. So we'd like to see a little more citizen participation in a very formalized way such as a MAC I guess it would be instead of RAC.
- 22) There's a question here: Why can't isn't there any public involvement in this, in the Management Planning process? And it says: Well, it will just be basically, essentially too much of a hassle to allow the public involvement. That's really shocking. It's only because of public involvement you have these protections.
- 23) Fourth, I'd like to talk briefly about the Citizen Advisory Council. You know, the importance, again when we

**Comment Category 1 - Advisory Body/Public Involvement**

talk about stepping beyond administrative boundaries to, like, really be able to get together and figure out a way to have an advisory council that's both, um, has enough weight to be a true advisory body but also has enough autonomy to really reflect what the public wants in a sort of grass roots way.

- 24) I'd also like to just share a bit of an anecdote of a story that I had the opportunity to testify in Washington, DC as well. I will say this on behalf of everyone in this room this is a great turnout compared to what we had there in the public. I was the only person who testified in Washington, DC. After I was done there was a bit of a Q and A sort of session. There was a gentleman from the Ocean Conservancy that asked a question. And it points to something that has been brought up thus far by some of the other testifiers. He asked why the Reserve Advisory Council wasn't recommended to be extended in the current Management Plan. And the response from the gentlewoman from NOAA was that the intention was to have something like that. I want to applaud that idea. It was a little bit confusing because I didn't understand why it wasn't in there. She said, "Yeah, we really want to do that." I want to say please do that and create a Monument Advisory Council. And I guess I was curious why it wasn't in there in the first place. So I had concern that even though the folks who put together the Management Plan had interest in doing that and were willing to go on record to say that they wanted to see that. But I didn't understand why it wasn't in there. So that was a concern but also something that I was excited to hear that they did want to actually include that as well.
- 25) I think the Citizens Advisory Group being taken out of this is a big mistake. We need people involved, the public involved and informed because agencies have political pressures put on them. They're not completely free from those contradictions. With the public you can at least have a more independent voice that's also advocating for the resource. The Native Hawaiians constituency must also have, I think, an effective role in determining decisions about the Monument. That means not just an advisory role, not just an educational role but actually having an impact on decisions that will affect the resource.
- 26) It's also why we're asking to have the public more involved. These are public trust resources. We love the Northwestern Hawaiian Islands. It has captured people's hearts. We need to be involved. There was a point in time when the Reserve Advisory Council was more active and people were involved. We were focused on bringing the place to the people. People were engaged. But since the establishment of the Monument things have gone quiet. In the last two years you've been able to develop this Management Plan with no public input. I think it's part of the reason why it's impossible to expect that people will be able to review all of the documents that are in here. We're talking six, eight major documents in just 75 days. That's not meaningful public participation. That's why we're also asking for the establishment of a Monument Advisory Council. People have spoken eloquently to the need to have these citizen experts provide an independent oversight and advice to the

**Comment Category 1 - Advisory Body/Public Involvement**

managers.

- 27) A citizen's advisory council with voting rights and authorities is truly shared governance of the NM. Interest groups with no authorities are not effective and only serve to cloud the issue of true citizen involvement.
- 28) The citizen based advisory council must be included as a partner equally in all dealings with the public. After all, citizen participation is one of the key roots of our democratic process.
- 29) Finally, we believe that continued discourse with the public on the future of the monument is vital to its success. While we recognize that the monument staff can draw upon a number of conceptual paradigms which will encourage public input and dialogue, we feel strongly that the creation of a Friends group, with its membership open to interested and concerned citizens, represents the most effective and democratic model available. Through the creation of a Friend-style organization for the Papahānaumokuākea Marine National Monument a wide array of constituencies can be represented, including native Hawaiians, former military personnel, birders, photographers, scientists and concerned citizens from across the nation. While the Friends of Midway Atoll National Wildlife Refuge will always be a distinct entity, we encourage the creation of a Friend-like organization for the monument. We believe such an organization would have a broad scope, mandate and membership.
- 30) There must be a citizen-based public commission Council comprised of a cross section of the public and government representatives. A member from each main Hawaiian Island, an educator, a member/representative of OHA, an artist/writer, a journalist, and a fisherman all to be members of this commission with legal authority to grant all permits.
- 31) Please establish a Monument Advisory Council with the authority to oversee and advise all three co-Trustees and with the same strict conflict of interest requirements that made the original Reserve Advisory Council so successful.
- 32) Please also include 2 public seats on the currently closed Monument Management Board.
- 33) On Jan 22, 2004, the citizen based Reserve Advisory Council approved some goals and objectives that should be reinstated into this management plan. These goals and objectives were developed over years in a transparent, public, and aboveboard process. It is curious that these have been taken out. The public needs to be the major part of this process. I do not feel confident that The Secretaries of Commerce (United States military), Governor of The State of Hawaii (tourism, University of Hawaii research groups), and OHA (States interests- not Hawaiians) as trustees will put resource protection as the main priority or “primary purpose” in managing the NWHI. It is unreasonable to have us believe given their track records that these stakeholders would put

**Comment Category 1 - Advisory Body/Public Involvement**

protection before profit.

- 34) Again, clearly the mission, the goals, and the objectives that were established through an open and public process by the Reserve Advisory Council have been substantially weakened. This is the heart. This is the constitution of this protected area. If that's weakened we don't really have anything to talk about as a basis. So we need to reinstate that.
- 35) The establishment of the Papahānaumokuākea Marine National Monument was preceded by years of input from the public and stakeholder groups that identified several key principles to be incorporated into the Monument's goals. Those principles included: a. Making protection of the Northwestern Hawaiian Islands, their wildlife, and ecosystems the core and preeminent purpose of the Monument, and that all other considerations and activities must not impair this purpose; and b. Maintaining the "natural character" of the Northwestern Hawaiian Islands. I am distressed to see that these principles, and others, are not incorporated into the draft Monument Management Plan, which leaves the Northwestern Hawaiian Islands incompletely protected and open to activities that will impair their health and resilience.
- 36) The RAC is concerned that an Alliance based on the "Friends" model could end up being dominated by the larger, wealthier NGOs who can afford to travel to and attend meetings, and lobby for their particular interests as well as for funds for the Monument. However, the RAC does like the fact that the "Friends" groups often has an office within the FWS's office and its can and do communicate regularly with the FWS staff. Ultimately the RAC concluded that the advantages of an Advisory Council (AC) model outweigh those of the Friends model. Therefore, the RAC recommends that Constituency Building and Outreach Action Plan Activity CBO-3.5 be amended as follows.

**Council:** After considering input from the Secretary of Commerce, the Secretary of the Interior, and the Governor of the State of Hawaii, the Monument Management Board (MMB) shall establish a thirteen-member Monument Advisory Council (Council) pursuant to Proclamation 8031 of June 15, 2006 and section 315 of the National Marine Sanctuaries Act (16 U.S.C. 1445a) as amended, to provide citizen input, recommendations and assistance regarding the protection and management of the Papahānaumokuākea Marine National Monument. The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the Council.

**Functions:** The Council shall: (A) review reports, plans, and permitted activities pursuant to the purposes, policies, and management requirements of the Monument, other pertinent laws, and international conventions; (B) recommend to the Secretaries, the Governor, and to other agency officials such steps as it considers necessary or desirable for the protection, conservation, and management of the natural, cultural and historical

**Comment Category 1 - Advisory Body/Public Involvement**

resources of the Monument; and (C) in cooperation with the National Oceanic and Atmospheric Administration (NOAA), the US Fish & Wildlife Service (FWS), and the State of Hawaii, recommend such measures as it considers necessary or desirable to further the purposes and policies of Presidential Proclamation 8031, Executive Orders 13178 and 13196, the National Marine Sanctuaries Act, the National Wildlife Refuge System Administration Act as amended by the National Wildlife Refuge System Improvement Act, the State of Hawaii rules establishing the Northwestern Hawaiian Islands Marine Refuge, and all other applicable laws and regulations, including provisions for the protection and exercise of the traditional cultural practices of Native Hawaiians.

Voting members: The Council shall include thirteen voting members: (A) Three Native Hawaiian representatives, including one Native Hawaiian elder with experience or knowledge regarding Native Hawaiian subsistence, cultural, and religious practices in the Northwestern Hawaiian Islands. (B) Three representatives from the science community with experience specific to the Northwestern Hawaiian Islands and with expertise in at least one of the following areas: (i) marine mammal science (ii) coral reef ecology (iii) native flora and fauna of the Hawaiian Archipelago (iv) oceanography (v) any other scientific discipline the Secretaries and the Governor determine to be appropriate (C) Three representatives from nongovernmental wildlife, marine life, environmental, or conservation organizations with a demonstrated interest in conservation and protection of Monument resources, (D) two education and outreach representatives (E) one representative from the ecotourism industry, and (F) one citizen at large. No employee of the Departments of Commerce, Interior, or the State of Hawaii shall be eligible to fill a voting seat on the Council. However, a person working under a government-supported grant or contract involving no more than 19 hours of work per week may be eligible. The RAC recommends that 13 alternates that meet the above qualifications also be appointed. The alternates shall represent constituents in their particular area of expertise, but not any particular Council member. Co-trustees and other agency representatives may participate in Council meetings as ex-officio members, but shall not vote as they have other avenues for input into the management process. The Council as a whole shall meet at least three times a year, with any additional work done between meetings by Council subcommittees. The Council shall elect a Chair, Vice Chair, and Secretary to serve as the Executive Committee of the Council and to act in its behalf as needed. The RAC recommends that the Co-Trustees request Congress to exempt the Council from the Federal Advisory Committee Act.

Compensation and Expenses: The voting members of the Council shall be reimbursed for actual expenses incurred in the performance of their duties, including travel expenses and per diem in lieu of subsistence

Staffing, Assistance and Communication: The MMB shall provide administrative support for the Council,

<b>Comment Category 1 - Advisory Body/Public Involvement</b>	
	<p>convene meetings of the Council and its subcommittees, and make available to the Council such staff, information, administrative services, office space, or assistance that they determine are reasonably required to enable the Council to carry out its functions and communicate effectively</p> <p>The MMB shall keep Council members informed of Monument activities and operations during and between Council meetings, including research plans and results, permits, reports and assessments, and other matters and shall solicit Council input on and help with such matters. The RAC believes that the Council could be particularly helpful in reviewing cumulative impact assessments, annual reports on permitted activities, and conducting evaluations, including the 5-7 year management review plans. A Council representative should be invited to attend meetings of the MMB. The RAC believes the Council can serve as an informed and influential voice at meetings of the State of Hawaii Board of Land &amp; Natural Resources</p> <p>Public Participation and Procedural Matters: The RAC recommends that the following guidelines be adopted with respect to the conduct of business meetings of the Council: (A) Each Council meeting should be open to the public, and interested persons should be permitted to present oral or written statements on items on the agenda at designated and appropriate times. (B) Emergency meetings may be held at the call of the chairman of the Council or presiding officer. The Council may establish subcommittees to facilitate its work. (C) Minutes of each meeting of the Council should be kept and contain a summary of the attendees and matters discussed.</p>
1-01. Response	<p>As stated in CBO-3.5, the Co-Trustees are committed to establish a Monument Alliance within 1 year, composed of individuals who represent communities and stakeholders interested in the Monument’s stewardship. The Alliance will provide individual advice and recommendations to the Monument management agencies regarding the management of Monument resources over which the Co-Trustees have responsibilities. It will serve as a community-based forum to exchange information; provide community input and individual recommendations on Monument policies, activities, and management; advocate for Monument conservation; and enhance broader community and public understanding. Within 2 years after the release of the Monument Management Plan, the Co-Trustees will charter the Alliance as an advisory committee under the Federal Advisory Committee Act (FACA), or as a FACA-exempt advisory body, in order to allow the Alliance to provide consensus advice to the Co-Trustees, per the amended Memorandum of Agreement. Meetings of the Monument Alliance will be convened on a regular basis, with specific topics identified for each meeting. The meetings will be well publicized and open to the public, and will be held at various locations to facilitate participation by a broad range of constituents.</p>
1-02. Comment	<p>Several comments were received suggesting the public comment period be extended to allow more time for public comment.</p>

**Comment Category 1 - Advisory Body/Public Involvement**

## Comments:

- 1) We're given a three minute timing to make comment on 1200 pages in a public forum. That's a little bit of a problem. I would like to echo Dave Raney's statement, a plea for more time for an extension of public comment period. What we are finding -- I have been working along with KAHEA, also working on this for about 10 years -- what we're finding going over it is that sentence-by-sentence some of the most important protective language has been stripped out of what was in there originally. The original draft Management Plan had aban, for example, on bioprospecting. That language has been removed from the original. The Reserve Council -- the Northwestern Hawaiian Islands Reserve Council which first developed goals and objectives weakened by NOAA in 2005 and absolutely further weakened sentence-by-sentence through this interagency process that has happened over the past year. So there's a great deal of concern about the 3 minute limit. Even -- it sounds generous to have 75 days. But you know these guys had three years to go through the 1200 pages. We are looking at the Reserve Advisory Council and their efforts to grapple with this.  
  
I attended the meeting, the first meeting where the RAC really discussed this. They only made it through a fraction of the comments that they themselves had submitted. And I would say admittedly they themselves probably haven't even read the 1200 pages of this thing. Again, a strong plea for a much longer public process and a chance to provide full input. There are a lot of concerns which we'll be submitting in written comments. But just to flag some of them.
- 2) The importance of public input has been mentioned earlier but there has been two years now elapsed where the public has largely been excluded from the development plans that we're reviewing tonight. We were given a quite ample 75-day period. That is good. But I note that the Reserve Advisory Council has really only recently begun to develop its comments on the draft plan. Sierra Club would like the benefit of reviewing the Reserve Advisory Council comments as we prepare ours. And if the Reserve Council needs more time to complete its review of these documents and prepare its comments and recommendations, then I request that the deadline for comments be extended as necessary.
- 3) One thing that keeps coming up over and over again over the last couple of months is that people have no idea what's going on. They think the Monument's protected. But there's a lot to review in here basically. There's a lot. And it's not in layman's terms. It's not at 6th grade reading level like all newspapers. It's just not accessible information. I think there should be more time for the public to review it.
- 4) Finally, the DMMP would greatly benefit from the expertise and unique perspective of a thorough public review. Therefore, we request an extension of the public comment period. The DMMP includes several major

<b>Comment Category 1 - Advisory Body/Public Involvement</b>	
	<p>documents, including 22 action plans, ## compatibility reviews, an Environmental Assessment, a Cultural Impact Statement, the Draft Midway Visitor Services Plan, and a Conceptual Site Plan for the development of Midway. These documents, totaling 1,200 pages in length, were developed over a 2-year process by the Co-Trustees without the benefits of public participation. Adequate review and effective comments cannot be achieved in only 75 days. The low attendance at the recent public hearings in Hawai'i and Washington D.C. is an indication that the community is not yet sufficiently engaged in this crucial decision-making process.</p> <p>5) To have a 1200-page document that the public has 75 days to comment on is sort of inadequate. We know that you yourselves having put together this document can appreciate the difficulty. And we ask that you really respect the intelligence of the public. People can, given enough time, given help and facilitation can understand what's going on and have things to say about it and have really strong ideas about what should be going on in the Northwestern Hawaiian Islands. We ask that you extend the 75-day comment period.</p>
1-02. Response	The 75-day public comment period was extended by an additional 15 days, for a total of 90 days, in order to give people additional time to review the document and submit comments. In addition to opportunities to provide comments during public meetings, there were ample opportunities to provide comments during the 90-day public comment period.
<b>Unique Comments</b>	
1-03. Comment	So I really appreciate your coming out to Kaua'i and taking public comments and sharing with us. Also, really hard for me to come up, speak in an air conditioned room and sit and listen. So I want to share kind of an afterthought. But I look around, there's not much of my peers in this room here. And, it's our generation that's going to continue to move whatever we come up with this plan forward and enforce it and just perpetuate it. So the thought was that maybe next time if we can have some warm mamaki tea and some awa, sit in a circle on a mat, talk story where I know my generation would be very comfortable with that. It would open our hearts and our minds up, could articulate a little better. Really show our, the manana'o from our hearts. It's really hard for me to come up to the mic.
1-03. Response	During the 90-day public comment period, people could provide comments in one of several ways: submit written comments (via letter, fax, or e-mail), submit written comments at any of the 10 public hearings, provide oral testimony at any of the 10 public hearings, or tape record oral comments at any of the 10 public hearings. In addition, before each of the 10 public meetings, Monument staff provided an open house forum where information corresponding to the action plans was available and staff was present to answer specific questions. Staff will consider other ways to involve the public in the future, including smaller working groups.
1-04.	Section 3.6 Achieving Effective Monument Operations

<b>Comment Category 1 - Advisory Body/Public Involvement</b>	
Comment	Based upon the enthusiastic, universally positive and thoughtful suggestions made at the well attended first round of public hearings on a Draft Monument Plan, whereas the new Draft Plan has drawn very sparse attendance and universally critical comments, it is clear that the public buys into and supports plans and policy where they have played an effective role in formulation, but rejects as “not made here” plans and policy formulated in private with little to no transparency. In order to regain credibility, and political and financial support, it is imperative that the RAC be reconstituted and reconvened to consider the comments and criticisms of this new Plan, to offer consensus amendments, and for RAC suggestions to be seriously considered.
1-04. Response	The Reserve Advisory Council (RAC) was established by Executive Order 13178 in December 2000 to provide advice and recommendations to NOAA on the development of the Northwestern Hawaiian Islands Coral Reef Reserve Operations Plan and designation and management of any Sanctuary. While, the RAC is not an advisory body for the Monument or the other Co-Trustees, NOAA convened the RAC during the public comment period to review and provide specific comments to NOAA on the Draft Monument Management Plan. The three Co-Trustees are legally required to consider all public comments received, including those by the RAC, and, as necessary and appropriate, to revise the draft documents. This task cannot be delegated to a nonagency entity.
1-05. Comment	The RAC recommends that until a Native Hawaiian co-trustee is added, the interim OHA representative should continue to convene meetings of the Native Hawaiian Cultural Working Group and forward its recommendations to the MMB.
1-05. Response	The MMB commits to regular consultation and engagement with Native Hawaiians and to the formal establishment of the Native Hawaiian Cultural Working Group, which was convened originally as part of the RAC. The working group is now convened by OHA and is consulted on permit applications and other issues; the group will continue to be convened and formalized (see Strategy NHCI-1 and Activity NHCI-1.1). This provides one of many methods for involving Native Hawaiians. Those volunteer members of the working group have already made a large commitment to accept responsibility for the protecting and perpetuating Papahānaumokuākea and Native Hawaiian cultural connections to this place.
1-06. Comment	On top of that I think there should be working groups that allow the public, that guide the public through those volumes. That would also include the Navy EIS Range Expansion Plan. Yeah, there’s realistic working groups that can put a little bit of this information in terms that people that would want to care about it if they knew they should care about it, can understand. And giving them community involvement in decisions like the Monument Advisory Council.
1-06. Response	During the 90-day public comment period, 10 public hearings were held. Before each public meeting, Monument staff provided an open house forum where information corresponding to the action plans was available and staff answered

<b>Comment Category 1 - Advisory Body/Public Involvement</b>	
	<p>specific questions. In the future, staff will consider other ways, including establishing working groups or holding additional information meetings, to help the public better understand the documents. The Monument Management Plan is a roadmap, and many of the activities will involve other opportunities for the public to be involved and to provide input. In particular, the Action Plan on Community Building and Outreach (CBO) includes a number of strategies and activities involving the public that we envision over the life of the plan. Finally, the plan will be reviewed every five years.</p>
1-07. Comment	<p>We are also concerned that some of the key concepts developed by the Reserve Advisory Council and included in the draft Sanctuary Goals and Objectives appear to be missing from the Draft Monument Management Plan. Specifically, we support:</p> <ul style="list-style-type: none"> <li>• restoring language requiring maintaining the “natural character” of the NWHI as part of the Monument mission;</li> <li>• including language pertaining to the “public trust” nature of the NWHI;</li> <li>• restoring the core principle requirement that officials “authorize only uses consistent with the primary purpose of resource protection;”</li> <li>• making clear that all research permits must demonstrate that permitted activities are “necessary for effective management of the region;”</li> <li>• restoring the requirement that permits shall be authorized “only if such uses do not threaten the natural character or biological integrity of any ecosystem of the region.”</li> </ul> <p>Because the Monument vision, mission, guiding principles and goals provide the basic framework for all management activities, it is particularly important that this section of the DMMP respect the years of hard work of the Reserve Advisory Council with regards to these overview issues.</p>
1-07. Response	<p>As required by Presidential Proclamation 8031, the draft plan for the proposed National Marine Sanctuary was modified to create the Monument Management Plan. Thus, much of the Reserve Advisory Council’s previous work is still found within the plan. In response to these comments, the MMB modified the Vision, Mission, and Goals 1, 2, and 3 in Table 2.1 to better reflect a commitment to resource protection. In addition, the MMB has identified eleven guiding principles for managing the Monument. The seventh guiding principle “errs on the side of resource protection when there is uncertainty in available information on the impacts of an activity“ and honors the approach of “do no harm.“ This is consistent with the precautionary principle in which historic, cultural, and natural resource protection and integrity is favored.</p>
1-08.	<p>To maintain a transparent and accountable decision-making process, the meetings of the MMB must be open to public</p>

<b>Comment Category 1 - Advisory Body/Public Involvement</b>	
Comment	participation and scrutiny. We strongly advocate that the MMB include public representatives and the meeting themselves be open to the public, including public comment and access to meeting minutes.
1-08. Response	The MMB was established under the December 2006 MOA. Membership does not include public representatives because the MMB was designed to provide those agencies with management responsibilities a forum to achieve the requirements of Proclamation 8031 and objectives in the MOA. The MMB provides a necessary forum for the agencies to deliberate together and do their job. Although MMB meetings to date have not included a public comment component, in the future, the MMB may consider holding open house meetings and other venues for providing information to the public (see Vol. I, Constituency Building and Outreach, Activities CBO-3.1 and CBO-3.2).
1-09. Comment	Table 2.1: Change the Language in Goal 4 to: “Provide for cooperative conservation including community involvement and stake-holder input that achieves affective Monument operations and ecosystem-based management.”
1-09. Response	We recognize that stakeholders, including rights holders, have played a crucial role in seeking greater protection for the Monument. As part of the broader community, we will continue to seek stakeholder input. The MMB believes that existing language referring to community involvement includes stakeholders, so no change is warranted.

<b>Comment Category 2 - Agency Coordination</b>	
<b>Summarized Comments</b>	
2-01. Comment	<p>The comments below suggest the Draft Monument Management Plan allows activities that would not be allowed under state law in the NWHI refuge (e.g., special ocean uses, recreation, research, and education) and that State regulations are not being adequately represented.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) The questions and answers paper that was handed out in this meeting is quite alarming in that, for example, there’s a question: How can I visit the Monument? And it states that: All of these things can be carried out in Monument waters including special ocean uses, recreation, research and education. There’s no mention that state waters do not allow those activities. This is just one example of the way that state rules are not represented.</li> <li>2) We’d also like to see a better incorporation of sort of the state regulations and state protection for the refuge, the state refuge. In the Management Plan there’s a little bit of a disconnect there. Of course the state is a co-manager. But when you read the plan, at least sort of the management actions in the plan I think there does need to be a little bit better coordination because some of the state protections are stronger than what are being proposed in</li> </ol>

<b>Comment Category 2 - Agency Coordination</b>	
	<p>the plan.</p> <p>3) The state refuge, which was the first solid attempt at setting this place aside, needs to be an equal partner in this Monument management scheme. The state refuge regulations aren't even in the appendices of this Management Plan which goes to show how forgotten it is.</p> <p>4) When we're looking at the modifications that have been made to the draft Management Plan over the last couple of years, the action plans themselves do not seem to include the state requirements.</p>
2-01. Response	<p>The State of Hawai'i Administrative Rules, Title 13, Chapter 60.5, established the NWHI Marine Refuge "to support, promote, and coordinate appropriate scientific research and assessment, and long-term monitoring of the refuge resources." State refuge regulations specifically allow for persons to enter the Refuge for the purposes of scientific research, education, and subsistence and cultural practices by Native Hawaiians. State prohibitions and regulations will continue to apply in state waters that are within the Monument. The proclamation specifically states that nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the State of Hawai'i.</p>
2-02. Comment	<p>The comments below concern how the Co-Trustees will accomplish seamless integrated management of the Monument and its resources.</p> <p>Comments:</p> <p>1) I applaud your commitment to "seamless integrated management" between the Co-Trustees, but I remain skeptical about your ability to pull it off. The Management Plan makes confusing references to the "primary" responsibilities of each Trustee and states that "each agency retains their spheres of jurisdiction, responsibility, and expertise." Yet, the Plan does not explain, in real world terms, how that will be accomplished. Also, the Plan does not explain the function and scope of responsibility for each of the various boards and committees.</p> <p>2) I'm interested in, quite frankly, in how well this concept of seamless integrated management will work. They're nice words, but I'm sure you can appreciate better than any of us what it means to work together in areas of confusing jurisdiction. I give you real credit for trying, and I hope it succeeds. If it does, it will be a first time this sort of thing worked that way. I do point out there were some -- there is still some confusion -- it would be surprising if there wasn't -- in the document about overlapping jurisdictions and how you can reconcile in one place saying no one has primary responsibility or the state has primary responsibility and somewhere else describe things in geographic terms that are so confusing. So I would urge you to try and give that the sort of layman test and see if people who haven't been caught up in all this bureaucracy so long can really understand what it means when I say this is how the jurisdiction is now split in the Northwestern Hawaiian Islands.</p>

<b>Comment Category 2 - Agency Coordination</b>	
2-02. Response	<p>The three principal entities with responsibility for managing lands and waters of the Monument—NOAA, USFWS, and the State of Hawai‘i (collectively, the Co-Trustees)—have developed the Monument Management Plan and other mechanisms, such as coordinated permit, education, research, and communications programs. The seven agencies that make up the MMB are the NOAA National Marine Sanctuary Program, NOAA National Marine Fisheries Service, FWS National Wildlife Refuge System, FWS Pacific Islands Fish and Wildlife Office, Hawai‘i DLNR Division of Aquatic Resources, Hawai‘i DLNR Division of Forestry and Wildlife, and the Office of Hawaiian Affairs. The agencies meet regularly to coordinate their respective activities, priorities, and permit reviews. This relationship is further described in section 2.2 (Policy Framework) and in a Memorandum of Agreement among the Co-Trustees (see Volume III, Appendix F). Furthermore, the MMB is developing a charter for the MMB, which will provide specifics on the roles, responsibilities, and activities for the MMB.</p>
2-03. Comment	<p>The comments below seek further clarification on the roles and responsibilities of the Co-Trustees, MMB and ICC in the management of the Monument and its resources.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) It’s created a unique opportunity for agencies to come together and manage this resource and it’s probably unprecedented in any place that I can think of in the world where this has happened in such a short time. The things that I have noticed that concern me is it’s still NOAA’s efforts and the Fish and Wildlife’s efforts. This is the same ecosystem but we really do need to, I think separate -- stop separating -- there’s still seal camps and then there’s Fish and Wildlife camps. So at some point it would be nice to have Monument camps. So that’s something -- that would be -- it’s difficult to shake off the old places that you come from. And it would be nice to get, start changing some of the names.</li> <li>2) It wasn’t clear to me what the distinction between the Monument Management Board and the Interagency Coordinating Committee is. And I talked to a few folks during the break to try and get some insight into that.</li> <li>3) In line with this concern is how the agencies involved will interact, so as to really care for and respond to needs or necessities {things that can’t ‘wait’} of the Monument and the life within, as well as the human management side of things. And to make sure there isn’t too much if any lack as any change happens. Often this will be on several levels, so a real substance to “smooth” transition requires a lot more than what is being offered. Even with educated volunteers or willing experts, in small or larger numbers. Communication and cooperation in a bureaucracy is shaky at best, which bodes not well for the NWHI if things go wrong especially. If setting it up is so complex and detailed, how much more so will managing it be? Especially with the changing or integrating of laws and other to theoretically connect them all. Especially if it concerns non-U.S. groups. It may not be possible</li> </ol>

<b>Comment Category 2 - Agency Coordination</b>	
	<p>to just connect anything like that. If it depends on law and policy it will be hard, at best. And nearly impossible at worst, and of course worst case scenario means impossible at it's most severe. At each listed step major agencies and sometimes more than one, are involved in a stated step, this makes just setting it up very complex. That only states that it will be that much more so for the users and those who apply for permits. When it's hard at the top, it'll be as difficult at the bottom or worse. The last part of the Interagency concerns is AC-3.3, the World Heritage issue. Should this occur, it will be that much more complex for all involved. If you've ever heard of red tape, that will be a forest in a jungle of it. Meaning any who use or pass through it, whether for official, casual or purposeful reason, will be potentially scared off before they can get in. Which in some cases may be the intent, as sad and regretful as that may be. People in power have hardly changed since known time, it's only the ways used rather than the views. The use of law goes on the assumption that nobody will follow good actions or intent if it isn't there or that control is necessary, and as often it's those in power that abuse it, which makes things worse. Hopefully it won't be as bad for the NWHI. Bureaucracy is red tape applied, only time will tell.</p>
2-03. Response	<p>The three Co-Trustees, U.S. Department of Commerce, U.S. Department of the Interior, and the State of Hawai'i signed a MOA in 2006, which provided for coordinated administration of all federal and state lands and waters within the boundaries of the Monument. The MOA established the seven-member MMB to coordinate day-to-day management at the field level. The MMB is composed of the NOAA National Marine Sanctuary Program, NOAA National Marine Fisheries Service, FWS National Wildlife Refuge System, FWS Pacific Islands Fish and Wildlife Office, Hawai'i DLNR Division of Aquatic Resources, Hawai'i DLNR Division of Forestry and Wildlife, and the Office of Hawaiian Affairs. While each agency remains responsible for carrying out its statutory responsibilities, the MMB meets regularly to promote interagency coordination and strives to achieve successful collaboration across multiple agencies. The Co-Trustees are committed to work together to improve agency coordination, communications, efficiency, and resource and facility sharing.</p> <p>The MOA also established an Interagency Coordinating Committee (ICC) to help coordinate state and federal agency activities that occur in the Monument, to facilitate getting information from these other agencies about Monument resources that could help in the management of the site, and, when feasible, to obtain assistance in implementing various strategies and activities contained in the Monument Management Plan. This is a forum to exchange information, to promote collaboration, and when necessary, to discuss and resolve issues. Unlike the MMB, the ICC does not have a fixed membership; it meets periodically or as specific topics require, and participation is based on the relevancy of their activities or mandates within the Monument and the specific need for agency expertise to address specific issues. Representation on the ICC has included the MMB agencies plus the Coast Guard, Environmental Protection Agency, US Geological Survey, and Department of Defense. Information about the ICC can be found in the Monument</p>

<b>Comment Category 2 - Agency Coordination</b>	
	Management Plan Agency Coordination Action Plan, Activities AC-2.2, 2.3, 2.4, and 3.1.
2-04. Comment	<p>The comments below recommend the Monument Management Plan be consistent with the precautionary principle, in which historic, cultural and natural resource protection and integrity be favored when not enough information is known about potential effects of particular undertakings.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) HHF recommends that the Management Plan make an explicit commitment to the precautionary principle, in which historic, cultural and natural resource protection and integrity be favored when not enough information is known about potential effects of particular undertakings. The approach of “do no harm” in the face of uncertainty will help to protect the resources for which the monument is created.</li> <li>2) The precautionary principle approach includes: a duty to take anticipatory action to prevent harm; a duty to consider all the reasonably foreseeable costs and benefits, in the short and long term, when making decisions; a duty to make decisions in a transparent, participatory and informed manner with the best available information; and a duty to select the option with the least potential impact on the environment. This approach to decision-making must be properly explained and followed throughout in the DMMP.</li> <li>3) The precautionary principle, as so many have said before, is the cornerstone of making sure we do not make the same mistakes in the Northwestern Hawaiian Islands that we made in the main Hawaiian Islands.</li> <li>4) Restructure the Action Plans to ensure they abide by the Precautionary Principle, Executive Orders, and the State “do no harm” standard.</li> </ol>
2-04. Response	<p>The MMB has identified eleven guiding principles for managing the Monument. The seventh guiding principle “Errs on the side of resource protection when there is uncertainty in available information on the impacts of an activity.” It honors the approach of “do no harm,” which is consistent with the precautionary principle in which historic, cultural, and natural resource protection and integrity is favored.</p>
2-05. Comment	<p>The comments below concern the methods for handling disagreements that may arise between Co-Trustee agencies.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) 3.5.1 Agency Coordination Action Plan                      Ocean Conservancy supports the stated desired outcome of this plan to: “Successfully collaborate with government partners to achieve publicly supported, coordinated, coordinated successful/effective management in Papahānaumokuākea Marine National Monument.” [emphasis added] We recommend adding the additional adjectives “successful” and/or “effective” as modifiers for “management” to further strengthen this plan. The</li> </ol>

<b>Comment Category 2 - Agency Coordination</b>	
	<p>Action Plan itself is somewhat limited and unclear and would benefit from some additional detail and development, especially given inherent challenge of multiple agencies working together. As we stated in the above section on “Management Framework”, one important means to address challenges of working together would be to identify and develop a fair and effective method of addressing differences of opinion between the Co-Trustees in a timely manner.</p> <p>2) The MOA lays out an internal method of handling management disagreements that may arise between the Co-Trustees:</p> <p>“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.” However, the MOA does not provide guidance for determining how to resolve such differences of opinion if the Co-Trustees do not agree at the SEB level. Given the likelihood of differences of opinion amongst agency staff, Ocean Conservancy recommends that the Co-Trustees identify and agree in advance to a process for handling disputes that cannot be quickly resolved by the SEB. Specifically, we are concerned that potential disagreements not result in delays or inaction on important management issues pending resolution of any disputes. We recommend that disagreements amongst the Co-Trustees be resolved in a manner that favors the more protective management option under consideration. We further recommend that the Draft Monument Management Plan specifically identify a fair and effective method of addressing differences of opinion between the Co- Trustees in a timely manner. For example, in many instances, a simple majority vote of the three Co-Trustees might be sufficient. More significant disagreements could potentially be resolved by the Council on Environmental Quality. We advise that specific mechanisms for effectively resolving disputes be spelled out clearly in the Draft Monument Management Plan and agreed to by the Co-Trustees.</p>
2-05. Response	<p>Although in almost all cases, agreements are being reached at the MMB level, standard federal processes for resolving issues between federal agencies would be used if necessary. In the case of the Monument, the federal agencies would also be coordinating closely with the State of Hawai‘i in any decision making.</p>
2-06. Comment	<p>The comments below seek clarification on how lead agencies were determined for some of the management activities.</p> <p>Comments:</p> <p>1) It’s not clear from the narrative how the assignment of “lead” was determined for some of the management activities. For example, why was NOAA assigned the lead for the unified permit application process, the</p>

<b>Comment Category 2 - Agency Coordination</b>	
	<p>emergency response activity and the science action plans? It seems to me that leadership for these activities should be shared.</p> <p>2) Table 3.1.1: Summary of Strategies...Science (p. 115) - In the table on page 115 we note that the lead agency for Activity MCS-1.1: Continue to characterize types and spatial distribution of shallow-water marine habitats, is NOAA. Shouldn't the Department of Land and Natural Resources be the lead agency for shallow water studies? Near shore waters are the jurisdiction of the state and they should be the lead agency on monitoring that takes place in state waters.</p>
2-06. Response	<p>At the end of each Action Plan is a summary table that lists which agency has the lead for coordinating each activity. The lead agency is responsible for providing much of the staff and other resources (such as funding, volunteers, infrastructure, vessels, and aircraft) to implement the activity and is responsible for coordinating with other agencies to monitor and report the progress of the project(s). Other MMB agencies may participate in shared decision making and implementation of the activity, depending in their respective mandates and agency resources.</p>
2-07. Comment	<p>The comments below suggest the Monument Management Plan does not include the requirements of the other Executive Orders (EO) that apply to the Northwestern Hawaiian Islands. These orders were not rescinded by the Proclamation, yet some of the action plans contain language which does not fulfill the requirements of existing EO protections.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) The EO's, the executive orders, need to be carried forward. The language from the executive orders needs to be articulated in the Management Plan.</li> <li>2) They also do not seem to include the requirements of the executive orders. This Management Plan was initially drafted when the federal agencies were hoping that the executive orders which established reserve protections would be withdrawn and removed. Those orders were not withdrawn yet the language still remains in some of the action plans which absolutely does not fulfill the requirements of the existing executive order protections. Let's see. Just touch on some of the brief, brief concerns here.</li> </ol>
2-07. Response	<p>Presidential Proclamation 8031 directed the Secretaries of Commerce and Interior to review and modify, as appropriate, the interagency agreements developed for the coordinated management of the Hawaiian Islands Coral Reef Reserve and to modify, as appropriate, the plan developed by NOAA's National Marine Sanctuary Program through the public designation process. The proclamation also prescribed specific actions in regard to public access, vessel monitoring systems, restrictions, armed forces actions, commercial fishing, sustenance fishing, and permitting. These provisions were codified in a final rule for the Monument (71 FR 51134). The Monument Management Plan was developed to be consistent, as much as possible, not only with the protections outlined in the Hawaiian Islands Coral Reef Ecosystem</p>

<b>Comment Category 2 - Agency Coordination</b>	
	Reserve Executive Orders (13178 and 13196), but other applicable federal and state regulations that apply to the Co-Trustees management agencies and the specific requirements of the Presidential Proclamation. The proclamation prescribes certain uses that are not contemplated by the other Executive Orders, and as such the original mission, vision, goals and objectives prepared for the Reserve were appropriately modified.
<b>Unique Comments</b>	
2-08. Comment	<p>The State of Hawaii led the way towards the designation of this Monument by establishing the visionary NWHI State Marine Refuge. This Refuge is the largest “do no harm” area in all of Hawaii and it specifically protects Native Hawaiian cultural access rights, prohibits commercial extraction - like fishing- and allows only appropriate scientific research. It enforces these standards through a one-strike rule that bars future permits to any applicant that has violated a past permit.</p> <p>Although the State of Hawaii is an equal partner in the management of the Monument, as outlined in the Memorandum of Agreement between the three Co-Trustees, the DMMP barely acknowledges the State Refuge in the 22 action plans to manage the Monument. If the State Refuge is not only fully integrated in the management of the Monument, then it will ultimately become an after-thought of forgotten protections with no funding or administrative support.</p>
2-08. Response	The State of Hawai‘i is and will remain an integral Monument Co-Trustee and will partner in implementing many of the strategies and activities listed in the Management Plan, as resources and staffing allow. The Monument Management Plan incorporates applicable state requirements and activities into relevant strategies and activities, and is fully consistent with the requirements of the NWHI Marine Refuge and the State Seabird Sanctuary at Kure Atoll, as set forth in the Hawaii Administrative Rules Title 13. Activities prohibited by state regulations will remain prohibited in those areas.
2-09. Comment	And then, finally, it’s just a comment, many of us worked really hard in State and in the Federal agencies on the statewide Conservation -- no, statewide Comprehensive Wildlife Conservation Strategy. That’s not mentioned in this. And there’s over 100 pages of documentation on actions to be taken for the Northwest Hawaiian Islands and for the very same species listed in your management plan. And I think they should be somehow integrated. I don’t think there’s a huge amount of overlap.
2-09. Response	The statewide Comprehensive Wildlife Conservation Strategy is an initiative led by the Department of Land and Natural Resources. This Monument Management Plan is consistent with the requirements of the NWHI Marine Refuge and the State Bird Sanctuary at Kure Atoll, set forth in the Hawai‘i Administrative Rules Title 13, Chapters 60.5 and 125. The Monument Management Plan was developed in close coordination with the State of Hawai‘i Department of Land and

<b>Comment Category 2 - Agency Coordination</b>	
	Natural Resources staff to ensure consistency with state requirements. Many of the specific strategies and activities are fully consistent with the provisions of this wildlife conservation strategy. Further, the State of Hawai‘i is and will remain an integral partner and participant in implementing many of the strategies and activities listed in the Monument Management Plan and will look to ensure that Monument activities are complementary to the plan. Links to the statewide Comprehensive Wildlife Conservation Strategy are now incorporated in Action Plan 3.2 of the Monument Management Plan.
2-10. Comment	Table 3.1.2: Summary of Strategies . . . And History (pp. 126-127) On the second page of the table, Activity NHCH-5.1: Integrate Native Hawaiian values and cultural information into general outreach and education programs, the lead agency listed is NOAA. Shouldn't the lead agency be the Office of Hawaiian Affairs which would have a better understanding of Hawaiian Culture and how it may be interpreted through outreach and educational programs? At the very least, some local entity should be the lead in carrying out this activity not a federal agency.
2-10. Response	The Office of Hawaiian Affairs (OHA) only within the last 18 months became an active and engaged agency in the conservation and protection of the NWHI. OHA provides part of a staff member's time to participate on the MMB but beyond this has yet to dedicate any full-time staff to Papahānaumokuākea. Many of the strategies and activities in the Monument Management Plan are designed to build capacity within Native Hawaiian communities and organizations to conduct outreach and education programs to support Papahānaumokuākea. NOAA ONMS is the agency with the most institutional knowledge and experience in working with Native Hawaiian communities related to the Monument. In addition, capacity building is needed across all agencies.
2-11. Comment	Where the management plan calls for additional plans or research, including a preservation plan for the monument generally and an updated preservation plan for Midway Atoll, meaningful public input and participation is necessary. Historic Hawai‘i Foundation would like to be a consulting party in the preservation planning, as well for specific undertakings that may affect historic resources.
2-11. Response	The MMB is committed to working with appropriate user groups, stakeholders, and the general public to develop future natural resource and historic research and preservation plans. At the appropriate time, Monument staff will welcome such input from interested parties.
2-12. Comment	The Management of the Monument must fully implement the permit requirements, penalty structure, and prohibitions against sustenance fishing and waste dumping.

<b>Comment Category 2 - Agency Coordination</b>	
2-12. Response	The Monument permitting process is detailed in Volume III, Appendix A. The MMB meets regularly to review and apply the criteria before issuing any permits. Likewise, the MMB is working with each agency's law enforcement office and its respective legal counsel to ensure that all prohibitions are enforced.
2-13. Comment	The proposed management plan for the Papahānaumokuākea monument is fundamentally flawed because it is a piecemeal multi-governmental mess of jurisdictions and regulations. The only solution will be the creation of an independent agency to manage the monument. The sooner this is realized the better. The current structure and the proposed structure of a management body will only continue the dysfunctional and inadequate protection of the monument. At the recent International Coral Reef Symposium Dr. Terry Hughes, ARC center of Excellence for Coral Reef Studies, noted that the most significant factor for the management of the Great Barrier Reef (GBR) in Australia was the wise move by the government to create the GBR Authority with independent control over the management of the reefs. Dr. Hughes noted the dysfunction and overall failure of the US Coral Reef Task Force as an example of how not to manage a reef ecosystem. The current and proposed management plans for the NWHI resemble the US Coral Reef Task Force in its complexity and vulnerability to multi-agency conflicts and politics.
2-13. Response	The MOA identified three Co-Trustees (NOAA, FWS, and the State of Hawai'i) with the responsibility for managing the Monument. Subsequently, through an MOA, management responsibility was expanded to a seven-member board of the NOAA National Marine Sanctuary Program, NOAA National Marine Fisheries Service, FWS National Wildlife Refuge System, FWS Pacific Islands Fish and Wildlife Office, Hawai'i DLNR Division of Aquatic Resources, Hawai'i DLNR Division of Forestry and Wildlife, and the Office of Hawaiian Affairs.
2-14. Comment	Institutional Arrangement for Management (pp. 81-82) It is unclear from the description of the institutional arrangement for management how decisions will be made by the Senior Executive Board (SEB). Will they make decisions by consensus, by majority vote or by some other method? Who calls meetings of the SEB and who chairs them? We are also curious as to how the Monument Management Board (MMB) will function. Who chairs this group and how will they operate? How will the SEB, the MMB and the interagency coordinating committee interact with each other and with the staff? With so many layers of management it seems likely that problems will occur.

<b>Comment Category 2 - Agency Coordination</b>	
2-14. Response	<p>As stated in the MOA among the Co-Trustees for promoting coordinated management of the Monument (Appendix F), the SEB provides policy guidance to their respective agency staff assigned to carry out Monument management activities. The day-to-day management and decisionmaking of the Monument is the responsibility of the MMB agencies, but if there are conflicts or disagreements, the SEB provides a means to resolve such disputes. As the primary purpose of the SEB is to provide interagency guidance and resolve internal agency policy issues and disputes, meetings are scheduled only as needed. Because the purpose of these meetings is not to convey information to the public or to get public input or comment, they are not open to the public.</p> <p>However, in order to foster greater public involvement, the Co-Trustees are committed to establish a Monument Alliance within 1 year, composed of individuals who represent communities and stakeholders interested in the Monument's stewardship responsibilities. The Alliance will provide individual advice and recommendations to the Monument management agencies regarding the management of Monument resources over which the Co-Trustees have responsibilities. It will serve as a community-based forum to exchange information; provide community input and individual recommendations on Monument policies, activities, and management; advocate for Monument conservation; and enhance broader community and public understanding. Within 2 years after the release of the Monument Management Plan, the Co-Trustees will charter the Alliance as an advisory committee under the Federal Advisory Committee Act (FACA), or as a FACA-exempt advisory body, in order to allow the Alliance to provide consensus advice to the Co-Trustees, per the amended Memorandum of Agreement. Meetings of the Monument Alliance will be convened on a regular basis, with specific topics identified for each meeting. The meetings will be well publicized and open to the public, and will be held at various locations to facilitate participation by a broad range of constituents.</p>
2-15. Comment	<p>...all I see in there are we're going to go this in two years or three years or four years. I think it would be very important and crucial step to actually say we need to have this done by this date. So you can mark it on the calendar and say it needs to be done at this point in time. Because, you know, you look at that and say done in two years, done in two years starting when? When the final draft is done? Starting two years from when you start the project? So you could put that off forever. So I think it's just a important thing to have it set in stone.</p>
2-15. Response	<p>Most strategies in the Action Plans have a projected timeline for completion, which begin once the Monument Management Plan has been approved for implementation.</p>
2-16. Comment	<p>Page ES-2 of the draft management plan states that "The management framework for the Monument includes key elements to move toward an ecosystem approach to management." OHA is pleased by this sentence and urges the coordinated management of this area to consistently bear this mind. OHA also is pleased by the intent to adhere to the</p>

<b>Comment Category 2 - Agency Coordination</b>	
	<p>National Wildlife Refuge (NWR) system principle of “wildlife comes first.” The opening paragraph on page two of the draft management plan begins with: Proclamation 8031 states 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 FWS, 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, through the Department of Land and Natural Resources, has primary responsibility for the Northwestern Hawaiian Islands Marine Refuge and State Seabird Sanctuary at Kure Atoll.</p> <p>OHA is understanding of this bit of jurisdictional wrangling and appreciates that this confusing picture was painted for us; however, we will hold the co-managers to their stated goal of creating “a comprehensive and coordinated management regime to achieve the vision, mission, and guiding principles of the Monument and to address priority management needs over the next 15 years.” OHA understands the vision to be to forever protect the health, diversity, and resources of the area and the mission to be to carry our “seamless” integrated management to protect area ecosystems, Native Hawaiian resources, and heritage resources for all time.</p> <p>OHA is hopeful that the co-managers of this area will gain valuable experience that can be applied to other remote Pacific Island complexes that sorely need an integrated management regime that focuses more on the resources and less on jurisdiction.</p>
2-16. Response	The Co-Trustees are committed to working together to achieve a mutual goal of creating “a comprehensive and coordinated management regime to achieve the vision, mission, and principles of the Monument and to address priority management needs over the next 15 years.”
2-17. Comment	p. 155 ln 24 Change from: “promote streamlining among the action agencies and consulting agencies,” To: “promote timely and effective coordination among the action agencies and consulting agencies,”
2-17. Response	We have made the suggested change to Volume I (see Threatened and Endangered Species Action Plan - Strategy TES-8).
2-18. Comment	First, we need to better incorporate the executive orders and the state regulations. Classic example, independent teams. There’s no state regulations. So you have Monument regulations. You have no laws and things that have to be followed but the Refuge is part of the Monument to the extent the state determines the Refuge regulations have to be exercised.
2-18.	The Monument boundary includes state waters, including the NWHI State Marine Refuge and the State Bird Sanctuary

<b>Comment Category 2 - Agency Coordination</b>	
Response	at Kure Atoll. Nothing in the Presidential Proclamation diminishes or enlarges the jurisdiction of the State of Hawai‘i, which has primary responsibility for managing the state waters of the Monument. The Monument Management Plan is fully consistent and complementary with the requirements of the NWHI Marine Refuge and the State Bird Sanctuary at Kure Atoll, as set forth in the Hawaii Administrative Rules Title 13, Chapters 60.5 and 125. All other applicable state regulations and laws will continue to apply in state waters in addition to Monument regulations. Further, the Monument Management Plan was developed in close coordination with the Hawai‘i Department of Land and Natural Resources and Office of Hawaiian Affairs staff to ensure it coordinated and was consistent with state requirements. On August 29, 2006, NOAA and FWS published a final rule in the <i>Federal Register</i> (71 FR 51134) to codify the federal provisions of the Presidential Proclamation to 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.
2-19. Comment	<p>3.5.1 Agency Coordination Action Plan</p> <p>Furthermore, we recommend the following improvement to Strategy AC-3: “Promoting international, national, and local agency and non-governmental collaborations to increase capacity building and foster networks that will improve management effectiveness “ [emphasis added] In addition to governmental agencies, there are many stakeholder, non-governmental groups working towards and addressing the goals of this strategy across the Pacific. Ocean Conservancy would like to see the Monument actively engaged in such initiatives. The Co- Trustees currently are members of the Hawai‘i Conservation Alliance and work with many stakeholder groups, and thus are already engaged in collaborations with stakeholders that could be expanded. One such effort currently underway involves the International Union for Conservation of Nature (IUCN), Ocean Conservancy, and Stanford University’s Center for Ocean Solutions. Dubbed the “Pacific Ocean Initiative”, this effort will join together business leaders, non-governmental organizations (NGOs), and governments of all levels (cities, states/provinces, and nations) around the Pacific to tackle the major threats to our ocean health in a coordinated and cooperative plan of action — comparable to the International Climate Action Partnership — that builds upon and coordinates existing state and federal programs in the U.S. and their analogs in other Pacific countries. The Co-Trustees should actively participate in this important effort.</p>
2-19. Response	The Agency Coordination Action Plan focuses on coordination among state and federal government agencies. Support for initiatives such as the Pacific Ocean Initiative is included under Constituency Building and Outreach, Activity CBO-3.3, Continue to seek out and support partnership opportunities that focus on Oceania-related issues.
2-20. Comment	It is not clear who is included as “monument staff” and who is not. Are all NOAA, FWS and DLNR employees, staff or is it a smaller group of staffers hired specifically for the monument office? This needs to be clarified as many activities in this and other sections are attributed to the “monument staff” (e.g. providing data on seabird population and status,

<b>Comment Category 2 - Agency Coordination</b>	
	<p>collecting and fingerprinting washed up oil, etc) but it is unclear who is actually performing this work.</p> <p>In addition, the agency actually conducting the work and/or analyses in each action should be identified so that readers and decision-makers can understand how the agencies are working together and whether their combined resources are being be used effectively and efficiently (and whether they would be so used under each of the action alternatives). The use of the generic term “MMB“ obscures these details and is a disservice to readers and decision makers, especially in these times of limited agency resources and large environmental changes. For example, if one agency has a research program in place, it would be wasteful for another agency to obtain the resources and scientific expertise to establish its own program as opposed to supporting the already existing program. The current text does not allow readers to review or provide comments on this important issue.</p> <p>References to “monument staff” need to be clarified as above and the actual agency that would do each task needs to be clearly identified so that readers and decision-makers can understand how the agencies are working together and whether their combined resources are being be used effectively and efficiently (and whether they would be so used under each of the action alternatives). The use of the generic term “MMB“ obscures these details and is a disservice to readers and decision makers, especially in these times of limited agency resources and large environmental changes. For example, if one agency has a research program in place, it would be wasteful for another agency to obtain the resources and scientific expertise to establish its own program as opposed to supporting the already existing program. The current text does not allow readers to review or provide comments on this important issue.</p>
2-20. Response	<p>Under the new paradigm of Papahānaumokuākea Marine National Monument, the three Co-Trustee agencies will be working together and pooling resources to the extent possible. The Monument Management Plan includes an agency lead for each of the activities. Each of the other agencies will participate in activities as time, funding, interest, and mandate dictate. It is impossible to predict exactly which staff members will be tapped to work on the varied tasks of the Monument Management Plan. The intent of the Monument Management Plan is to allow for the pooling of the limited agency resources and avoid duplicative efforts.</p>
2-21. Comment	<p>Ocean Conservancy strongly supported the bid for World Heritage Site status for the Monument and will continue to advocate for Activity AC-3.3: Support the bid for World Heritage Site status. There are few places in the United States or the World that have the combined environmental and cultural significance to the planet that is found within the Papahānaumokuākea Marine National Monument. It is only appropriate that these areas be recognized internationally for the unique world resource that it is.</p>
2-21. Response	<p>We agree and will continue to work toward gaining World Heritage status for the Monument.</p>

<b>Comment Category 2 - Agency Coordination</b>	
2-22. Comment	Table 2.1: Change the Mission Statement to: “Carry out seamless integrated management to restore natural biological communities and achieve strong, long-term protection and perpetuation of NWHI native ecosystems, Native Hawaiian traditional and customary cultural and religious practices, and heritage resources for current and future generations.”
2-22. Response	We have modified the Mission Statement to say, “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.”
2-23. Comment	<p>Agency Coordination Action Plan – Section 3.5.1</p> <p>We applaud the initiatives to facilitate inter-agency cooperation and establish a process to learn from mistakes and amend agreements. The Draft Plan allows agreements discussed in Activity AC-2.1 to specify “crosscutting budget initiatives.” Instead of allowing such initiatives, the Management Plan should require formalization of inter-agency budget requests and expenditures. Given the crucial role of funding to the success of the Plan and protection of the NWHI ecosystem and cultural resources, a mere discussion is insufficient. On a similar note, Activity AC-2.2 should contain deadlines for development of needed interagency agreements, grants, and memoranda of agreement. The sooner these arrangements are developed, the more smoothly, efficiently, and successfully the Monument will be run.</p>
2-23. Response	<p>Agreements are in place among some of the Co-Trustees that allow for the efficient exchange of resource sharing, including funds as appropriate. For Activity AC-2.2, the MMB agencies are already working on many of the agreements as staff time allows during this planning phase. The MMB agrees that expediting these agreements will help the Monument function more smoothly, efficiently, and successfully.</p> <p>Prioritization of activities in the management plan is not a linear process, nor is it necessarily measured by the amount of funds allocated. Several factors apply when setting the implementation schedule and allocating funds; these include available resources (but are not limited to natural, cultural, and historic resource needs), funding, agency capacity, completion of necessary planning and environmental review, and community input and support. Each MMB and partner ICC agency develops annual budget projections and priorities and allocates funds based on its own programmatic, legal, and policy requirements. The cycle and timelines for funding and planning vary.</p> <p>The management agencies coordinate in areas where program priorities overlap. For example, one agency may take the lead on behalf of all responsible agencies that have a common mandate. In other areas of overlap, multiple agencies may share responsibility for carrying out the activities to address core management needs, thereby creating a strengthened and shared focus. Doing so creates synergy and uses public funds more efficiently within the co-management structure. The seven MMB agencies are committed to annually sharing implementation schedules and priorities to identify</p>

<b>Comment Category 2 - Agency Coordination</b>	
	opportunities where coordination and efficiencies would apply.
2-24. Comment	In talking about how much public input and passion are put into this over the years. So the testimony based on regional councils worked to develop vision, mission, goals, objectives. These need to be better reflected in the management plan. These are documents that were already vetted, already approved, voted on, very lengthy public open process, took a lot of work. And according to proclamations those should have been the foundation of the document that we have before us today. Unfortunately it is not. So I would encourage the managers to go back to those original documents, those original vision statements, mission statements and then have those be the foundation.
2-24. Response	<p>As described in Section 2.1 of the Monument Management Plan, Executive Order (EO) 13178, as amended by EO 13196, established the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve and directed NOAA, in consultation with state and federal partners, to develop a plan to guide the operations of the reserve. EO 13178 also established a RAC to provide advice and recommendations on the development of a reserve operations plan and the designation and management of any sanctuary. The reserve operations plan was finalized in 2005 and is the foundation for the development of the draft Sanctuary management plan. When the Monument was designated in lieu of a Sanctuary, the Presidential Proclamation directed the Co-Trustees to modify the draft Sanctuary management plan in developing a plan to manage the Monument. In November 2006, Co-Trustee agency representatives met to review the vision, mission, and goals and modified them to reflect Proclamation 8031 and to be consistent with the policies, mandates, rules, and regulations of each agency. While changes were made to the earlier vision, mission and goal statements, the negotiated language is consistent with them. Within the management plan, many of the original objectives have been incorporated at the action plan level, but again some strategies and activities were modified to be consistent with the Proclamation and the FWS Comprehensive Conservation Plan requirements.</p> <p>In response to these comments, the MMB modified the Vision, Mission, and Goals 1, 2, and 3 in Table 2.1 to better reflect a commitment toward resource protection.</p>

<b>Comment Category 3 - Alien Species</b>	
<b>Summarized Comments</b>	
3-01. Comment	<p>The comments below concern the use of <i>Gambusia affinis</i> as an approach for the eradication of mosquitoes.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Pg 197 - Using mosquito fish displaces mosquitoes (they just go some where else), and is an ineffective management method. Introducing mosquito fish to new areas also depletes any remaining native (aquatic)</li> </ol>

### Comment Category 3 - Alien Species

invertebrates that may still be there.

- 2) Page 197 Line 18: The eradication of mosquitoes at Midway Atoll should be a high priority, since mosquitoes are also human disease vectors. Use of mosquito fish, *Gambusia affinis*, is an antiquated and ineffective control that simply displaces mosquitoes to inaccessible sites (pipes, cisterns, drains, and ephemeral wetlands). *Gambusias* decimate aquatic invertebrates and compete with endemic and migratory waterfowl, and shorebirds for aquatic invertebrates. Introduced fish should not be employed within the National Monument when other methods are available for mosquito control. Where possible, *Gambusia* should be removed from habitat created specifically to support brood rearing by endangered Laysan ducks, since this invasive fish competes directly for aquatic invertebrates important for the downy duckling life stage, and degrade wetland habitat for migratory species
- 3) I am writing to express my opposition to the use of *Gambusia affinis* and BTI to eradicate mosquito populations in Activity AS-5.3: Control and if possible eradicate the two introduced mosquito species at Midway Atoll within 10 years using methods prescribed in the integrated Alien Species Management Plan. Several studies have demonstrated that *Gambusia affinis* are ineffective controls for mosquito populations (Hoy et al. 1972, Bence 1988, Courtenay and Meffe 1989, Blaustein 1992), in fact there is an excellent technical report that was published by the Michigan DNR as to whether or not they should use *Gambusia affinis* as a mosquito control. (Haas et al. 2003) that can be found online at:  
<http://www.michigandnr.com/PUBLICATIONS/PDFS/ifr/ifrilibra/technical/reports/2003-2tr.pdf>  
 They concluded not to use them after a thorough review of the literature that demonstrated the ineffectiveness of *Gambusia affinis* at reducing mosquito populations. In fact, *Gambusia affinis* has been shown to actually increase mosquito populations by preying upon natural mosquito predators, such as damselfly and dragonfly larvae that are likely to inhabit water bodies in Midway (Bence 1988). The presence of *Gambusia affinis* has also been shown to decrease the amount of time it takes for mosquito pupae to develop, a mechanism that increases their chances of survival to emergence (Blaustein and Karban 1990). Other studies have shown that ponds with *Gambusia affinis* support lower duckling/brood densities of Laysan ducks (M. Reynolds, pers comm.) as well as lower populations of koloa ducks (K. Uyehara pers comm.). Finally, I have been conducting studies that have correlated *Gambusia affinis* densities to increased total nitrogen concentrations in the water column. As many coastal ecosystems tend to be limited, increased N will likely increase algal and microbial production, further decreasing the habitat value for waterfowl and increasing a food source for mosquito larvae.  
 I am also concerned about the use of BTI. Studies have shown that BTI can significantly reduce other non target nematoceros flies, such as chironomids (Hershey et al. 1998), that are known to be important food sources for

<b>Comment Category 3 - Alien Species</b>	
	nesting and migrating birds. I hope that you will reconsider using these techniques for the eradication or control of mosquitoes, especially the introduction of <i>Gambusia affinis</i> . I think one of the best control techniques is the removal of standing water, which is also suggested as a technique.
3-01. Response	The military introduced the mosquito fish ( <i>Gambusia affinis</i> ) to control mosquitoes. These fish are currently found in the water catchment area, the water supply ponds, the water pipes and drains, and approximately half of the natural and man-made wetlands on Sand Island. There are no plans to distribute them further. While there are other methods of mosquito control, none are without some hazard to nontarget invertebrates. The Integrated Alien Species Management Plan will lay out an approach for mosquito eradication at Midway Atoll that optimizes safety to all components of the ecosystem and effectiveness in reducing or eradicating mosquitoes.
3-02. Comment	<p>The comments below concern whether the protocols identified in the Monument Management Plan would be implemented at all sites in the Monument to prevent the introduction of marine alien species.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) p. 197 ln 25-33 “To better understand the threat and respond to the invasive grasshopper <i>Schistocerca nitens</i>, a “Workshop to Identify Research and Mitigation Measures to Address the <i>Schistocerca nitens cricis</i> on Nihoa Island, Northwestern Hawaiian Islands” was held in 2005 (Gilmartin 2005). Addressing one of the recommendations, Monument staff will continue....”</li> <li>2) Pg 68 - Wouldn't you prevent further importation of exotics if Midway and Tern were quarantined?</li> <li>3) Pg 89 - Wouldn't you need to make Midway and Tern quarantined to “Prohibit introducing alien species from within or into the Monument”?</li> <li>4) Pg 161 - If “alien species are one of the greatest threats” then why no quarantine on Midway or Tern?</li> <li>5) OHA is aware that strict protocols are enforced for any visitors to Papahānaumokuākea to prevent further importation of invasive plants, animals, or insects. We are pleased that this dangerous threat is being approached with due care. However, we were surprised to read on page 68 of the draft management plan that these protocols are not used for Midway Atoll and Tern Island. Midway is certainly the place where the highest risk for introduction of invasives presents itself, and as such we inquire as to why protocols are not being used there.</li> <li>6) Under Activity AS-1.1: Complete an Integrated Alien Species Management Plan, the DMMP requires development of a plan that, “will incorporate individual Co-Trustee guidelines, as appropriate, for the most effective and collaborative efforts possible. Memoranda of agreement will be developed as necessary to adopt and implement agency guidelines...” Ocean Conservancy urges that the Integrated Alien Species Management</li> </ol>

<b>Comment Category 3 - Alien Species</b>	
	<p>Plan adopt the strictest guidelines of the three Co-Trustees and follow the precautionary approach when implementing these guidelines for all visits to the NWHI. Coordination of this effort is critical. The Monument should operate under one consistent set of best management practices to reduce confusion and increase likelihood of compliance. We recognize that best management practices may appropriately vary from island to island but urge that one set of rules be in place that governs the entire Monument rather than overlapping and possibly contradictory regulations.</p> <p>7) Activity AS-1.2: Develop best management practices to prevent, control, and eradicate alien species identifies that “One concern the plan will address is the need to prevent the spread of alien species within the NWHI, especially from Midway Atoll.” Since Midway Atoll is the most frequently visited area of the Monument, it is also the area most likely to serve as a gateway to introduction of alien species. Ocean Conservancy is concerned that although the Alien Species Best Management Practices are detailed and extensive as they apply to inter-island visits and activities at the more remote islands. They appear much weaker for Midway, where risk of introduction is highest. We urge implementation of more stringent protocols for all visitors and vessels entering Midway to avoid introductions at Midway that then may spread to other islands. Specifically, we recommend appropriate quarantines, freezing, or other treatment of luggage for employees, contractors, researchers, and visitors and that all aquatic gear for visitors is subject to the similar treatment of research gear in Appendix I. One simple way to reduce risks associated with aquatic gear would be to prohibit use of personal gear and require use of gear that remains on Midway.</p> <p>The DMMP states that “In addition, aircraft landing within the Monument are subject to inspection, as are all visitors and their luggage.” Ocean Conservancy urges adoption of a mandatory inspection policy. Given the predicted increase in visitors to Midway it is important that the Monument adopt an effective method of addressing the threats presented by a large number of transient visitors. We recommend development and adoption and strict enforcement of a comprehensive set of best management practices that cover all potential vectors of introduction including aircraft, luggage, shoes, clothing, equipment and vessels large and small, including cruise ships.</p>
3-02. Response	<p>Protocols for preventing marine alien species are identical for all the sites in the Monument. The Monument Management Plan text did not accurately reflect protocols also being employed at Tern and Midway.</p> <p>The text in Section 1.4 has been modified to state, “To prevent further importation of invasive organisms, mandatory quarantine protocols are enforced for any visitors to the NWHI. At all of the islands and atolls, except Midway and Tern, these include requiring the use of brand new or island-specific gear at each site and treatments, such as cleaning, using insecticide, and freezing, to minimize the transport of potentially invasive species to the islands. Protocols at</p>

<b>Comment Category 3 - Alien Species</b>	
	Midway and Tern Island are modified as necessary to accommodate the greater volumes of material coming in, but all possible procedures are still used to minimize additional introductions at these two sites.”
<b>Unique Comments</b>	
3-03. Comment	<p>The other one is -- pertains to alien species. And I am on -- I’m the vice chair of the Maui Invasive Species Committee pretty much since its inception, and I am the chair of the Vertebrate Subcommittee. So looking at what is provided in the action plans for alien species, I still think there needs to be more biosecurity measures. And, let’s see, I think I might remember more if I read it. I fully commend the management plan on the thoroughness and extreme important -- and the extremely important and sensitive issues incorporated into alien species treatment. I nevertheless feel that for each activity and alien taxa that appropriate rapid-response planning must be more fully explored, more formally -- formalized and funded. Active alien species surveillance with adequate funding to assure necessary equipment -- and readiness of trained staffing for rapid response to future new incursions is paramount to maintaining the integrity and biodiversity of the monument.</p> <p>To help guarantee success, there needs to be a well outfitted and equipped Papahānaumokuākea National Monument alien species rapid-response team functioning much on the same level with as much sophistication as the Brown Tree Snake Rapid Response Team does for the brown tree snake or the Oil Spill Response Workers for oil-spill incidents. And then, finally, with the alien species concern, I believe that in one section under AS-1.1, “Complete an Integrated Alien Species Management Plan, it is paramount to have an Alien Species Management Plan for the monument; however, for some invasions a time limit of two years to proceed to process -- excuse me -- for two years to process pesticide use proposals and Section 7 consultations will be too late to begin acting. Provision for preemptive pesticide use proposals and Section 7 consultations for all likely scenarios and circumstances should be added into the management plan needs and completed. These could then be shelved until actively needed. So there’s only a range of issues that -- you know, what pesticides might be used for an insect. And can we do the reviews, all the legal documentation and then shelf it so that when it’s needed, it can simply be pulled off the shelf and say, Okay. We’ve already approved it. Let’s go with it. That sort of preventive thing should be --</p>
3-03. Response	We agree with the level of detail and analysis you suggest for an adequate approach to biosecurity in the Monument and feel that the Integrated Alien Species Management Plan proposed in Activity AS-1.1 is the proper place for that planning. Two years is the estimated time frame for completing all necessary compliance documents regarding the situations and tools we can anticipate. Many of those are already in place and others are in progress.
3-04. Comment	Pg 172 - Ironwoods also take plenty of nesting habitat away from seabirds?

<b>Comment Category 3 - Alien Species</b>	
3-04. Response	We agree that ironwood ( <i>Casuarina</i> ) woodlands are not preferred habitat for many species of seabirds nesting at Midway. That is why we have identified it as a high priority for removal from most of the land areas at Midway Atoll where it occurs. We do recognize that these trees are providing nesting habitat for the largest colony of white terns ( <i>Gygis alba</i> ) in the central tropical Pacific, so it is imperative that adequate native species alternatives be provided for this population as their nest trees are removed.
3-05. Comment	I am very pleased that the plan recognizes the threat posed by invasive species and hope that sufficient resources will continue to be devoted to this vital set of activities.
3-05. Response	Development of a rapid response team was considered to be part of our rapid response action plan for alien species and is now explicitly included in Activity AS-1.2: Develop best management practices to prevent, control, and eradicate alien species.
3-06. Comment	Pg 198 - Mowing verbesina is an ineffective management tool. Mowers run over seabirds and crush burrowing seabirds while dispersing seeds.
3-06. Response	We agree that mowing is a tool that should be used only in circumstances where hazards to seabirds, seabird burrows, and Laysan ducks can be avoided. Mowing before verbesina has set seeds reduces the seed bank and has been used effectively for years.
3-07. Comment	Marjorie and others mentioned the risk of alien species, invasive species. We see that there really has been very little monitoring of cumulative impacts. There really has been no meaningful risk assessment. We are looking at this since the Reserve was established in 2000. We sort of see a pattern. We have seen the state refuge established with much stronger protections than in federal waters. And yet within a year of state refuge protection the new Monument Plan, the Coast Refuge Management Unit has actually served to further weaken efforts in state waters.
3-07. Response	Over the past several years the Monument has been addressing the issues of alien species introduction and working toward developing the Integrated Alien Species Management Plan. An initial study of marine invasive species, with recommendations for reducing the potential impact, was completed in 2006. An additional report on the specific locations of known alien species was completed in 2007. In addition alien species were included in the threat analysis that HIMB completed for the Monument.  The MMB recognizes the importance of evaluating the cumulative impacts of human activities conducted in the Monument and has begun to collect data for this analysis. Assessing and analyzing required permit reports for all permitted Monument human activities will be a primary means for resource managers to understand the cumulative

<b>Comment Category 3 - Alien Species</b>	
	impact of ongoing activities (see Activity P-2.2, Analyze permit data to inform management decision making). In addition, information about past activities, such as military uses and fishing, is critical to our understanding of the Monument's ecosystem and to establish a baseline for evaluating the health and condition of its natural, cultural, and historic resources and analyzing how current activities, either individually or cumulatively, are impacting Monument resources. Such past activity data is one of the many sources that will be incorporated into the PIMS (Activity IM-1.1, Activity IM-1.4, and Activity P-2.1).
3-08. Comment	Page 71 Line 28: The risk of mammalian predators and other predatory or competitive species, new diseases and disease vectors could devastate the fauna of the Monument. The impacts and risk of rats and other accidental introductions should be emphasized here. Again action plans for each island are needed for quick response to catastrophic species introductions.
3-08. Response	A "rat spill" plan to address preparation for rapid response in the event of an accidental release of rodents on Monument islands will be included in the Integrated Alien Species Management Plan. (AS 1.1), Similar quick response plans will be developed for the range of likely introductions in this plan.
3-09. Comment	Section 3.3 Reducing Threats to the Ecosystem. <sup>2</sup> Alien Species are most often introduced in ballast discharge or by tourists to Midway in Vol. IV. Disinfection protocols must be in place before any ships should be allowed entry to Monument waters.
3-09. Response	Best management practices for ballast water will be consistent with the State of Hawai'i comprehensive ballast water regulations (see Vol. III, Appendix G) and hull fouling program that is in preparation. They also are consistent with the Coast Guard's Mandatory Ballast Water Management Program for US waters, which requires that a vessel-specific ballast water plan be followed.
3-10. Comment	I fully commend the draft MMP on the thoroughness of the extremely important and sensitive issues incorporated in alien species treatment. I nevertheless feel that for each activity and alien taxa that appropriate rapid-response planning must be more fully explored, formalized and funded. Active alien species surveillance, with adequate funding to assure necessary equipment and readiness of trained staffing for rapid-response to future new incursions, is paramount to maintaining the integrity and biodiversity of the Monument. To help guarantee success, there needs to be a well out-fitted and equipped Papahānaumokuākea National Monument alien-species rapid-response team, functioning much on the same level with as much sophistication as the Brown Tree Snake Response Team does for the snake, or Oil-Spill Response Workers for oil-spill incidents.
3-10.	As part of the Integrated Alien Species Management Plan (AS 1.1), we will prepare contingency plans, with detailed

<b>Comment Category 3 - Alien Species</b>	
Response	response actions for all conceivable types of alien species infestations. Also, we considered developing a rapid response team to be part of our rapid response action plan for alien species, and it is now explicitly included in Activity AS-1.2: Develop best management practices to prevent, control, and eradicate alien species.
3-11. Comment	Regarding the mice on Sand Island, by all means, get rid of them. And clean out rodents on any other islands in the archipelago. I would think that it would take a lot less than five years to find a rodenticide that would not harm the birds.
3-11. Response	Sand Island, Midway Atoll, is the only island in the Monument that still has any rodents, so all additional rodent management besides eradicating house mouse is to prevent future rat and mouse introductions and to ensure that specific and detailed plans are in place to respond to any future rodent “spills.” Alien species control beyond the Monument is beyond the scope of this plan.
3-12. Comment	Nonnative problem species (such as rodents, nonnative plants) should be slated for removal throughout the archipelago. Great care should be instituted to prevent introduction of nonnative organisms, especially to the more pristine islands.
3-12. Response	The MMB agrees that the removal and prevention of nonnative species is a priority, and we included an Alien Species Action Plan (3.3.2) to address the detection, eradication, and where possible, continued prevention of invasive species.
3-13. Comment	Please do not allow military & commercial persons or equipment, tourists or divers to use NWHIs. Even research needs to be limited to minimize the risk of invasive seaweeds.
3-13. Response	In 2007, the MMB adopted the Disease and Introduced Species Prevention Protocols (see Vol. III, Appendix G.), which are applied to all permitted activities in the Monument. These strict protocols deal explicitly with dive gear, and all other equipment used in the water, including tender vessels that travel among the NWHI and between the NWHI and the main islands.
3-14. Comment	And also on the verbesina control, the funding goes up and down. We need to get a better source of funding to have a concerted effort to get Pearl, Hermes and Midway get this weed under control.
3-14. Response	We agree. The inclusion of Activity AS-6.1 in the plan to eradicate verbesina throughout the Monument affirms that consistent funding for this project is needed.
3-15. Comment	Last, we are concerned about invasives getting up there, even just accidentally by well-intended people. I think most of the Northwestern Hawaiian Islands are rat free or I think they’re rat free now. We don’t want to get to the point where we have rats again. All you need is a shipwreck with some rats onboard. That’s likely. We don’t want to spread more

<b>Comment Category 3 - Alien Species</b>	
	species of ants up there. The ants chew up the chicks and eat ‘em alive. We don’t want to lose seabirds to invasive ants. We’re very concerned about the more people go up there the more likely you’re going to have invasives established.
3-15. Response	We agree. Strategy AS-3 contains activities to prevent introducing or reintroducing alien species of all kinds.
3-16. Comment	What will happen when alien species and rat and mice populations infest the atolls, killing nesting birds, hatching turtles, plant root systems that act as cover and nesting structure for birds? Fire ants are a prime example of a noxious alien species introduced into Hawai‘i.
3-16. Response	We agree. All these threats, existing and potential, have serious consequences for Monument habitats and wildlife. How these invasive species are being removed and prevented is discussed in the Alien Species Action Plan.
3-17. Comment	Section 3.1 (New) Remediation and Restoration Plan. Removal of non indigenous terrestrial flora & fauna including ironwood, habitat restoration and reintroduction of endemic biota should be planned and proceed immediately following remediation. When the remediation and restoration has been completed, and the former terrestrial and marine ecosystems restored, a new plan for the Protection, Conservation and non consumptive use of Midway Atoll can be written, this time with public comment and RAC oversight and preventive measures to preclude further introduction of invasive exotic species. All cruise ships should be excluded from Monument waters until pending regulations intended to prevent unlawful discharge of wastes have been shown to be effective, and have been incorporated into the Plan and Permit system. All military artifacts deemed of historic value should be “curated” (removed from Monument islands and waters).
3-17. Response	The purpose of the Alien Species Action Plan is to detect, eradicate where possible, control, and prevent the introduction of alien species. Sand and Eastern Islands are highly disturbed environments that require extensive effort. It is unlikely with foreseeable budgets that they could ever be restored, particularly without violating historic preservation mandates. The Integrated Alien Species Management plan will prioritize eradication projects to eliminate alien species, focusing first on those that disrupt community species composition and ecological structure and function most severely.
3-18. Comment	Alien Species Action Plan: We recommend that NOAA take immediate steps to require any fishing vessel still allowed to fish in the area to have its hull thoroughly and completely cleaned before entering Monument waters. Fines for private vessels entering the Monument with their hulls still fouled should be set at very high levels so as to act as a real deterrent.
3-18.	All vessels are prohibited from releasing alien species in the Monument. We have shared this comment with the

<b>Comment Category 3 - Alien Species</b>	
Response	National Marine Fisheries Service, which manages the federal fishery that operates in the Monument and is a part of the MMB.
3-19. Comment	According to the DMMP, the development of the Integrated Alien Species Management Plan (Activity AS-1.1) will be led by FWS and the best management practices (Activity AS-1.2) will be led by FWS and NOAA (Table 3.3.2). Given the critical importance of these plans, Ocean Conservancy recommends that they be developed by the MMB in consultation with both terrestrial and marine experts.
3-19. Response	Although one agency might be listed as the lead, all other MMB members will be fully involved in developing and approving any step-down plan. We will involve both terrestrial and marine experts as appropriate and necessary.
3-20. Comment	p. 200 ln 18 "...require systematic investigations as outlined for the Nihoa grasshopper invasion on Nihoa (Gilmartin 2005) into..."
3-20. Response	An investigation for the grasshopper invasion on Nihoa is outlined in Activity AS-8.2.
3-21. Comment	p. 200 line 36 "...and best management practices (e.g. video title, author)..."
3-21. Response	We have modified the text in Activity AS-9.1 to say, "The outreach may consist of printed materials and videos, as well as presentations that are part of the permit application process and taxonomy training for staff and volunteers."
3-22. Comment	Strategy AS-4: should read "Eradicate nonnative mammals"
3-22. Response	There are no other species of nonnative mammals left in the Monument other than the house mouse. In the quarantine and prevention sections we generalize to include all mammals.
3-23. Comment	<p>3.3.2 Alien Species Action Plan</p> <p>In a recent survey of 25 scientific experts on the NWHI, alien species were identified as one of the top three threats to the NWHI.<sup>35</sup> In spite of the remoteness of the NWHI, eleven different alien marine invertebrate, fish and algal species have already been documented in Monument waters. With visitation to the Monument expected to increase, the risk of additional introductions is extremely high. Alien species infestations can permanently alter the Monument's ecosystem and, once introduced, these species are often impossible to eradicate completely. Prevention is therefore critical. Ocean Conservancy supports the regulatory prohibition on the release or introduction of alien species into the Monument and</p>

<b>Comment Category 3 - Alien Species</b>	
	implementation of best management practices such as mandatory hull inspections designed to avoid introductions. However, given the seriousness of the risk, it is critical that the alien species action plan is effective, enforceable and strictly enforced. It is not sufficient to rely on management measures (like ballast exchange protocols and best management practices) that may or may not actually be followed in practice. What is needed is essentially a zero tolerance approach to alien species with strict enforcement of all measures designed to avoid introductions.
3-23. Response	We agree and intend to fully enforce all regulations and protocols to prevent the introduction of alien species into the Monument.
3-24. Comment	In the section Activity AS-1.1: Complete an Integrated Alien Species Management plan it is paramount to have “An Integrated Alien Species Management Plan for the Monument” however, for some invasions a time limit of 2 years to process pesticide use proposals and Section 7 consultations will be too late to begin acting. Provision for Pre-emptive Pesticide Use proposals and Section 7 consultations for “likely scenarios and circumstances” should be added into the Management Plan needs, and completed, then shelved until actively needed.
3-24. Response	The IASP and associated compliance requirements will be updated every five years and will include such components as obtaining pesticide use permits and conducting ESA Section 7 consultations before they are needed to facilitate rapid response. See Monument Management Plan Activity AS-1.1.
3-25. Comment	Pg 155 - Sand Island should be taken off the list unless the Maui sp of <i>Pritchardia</i> is removed.
3-25. Response	We have modified the text to state, “Factors to consider include avoiding impacts on native species at establishment sites, finding suitable habitat, and choosing areas accessible enough to allow for planting and monitoring introduced populations. Mokumanamana, Laysan Island, Kure Atoll, and Eastern and Sand Islands at Midway Atoll should be considered as potential sites, providing there is no chance of interference with species endemic to the translocation sites and no related species at the destination site that might hybridize with the translocated plants.”
3-26. Comment	Page 67 Line 42: <i>Pluchea indica</i> is classified as a noxious weed known to negatively impact wetlands. The primary impact of introduced ants on Laysan Island is not their impact on Laysan’s seabirds, but their impact on the native endemic terrestrial invertebrate fauna (especially endemic lepidopteran larvae), and other important prey for to migratory and land birds, or ecosystem function.
3-26. Response	We have added this sentence to this paragraph in Section 1.4, “Invasive ant species have been detected at all of the islands in the Monument and pose threats to many components of the terrestrial ecosystem, most notably native

<b>Comment Category 3 - Alien Species</b>	
	terrestrial invertebrates (e.g., endemic lepidopteran larvae) and native plants. They also have been observed preying on the eggs and chicks of seabirds in the Monument.”
3-27. Comment	Within Strategy AS-5: add to existing text “Ensure that pesticide protocols include evaluation of potential impacts on native aquatic and marine species.”
3-27. Response	Pesticide use proposals are required for all pesticide applications in the Monument. These proposals require an analysis of all potential impacts to terrestrial and aquatic (freshwater and marine) species.
3-31. Comment	<p>3.3.2 Alien Species Action Plan</p> <p>In a recent survey of 25 scientific experts on the NWHI, alien species were identified as one of the top three threats to the NWHI.<sup>35</sup> In spite of the remoteness of the NWHI, eleven different alien marine invertebrate, fish and algal species have already been documented in Monument waters. With visitation to the Monument expected to increase, the risk of additional introductions is extremely high. Alien species infestations can permanently alter the Monument’s ecosystem and, once introduced, these species are often impossible to eradicate completely. Prevention is therefore critical. Ocean Conservancy supports the regulatory prohibition on the release or introduction of alien species into the Monument and implementation of best management practices such as mandatory hull inspections designed to avoid introductions. However, given the seriousness of the risk, it is critical that the alien species action plan is effective, enforceable and strictly enforced. It is not sufficient to rely on management measures (like ballast exchange protocols and best management practices) that may or may not actually be followed in practice. What is needed is essentially a zero tolerance approach to alien species with strict enforcement of all measures designed to avoid introductions.</p>
3-31. Response	We agree and intend to fully enforce all regulations and protocols to prevent the introduction of alien species into the Monument.

<b>Comment Category 4 – Carrying Capacity</b>	
<b>Summarized Comments</b>	
4-01. Comment	<p>The comments below express concern about the overall number of people accessing the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Please establish a numerical carrying capacity for the region based upon the Precautionary Principle and immediately conduct a cumulative assessment of the risks and impacts of human activity in the Monument.</li> <li>2) Fails to set a protective limit on all human activity in this delicate area, including military exercises, research, and tourism</li> <li>3) To add to that understanding cumulative impacts. So part of creating these, creating these priorities, thinking about what should go on up there is talking about cumulative impacts. What’s the carrying capacity of this resource? What can we realistically do up there? How many people can it take? How much vessel traffic can it take before we really start to see impacts? This is intimately related to the precautionary principle, and intimately related to how we implement this permitting system.</li> <li>4) We see an honest assessment of what the true intentions are for the Monument on page D-31, where language describes the expectation that research will greatly increase in the next ten years. This anticipated increase in research, which we find to be out of alignment with the vision and purpose of the Monument, also means more employees, visitors and impacts and thereby creates the need for greater scrutiny to be given to the cumulative impact analysis. We also see on page D-53 a statement that there is an expectation of future requests to grow in regards to commercial photography, videography, filming, audio recording, etc. This again call for greater scrutiny than currently exists in the cumulative impact analysis. Page D-80 creates a strong argument for why a more complete cumulative impact analysis is necessary, it states: “Although research projects for a single year may cause few, if any, negative resource impacts, it may in fact cause cumulative impacts over multiple years or when considered additively with all research projects in the Monument.” Yet despite this seemingly insightful awareness, there appears to be a strong and disturbing trend towards approving increasing and ongoing activity in the Monument that needs to be addressed.</li> <li>5) Conduct a comprehensive assessment of the risk and cumulative impact of past and proposed human activity in the Monument. This will require the Co-Trustees to prioritize who is allowed to enter this fragile area and for what reasons. This is especially important for research activities in the NWHI, which should only be allowed if they further a specific management goal and can demonstrate no harm to any Monument resources.</li> </ol> <p>Papahānaumokuākea is not a “natural laboratory,” as the DMMP describes it. It is a place of refuge, where no</p>

<b>Comment Category 4 – Carrying Capacity</b>	
	<p>human activity should be allowed unless absolutely necessary.</p> <p>6) Assess the risk and cumulative impact of all human activities affecting the region, including global warming. The current environmental assessment fails to adequately review the past, present, and likely future impacts of the human presence in the Monument. This information is crucial for proper management and should serve as the basis for numerical carrying capacity.</p> <p>7) The last point is that the plan proposes an increase in human activity. It should be looked at rather carefully if that's warranted.</p> <p>8) There must be a limit determined for the year in advance by the citizens council on the number of permits allowed for groups of tourists, scientific researchers, study groups and fishermen.</p> <p>9) There must be a limit on the number of tourists and researchers each year.</p> <p>10) To add to that understanding cumulative impacts. So part of creating these, creating these priorities, thinking about what should go on up there is talking about cumulative impacts. What's the carrying capacity of this resource? What can we realistically do up there? How many people can it take? How much vessel traffic can it take before we really start to see impacts? This is intimately related to the precautionary principle, and intimately related to how we implement this permitting system.</p> <p>11) Set a numerical carrying capacity based on the precautionary principle that to limit the number of people and vessels accessing this fragile region.</p>
4-01. Response	<p>Protecting the health, diversity, and resources of the NWHI ecosystems is the MMB's constant and highest concern. Although currently there are no specific annual limits on the number of people accessing the Monument, all human activities in the Monument are closely managed and monitored through the interagency permitting process (Strategy P-2 and Appendix A), the Papahānaumokuākea Information Management System (Activity IM 3.6.2), and the Evaluation Action Plan (Section 3.6.4). In addition, while the MMB restricts visitor access to Midway, it does not limit the total number of yearly visitors to Midway. However, the Midway Atoll Visitor Services Plan (Section 3.4.3, Appendix B) requires visitors to obtain a permit and sets limits on the number of overnight visitors and the number and size of large group visits. Data about the number, activities, and potential impacts of visitors is maintained in the Information Management System.</p> <p>The MMB recognizes the importance of evaluating the cumulative impacts of human activities conducted in the Monument and is collecting data for this analysis. Assessing and analyzing required permit reports for all permitted Monument human activities will be a primary means for resource managers to understand the cumulative impact of ongoing activities (see Activity P-2.2, Analyze permit data to inform management decision making). In addition,</p>

**Comment Category 4 – Carrying Capacity**

information about past activities, such as military uses and fishing, is critical to our understanding of the Monument’s ecosystem and to establish a baseline for evaluating the health and condition of the its natural, cultural, and historic resources and analyzing how current activities, either individually or cumulatively, are impacting Monument resources. Such past activity data is one of the many data sources that we will incorporate into the Information Management System (Activity IM-1.1, Activity IM-1.4, and Activity P-2.1).

A fundamental component of any threat or risk assessment is to have a baseline understanding of the Monument ecosystems and how these may be influenced by natural and human activities. Strategies MCS-1, Continue and expand research, characterization and monitoring of marine ecosystems, and MCS-2, Assess and prioritize research and monitoring activities, will provide the fundamental monitoring data and information that is essential, along with the human use and impact data described above, to conduct such assessments. While data is mostly collected and analyzed for local areas in the Monument, collectively it supports other efforts to evaluate the threats to the NWHI at a Monument or regional scale. In response to the comments, we have changed the text to the Monument Management Plan in Section 3.4.1, Permitting Action Plan, Permit Tracking, and Activity P-2.2.

Until a comprehensive analysis of threats, including human uses, is completed, the MMB as a matter of policy seeks to ensure that access is consistent with Proclamation 8031 and that, wherever possible, activities are combined to limit multiple visits to a given area. Carrying capacity could need to be assessed for biological, ecological, cultural, physical, social, infrastructure, and other conditions for any given area. However, the MMB must first focus its efforts on establishing baseline parameters for measuring changes to the health, quality, or function of Monument resources; then, we must assess the relative individual and cumulative impacts from human activities on these resources. Information collected and analyzed will depend on the activity and the specific ecosystem that the activity is conducted in. The results from the cumulative impact analysis, the risk assessment, and the monitoring conducted in the Monument will help define these values over time. It will not be possible to consider various carrying capacities for the Monument resources until these data can be analyzed. It will also be important that these values be regularly revisited as we learn more about the ecosystem and the changing environment.

As it pertains to the precautionary principle, the MMB has identified eleven principles for managing the Monument. The seventh Guiding Principle (Errs on the side of resource protection when there is uncertainty in available information on the impacts of an activity) honors the approach of “do no harm,” consistent with the precautionary principle in which historic, cultural, and natural resource protection and integrity is favored.

Presidential Proclamation 8031 prescribes numerous prohibitions and regulated activities to protect the Monument’s resources. However, as protective as these provision are, the Proclamation never intended to prohibit all human use and access to the Monument. The Proclamation made specific allowances for continuing a small, permitted commercial

<b>Comment Category 4 – Carrying Capacity</b>	
	<p>bottomfishery until 2011, limited sustenance fishing (if consumed in the Monument), vessel transit, and armed forces actions. The Proclamation also established a permit system to allow a narrow range of other activities, provided there is a finding that the activity is research designed to further understanding of the Monument resources and qualities, that it furthers educational value of the Monument, that it assists in the conservation and management of the Monument, and that it allows Native Hawaiian practices, special ocean use, and recreation. These permitted activities will be allowed only if there are adequate safeguards for the resources and ecological integrity of the Monument, and if the activity meets the findings of the proclamation (see Proclamation 8031, and Vol. III, Appendix D).</p> <p>We have changed the Monument Management Plan to address the concern about a natural laboratory.</p>
4-02. Comment	<p>The comments below stated that no humans should be allowed within the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) No humans.</li> <li>2) Keep the marine Monument free from all human footprint. This is the most biologically diverse ecosystem on the planet. The critically endangered species struggling to survive in a marine environment which is increasingly unhealthy due to human actions, marine mammals, turtles and birds are dying of plastic ingestion and entanglement in plastics as well as discarded fishing nets and gear by the hundreds of thousands every year. In certain areas of the ocean the suspended plastic particles outnumber plankton six to one. Overfishing is causing a devastating collapse of fish stocks and entire marine ecosystems. Fifty-two percent of the world’s fisheries are fully exploited and 24 percent are overexploited, depleted or recovering from collapse. The global fishing fleet is two to five times larger than what the oceans can sustain or support. Seventy-two percent of the world’s marine fish stocks are being harvested faster than they can reproduce. A full one fourth of all total catch, 27 million tons, is unintended bycatch. We’re wiping out the entire fish populations. Marine biologists say that the stocks of large ocean going fish have fallen by 80 to 90 percent. The critically endangered Hawaiian Monk seal’s dropping 4 percent a year. With under only 200 left that gives us less than 20 years to save this endemic rare species. Ninety percent of the Monk seals population lives in the Northwestern Hawaiian Islands.</li> <li>3) I am concerned about the use of this place. Every place, especially those sacred places, have a job, a role, something to teach. Papahānaumokuākea is considered wao akua, wao akua, sacred place. Wao akua were left wild and were seldom accessed by people because of their critical role in the process of life, death or creation and afterlife. I believe this is one of those places. It has been assigned many jobs over the years: Military, tourism, science and contemporary educator. It has been working very hard for a very long time trying to meet man’s needs. Now it deserves a rest, a time to recover and recoup. I ask all of us to reflect, slow the train, take</li> </ol>

<b>Comment Category 4 – Carrying Capacity</b>	
	<p>this time to think. This unique global universal resource deserves, requires new thinking about issues such as environmental justice, intellectual property rights and indigenous knowledge and needs.</p> <p>Any use of this sacred resource is a taking. And compensation should be paid possibly funding a study to better understand the akule fishery, a vital food in Hawai‘i. We don’t have much experience with places like this place. We must not get stuck on the steps we are comfortable with. We need to build new ones. Contemporary laws and timelines are not appropriate here. Let’s begin with rest. Do nothing until you and we are certain we have a pono plan. Give this place a break from all impacts. This is a sacred resource and it deserves nothing less. Do nothing. Respect it with rest.</p> <p>4) I would like to see the place kept absolutely empty. It was mentioned the navy being there, you know, they have a -- I can see the navy turning the whole place into kind of their private R &amp; R thing with hamburgers and hot dogs, vacation zone. And, you know, I think that it should be just left empty. There’s so much going on in the world that is of such pressing importance right now and if this could just do whatever it needs to do by itself with the exception of maybe divers going in and cutting nets and keeping that plastic coming out of the reefs and whatnot.</p> <p>5) No human footprint in NW Hawaiian Islands.</p> <p>6) My concern is too many people on fragile, fragile lands. I want to relate two stories of my life. I grew up in California. And from the mid ‘60s to the mid ‘80s I spent sometime every year in the High Sierras backpacking. Over those years as the population of California and the western United States increased obviously the numbers of people in the High Sierras increased. It’s devastating to see what had happened with that increase in pop -- in a very fragile environment. That’s one issue.</p> <p>The other, I grew up on the coast in California, Santa Barbara, California off of the Channel Islands. When I was a young boy you could go down on low tides and clam and take abalone from the rock, catch lobsters in shallow waters. That’s all gone. Not only is it all gone from along the coast but in the ‘50s, and ‘60s they cleaned pretty much the Channel Islands of all of the abalone and ruined a lot of the fisheries. So this is population. And this is what we’re talking about, population and fragile islands out here. The only way to protect ‘em is to put them off limits.</p>
4-02. Response	Although the Monument is in a pristine condition, compared to the main Hawaiian Islands, the islands and atolls already have been impacted by humans. It is our responsibility to lessen those impacts and restore habitats, to the extent possible. We also need to understand the natural, cultural, and historic resources in order to best protect them. Outside influences, such as marine debris, alien species, and climate change, would continue to impact the Monument even

<b>Comment Category 4 – Carrying Capacity</b>	
	without human presence. Also, by managing visitation, the MMB provides opportunities for the public to better understand the unique biological, cultural, and historic treasures of the Monument. The best opportunity to protect this area comes through the limited human activities included within the Monument Management Plan. Proclamation 8031 requires activities to be conducted with adequate safeguards for the resources and ecological integrity of the Monument.
<b>Unique Comments</b>	
4-03. Comment	In many cases, the individual project analysis represents a highly biased and incomplete measurement of the actual and potential negative impacts from proposed actions and is thus a misrepresentation of the interactive and cumulative impacts with a definite slant towards the beneficial impacts from the proposed projects. Among the many cumulative effects that are essentially disregarded include the negative impacts of proposed construction activities, increased visitor and tourist activity on Midway and throughout the Monument, dilution of, and transgressions against, Native Hawaiian Culture, and issues of fairness and equality in access to the Monument.
4-03. Response	<p>The Monument Management Plan includes a description of several strategies and associated activities the agencies will implement in the Monument over the next 15 years. In Volume 2 of the environmental assessment is a discussion about the potential environmental impacts from any of the Monument Management Plan strategies and activities. Although the Monument Management Plan and the associated environmental assessment describe these activities and their impacts in general terms, they cannot, for the most part, fully analyze the impacts of every action that will be taken or authorized by the agencies over the next 15 years. Agency actions are subject to NEPA and HRS Chapter 343. Each action will be reviewed and further NEPA compliance will be undertaken as appropriate. Some of these activities will be eligible for a categorical exclusion, while others will require the preparation of an environmental assessment or environmental impact statement, depending on the significance of the impacts. Volume 2, Section 1.8 describes the categorical exclusions for each of the agencies.</p> <p>Although the Monument Management Plan describes some general planning documents or conceptual site plans for Midway and other infrastructure projects that may include construction, the environmental assessment does not fully assess their environmental impacts. Such projects would require separate NEPA and HRS Chapter 343 analyses, including an assessment of compliance with state water quality standards and consultation with the US Army Corps of Engineers.</p>
4-04. Comment	There should be no more extractive research, no more tourism, no more military, no more footprints on the Northwestern Hawaiian Islands. You have a big responsibility to protect this very, very important area for all of us. You know, it will be on your conscience. When there is pilikia and problems up there it is you that are supposed to be

<b>Comment Category 4 – Carrying Capacity</b>	
	watching out for our best interests in protecting that area in the spirit of aloha `aina.
4-04. Response	<p>The overall emphasis on protecting the health, diversity, and resources of the NWHI ecosystems is our constant and highest concern. Although we have not included specific annual limits on the number of people accessing the area in the Monument Management Plan, we will be closely monitoring activities through the permitting process, the Papahānaumokuākea Information Management System, and the Monument evaluation process. The number of tourists visiting the Monument at any one time is also limited through the Midway Atoll Visitor Services Plan.</p> <p>Presidential Proclamation 8031 prescribes numerous prohibitions and regulated activities to protect the Monument’s resources. However, as protective as the provisions are, the Proclamation was never intended to prohibit all human use and access to the Monument. The Proclamation made specific allowances for the continuation of a small, permitted commercial bottom fishery until 2011, vessel transit, and armed forces actions. The Proclamation also established a permit system to allow a narrow range of other activities, provided there is a finding that the activity is research designed to further understanding of the Monument resources and qualities, that it furthers educational value of the Monument, that it assists in the conservation and management of the Monument, and that it allows Native Hawaiian practices, special ocean use, and recreation. These permitted activities will be allowed only if there are adequate safeguards for the resources and ecological integrity of the Monument, and if the activity meets the findings of the Proclamation (see Proclamation 8031, and Volume III, Appendix D).</p>
4-05. Comment	<p>A general and often used description of the anticipated impacts of the uses exist on page D-67. These sections list most, if not all, of the critical habitat and species within the monument and in many cases how they have been negatively impacted in the past, mostly through human activity. In particular the examples of coral reef devastation in Guam paint a horrifying picture of how the smallest error could produce catastrophic effects on the entire ecosystem. Most of these potential impacts are just acknowledged and then responded to by stating that USFWS will work to mitigate and does not foresee a problem. If these areas are so critical and sensitive, how is it that USFWS cannot foresee any problems arising from the myriad uses that they find to be compatible, especially when most negative impacts in the past or in similar environments are man made.</p>
4-05. Response	<p>The FWS considers activities in the National Wildlife Refuges of the Monument through the Compatibility Determination and permitting processes. Consideration is based on the benefits to protect, understand, and manage the NWHI ecosystems and to provide access in accordance with the proclamation, the National Wildlife Refuge System Administration Act, and other applicable laws. However, protecting the health, diversity, and resources of the NWHI ecosystems is our constant and highest concern. Foreseeable potential impacts are weighed against the foreseeable potential benefits. Through the compatibility determination and permitting processes, managers may allow activities</p>

<b>Comment Category 4 – Carrying Capacity</b>	
	and establish terms and conditions under which the activities are conducted so they do not materially detract from our ability to meet our primary conservation mission. Appendix C, Specific Terms and Conditions, provides some examples of terms and conditions for the compatibility determination mentioned.
4-06. Comment	Finally, on page D-151, we see an example of a signed refuge determination, which is what would be expected for a document of this importance. Strangely though, most of the others included in this appendix do not bear such marks and are simply left blank where signatures are called for. Does this render these determinations inadequate, incomplete or perhaps worse, not actually in accord with what the wishes and understandings of the necessary leaders whose signatures are conspicuously absent? For examples of unsigned documents please see D 8, 17, 27, 38, 49, 60, 74, 86, 110, 124.
4-06. Response	In accordance with National Wildlife Refuge System guidance, compatibility determinations are released for public review and comment before they are approved and signed. As indicated in the compatibility determinations for Midway Atoll Interim Visitor Service Plan in Appendix C, the signed compatibility determinations included within the Monument Management Plan were approved in May 2007 as part of the Midway Atoll Interim Visitor Services Plan. They remain valid until their specified reevaluation date. All compatibility determinations in the Monument Management Plan have been reviewed based on public comments, approved by the appropriate FWS officials, and signed.
4-07. Comment	The Monument is of cultural and religious significance to Native Hawaiians, not only at designated archeological sites but also throughout the entirety of its borders. USFWS needs to make greater efforts to be cognizant of the impacts that visitors will have, regardless of their “reason” for being in the Monument, on the inherent cultural value of this special place to Native Hawaiians. We see language in the Justification section on page D-25 that uses the phrase “may be enjoyed” when referencing Monument staff and managers relationship to the resources, which coincidentally precedes “protected in perpetuity.” This is indicative of treating the Monument as more of a playground than a Sanctuary.
4-07. Response	Under Presidential Proclamation 8031, recreational visitation within the Monument is limited to Midway Atoll. This visitor program enhances our ability to share the importance of the NWHI, as well as its sacred status to Native Hawaiian communities, and to share this with a broader group of people. We have modified the Operations of Monument Co-Managing Agencies compatibility determinations to remove the phrase “may be enjoyed.”
4-08. Comment	The protections afforded to a Monument seem to be less than those afforded to a Sanctuary, which concerns us.
4-08.	There are differences between protections afforded under Proclamation 8031 and those that would have been afforded

<b>Comment Category 4 – Carrying Capacity</b>	
Response	under the NMSA. However, much of the language of Proclamation 8031 was based on preliminary work done to propose the NWHI as a National Marine Sanctuary.
4-09. Comment	What will happen when increased demands of tourism (the cash crop) up the count of daily arrivals causing increased on the natural life of the atolls? Tourism never decreases, only increases.
4-09. Response	The Midway Atoll Visitor Services Action Plan and its associated Midway Atoll Visitor Services Plan will allow the program to grow from the current level of 40 overnight visitors to 50 overnight visitors within existing infrastructure limitations, at least for the next 15 years. We have not planned for expanding beyond that level.
4-10. Comment	Then I would also echo the other comments made here that we have a cap on the total number of tourists that are going to the Monument. People do not fight so hard to have a space if it's to be a place for the rich and famous. That's one of those political will things.
4-10. Response	We agree that the number of visitors at Midway should be limited. In the Midway Atoll Visitor Services Action Plan and its associated Midway Atoll Visitor Services Plan, we set that limit at no more than 50 overnight visitors at any one time, and no more than 800 day visitors (400 on-island at a time) at any one time for large-scale events (limited to no more than three per year).
4-11. Comment	And then later on they're talking about another picture of a house they're going to remodel, the Clipper house. The Clipper house presently serves the primary food service facilities for Midway, although the food service will need to be expanded to accommodate future population increases. Now, I suppose this thing they're talking about back here, the maximum of one hundred fifty people, that's one hundred fifty people for today, tomorrow, next year. But who's -- they said they're increasing it sixteen percent already to get up to one hundred fifty. They originally were one hundred and twenty. I'm wondering who's going to legislate whether it will be two hundred and fifty or three hundred people ten years from now? So I'm concerned about the numbers of people and how much of this stuff is going to be cleaned up. I guess that's my comments.
4-11. Response	The Midway Atoll Conceptual Site Plan, as part of the Monument Management Plan, proposes a 150-person maximum overnight population on Midway, an increase of 30 people over the current capacity. As Midway develops into an operational hub for the Monument, we envision an increased presence by NOAA and state staff, in turn requiring additional FWS contractor and staff support. The potential increase in the number of visitors from 40 to 50 also contributes to the increased population. Although the infrastructure, such as the Clipper House, may need to be enlarged to accommodate an increased population, the Co-Trustees support these enhancements as a means to improve Monument management.

<b>Comment Category 5 - Ecosystem Health</b>	
<b>Summarized Comments</b>	
5-01. Comment	<p>The comments below suggest the No Take Policy be considered in the implementation of the activities in the Monument Management Plan to ensure protection of resources in the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Starting with the first sentence (1) and often reiterated throughout the entire Draft Management Plan, and, with strict limits, by the Proclamation 8031 (2), the mandate is that the entire Monument is a “fully protected marine conservation area,” warranting the “highest levels of protection possible” (3). This constitutes a No Take Policy within the Monument, consistent with the interpretation and enforcement of such designation in National Monuments, Refuges and Sanctuaries elsewhere and with the Marine Life Protection Act, and with law and policy of the State of Hawaii. “Thou Shalt Not Kill” or even remove any nonliving resources, is the acknowledged mandate, and the precautionary principal requires implementation of all measures necessary to preclude any potential take. This is very strong, even extreme law, but given Papahānaumokuākea’s irreplaceable biological treasure, cultural heritage and strategic importance to our very survival, a No Take Policy is not extreme, or even just prudent, it is fundamental to the motivation for the creation of the Monument, and consistent with the Native Hawaiian call for a pu‘uhonua, a place of refuge for the indigenous species of Paphanaumokuakea.</li> </ol> <p>Therefore, it is quite dismaying to find that No Take Policy is disregarded by large sections throughout the Plan, resulting in numerous, predictable, avoidable, and significant adverse environmental impacts unassessed by the “Environmental Assessment,” and numerous other substantial and predictable impacts being overlooked entirely. It makes no attempt to catalog these adverse impacts of Management Plan opening up the Monument to broad reaching human activities, as required by NEPA to constitute an Environmental Impact Statement, nor does it include the NEPA required avoidance and/or mitigation measures for resultant adverse impacts.</p> <ol style="list-style-type: none"> <li>2) Section 3.4 Managing Human Activities</li> </ol> <p>No Take Policy constitutes a Prime Directive to Trustees, management and staff to manage human activities to prevent adverse impacts on indigenous populations, to achieve maximum sustainable populations of endemic life forms, to restore, enhance and protect sustaining habitats, and to erase existing and prevent human footprints. While this leaves a wide latitude for non invasive observational activities and research endeavors, it also imposes heavy responsibilities on Monument Trustees and management to strictly regulate human activities to assure compliance with the Directive.</p>

<b>Comment Category 5 - Ecosystem Health</b>	
5-01. Response	In a system that has already suffered human impacts and continues to be exposed to stressors from outside the Monument, it is necessary to maintain some management presence and activity in order to gather information needed to improve protection, to understand the native biota, and, if possible, to restore habitats that have been damaged previously. Sometimes, this work involves the limited take of living resources, subject to all applicable laws.
5-02. Comment	<p>The comments below refer to the discussion of Pelagic Habitats in Volume I, section 1.1 of the Monument Management Plan.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Volume I, page 22, lns 39: abyssal plains need an entirely separate heading.</li> <li>2) Volume I, page 23, ln 1: Most of the area can be considered pelagic habitat or deep-sea benthic habitat. These are not the same types of habitat.</li> <li>3) Throughout the plan there seems to be little mention of geological, chemical and physical oceanography of the PMNM. These variables are integral components to habitat characterization and activity in these areas should be specified in MCS-1.3.</li> </ol> <p>Not all deep-sea habitats are described in the plan. Each island receives a section but the various deep water habitats are not similarly treated. The section on banks and seamounts is good. However, all other deep water habitats are clumped together under “pelagic habitats.” In particular the treatment of abyssal habitats in this section is poor. For instance, it states on page 23 “The next zone is the abyssopelagic zone (13,123 to 19,685 feet) (4,000 to 6,000 meters), where there is extreme pressure and the water temperature is near freezing. This zone does not provide habitat for very many creatures except small invertebrates such as squid and basket stars.” Basket stars are not abyssopelagic but benthic. More importantly, this statement that the habitat does not provide habitat for many creatures is incorrect. Many creatures could imply numbers of taxa or numbers of individuals. Our baited camera work to 4000m last summer clearly showed an active assemblage of fishes and invertebrates at all depths (Yeh and Drazen, in press, see attached photo from 4000m of P&amp;H). Work in the abyssal plains of the Pacific, Atlantic, and elsewhere continue to show an astonishing diversity of small sediment dwelling animals. A diversity that has been compared to that in tropical rain forests. Some speculate that there could be million of species! In terms of abundance yes the numbers of animals are low. A distinction between numbers of taxa and numbers of individuals should be made. Most importantly the abyssal plains should be a separate habitat heading. This benthic habitat is probably the single largest in the PMNM.</p> <p>Volume I, page 23, ln 17: This is incorrect. The abyssal plains harbor an amazingly diverse fauna which has never been examined in the waters of the PMNM. In terms of abundance yes the numbers of animals are low. A</p>

<b>Comment Category 5 - Ecosystem Health</b>	
	distinction between numbers of taxa and numbers of individuals should be made. See my comments (major point) at beginning of management plan.
5-02. Response	There is not enough known about the abyssal plain to warrant a separate summary. However, the point is well taken that nonpelagic habitats, such as banks, are referenced in this section, so we have broadened the section heading to Pelagic and Deep-Water Habitats. We have also included relevant and appropriate text changes.
5-03. Comment	<p>The following comments were received referring to the discussion of Pelagic Habitats in section 1.1 of the Monument Management Plan.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Volume I, page 6, lns 63-64: deep pelagic basins gives attention to the water column but the term abyssal plains should be applied to describe the benthic habitat</li> <li>2) Volume I, page 23, lns 1-3: total area of monument is 362061 so this is 84% of the monument area.</li> <li>3) Volume I, page 23, ln 18: basket stars don't live in the pelagic.</li> <li>4) Volume I, page 27, lns 4-6: geomorphology of PMNM also includes abyssal plains and submarine canyons</li> <li>5) Volume I, page 110, ln 27: this statement should also include abyssal plains.</li> <li>6) On page 9 it is stated that "Even deeper yet, the abyssal depths of the Monument, while harboring limited biomass, are home to many odd and poorly documented fishes and invertebrates, many with remarkable adaptations to this extreme." The biomass density is low however, due to its large area within the monument the total biomass of the abyssal community is quite large. I have used biomass estimates for large invertebrates (echinoderms, crustaceans, cnidarians) and fishes on the abyssal plain north of the NWHI (Smith 1992) to estimate the biomass on the abyssal plains of the monument. This estimate probably underestimates the biomass density in PMNM which is predominantly shallower than this station (5700 m). The estimate is 68900 to 74600 g wet mass km<sup>-2</sup>. This is a low density but with an area of 304,000 km for depths &gt; 2000m this yields a total PMNM deep-sea biomass of 21000 to 23000 metric tons. This "back of the envelope" calculation gives a good minimum estimate to be refined by additional research. Most importantly, it should illustrate that the statement in the draft management plan must be carefully reworded to illustrate both the low biomass density yet considerable biomass monument wide in abyssal habitats.</li> </ol> <p>Volume I, page 9, lns 22-25: The biomass density is low however, due to its large area within the monument the total biomass of the abyssal community is quite large. I have used biomass estimates for large invertebrates (echinoderms, crustaceans, cnidarians) and fishes on the abyssal plain north of the NWHI (Smith 1992) to</p>

<b>Comment Category 5 - Ecosystem Health</b>	
	estimate the biomass on the abyssal plains of the monument. This estimate probably underestimates the biomass density in PMNM which is predominantly shallower than this station (5700 m). The estimate is 68900 to 74600 g wet mass km <sup>-2</sup> . This is a low density but with an area of 304,000 km for depths > 2000m this yields a total PMNM deep-sea biomass of 21000 to 23000 metric tons. This “back of the envelope” calculation gives a good minimum estimate to be refined by additional research. Most importantly, it should illustrate that the statement in the draft management plan must be carefully reworded to illustrate both the low biomass density yet considerable biomass monument wide in abyssal habitats.
5-03. Response	<p>The following changes have been made to the Monument Management Plan in response to the comments above:</p> <ol style="list-style-type: none"> <li>1. In response to Comment 6, the sentence has been reworded and expanded to two sentences: “Ever deeper yet, the abyssal depths of the Monument harbor low densities of organisms, and yet because of the large area of this habitat type within the Monument, the total biomass of the abyssal community is quite large. Occupying this habitat are odd and poorly documented fishes and invertebrates, many with remarkable adaptations to this extreme environment.”</li> <li>2. In response to Comments 4 and 5, the sentence has been reworded to: “Habitats contained within the Monument include deep pelagic basins, abyssal plains, submarine escarpments, ...”</li> </ol> <p>We agree with your comment and abyssal plains and submarine canyons have been included.</p>
<b>Unique Comments</b>	
5-04. Comment	Page 39 Terrestrial Invertebrates are mentioned; however the unique WETLAND invertebrates are ignored. Wetland invertebrates of the National Monument are unique resources and provide prey for migratory shorebirds, water birds, and endangered land birds.
5-04. Response	“Terrestrial” in this section refers to all invertebrates (insects and spiders) found in freshwater habitats and on dry land. In this case “terrestrial” is used to distinguish them from marine invertebrates, such as crustaceans (lobsters and crabs, for example).
5-05. Comment	My input on the management plan for Papahānaumokuākea Marine National Monument is that all land and ocean components should be managed for the benefit of native species of sea and bird life as well as other natural resources such as geological formations. As rising ocean levels is reducing land areas of the islands, management should include cooperating with international efforts to reduce global warming.
5-05.	The Monument Management Plan describes all general MMB management activities for the next 15 years. Describing

<b>Comment Category 5 - Ecosystem Health</b>	
Response	all the specific efforts needed to monitor and manage the direct and indirect effects of climate change on individual species, assemblages, and ecosystems is too detailed for this plan. Many of these activities will be detailed in the Natural Resources Science Plan (Activity MCS-2.1), which will be developed in the first year of implementation. Table 2.1, Monument Vision, Mission, Guiding Principles, and Goals, provides a framework for how the MMB manages the resources to protect natural and cultural resources. In order to carry out these purposes, the MMB is committed to cooperating with national and international entities to help implement the management plan to understand and address some of the global impacts on the Monument resources, such as marine debris and climate change. We have added language addressing global threats to Strategy MB-3.
5-06. Comment	Pages 72-73, lns 8-45 and lns 1-4 Discussion of lights and noise impacts fails to accurately capture the entire range of light and noise sources including an analysis of ambient light noise levels. “Noise” in the water is more accurately described as “energy” in the water. The discussion also inappropriately focuses on sonar by noting that it is of “particular concern.” This untoward singling out of the issue du jour should be deleted. This lack of analysis does a disservice to the species and the National Monument by ignoring all other sources and fails to provide an in-depth discussion of the entire range of sources, discussion of peer-reviewed scientific articles detailing why energy in the water is or may be an issue of concern and how energy in the water may or may not affect the many species that inhabit the National Monument.
5-06. Response	We have changed “noise” to “sound” in this section of the Monument Management Plan. This section includes a description of man-made sources of sounds in the marine environment, so the discussion of sonar in this section is appropriate.
5-07. Comment	Because unless you have a plan for restoring the fishery, unless you’re restoring lobsters you’re still going to have seal pups that are run down, alternative lunch. All of that also looks -- a few years ago when we were here it was pointed out that CPR, the island’s conservation, preservation, restoration. Yet restoration is virtually absent from the plan. Unless CPR as it says in the start it’s a management plan not a plan for protection. This is perhaps the biggest inconsistency you have. If you look at the first paragraph in your introduction your thoughts about, it talks about maximum protection for this resource. And yet we have a plan that emphasizes management. A lot of it from my way of thinking not too wise.
5-07. Response	The Society for Ecological Restoration defines ecological restoration as an “intentional activity that initiates or accelerates the recovery of an ecosystem with respect to its health, integrity, and sustainability.” Ecological restoration includes a wide scope of projects, including erosion control, nonnative species and contaminant removal, disturbed area revegetation, and native species reintroduction. The portions of the plan that include the greatest number of specific

<b>Comment Category 5 - Ecosystem Health</b>	
	<p>activities relating to restoration are the Habitat Management and Conservation Action Plan, the Threatened and Endangered Species Action Plan, and the Alien Species Action Plan. Strategy TES-1 specifies that the Monument should support activities that advance recovery of the Hawaiian monk seal, including investigating food limitations and taking action to increase juvenile survival.</p> <p>In response to several comments about the need to protect resources, the MMB has modified the Vision, Mission, and Goals 1, 2, and 3 in Table 2.1 to better reflect a commitment toward resource protection.</p>
5-08. Comment	I'm concerned about commercial activity flying airplane routes, flying above the area and other commercial activity that's passing through it and how they impact on the environment.
5-08. Response	The Maritime Transportation and Aviation Action Plan (3.3.3 MTA) describes actions to identify, investigate, and reduce threats to the Monument from maritime and aviation traffic.
5-09. Comment	The Kaua'i chapter of the Surfrider Foundations and National Coastal Environmental Group, 65 chapters in the United States, and we have one on Kaua'i, Maui and O'ahu. Our view of this draft plan is that it doesn't stress the things that we would hope were important for a marine protected area and national monument. That is it's a resource management plan, not a conservation plan. We're looking at leaving those islands alone and getting people out of there and letting nature restore itself. All that is all about building incinerators and having Navy guys there and shooting sonars, fishing and all kinds of extractive and disturbing things. Our view is that there are very few natural island chains left anymore. It's time that we stop taking, taking, taking all the time and just let nature restore itself. That's a big picture answer to your four-volume deal. I think we're all -- in the Surfrider Foundation we're all very disappointed that it's so extractive, disturbing and human centered. So that's our two cents.
5-09. Response	Presidential Proclamation 8031 requires the Co-Trustees to develop a management plan for the Monument. This plan was designed to incorporate the planning needs of all agencies. Although the Monument is pristine, compared to the main Hawaiian Islands, the islands and atolls already have been impacted by humans. It is our responsibility to lessen those impacts and restore habitats to the extent possible. We also need to understand the natural, cultural, and historic resources to best protect them. Outside influences, such as marine debris, alien species, and climate change, would continue to impact the Monument even without human presence. Also, by managing visitation, the MMB provides opportunities for the public to better understand the unique biological, cultural, and historic treasures of the Monument. The best opportunity to protect this area comes through the limited human activities included within the Monument Management Plan. Proclamation 8031 requires activities to be conducted with adequate safeguards for the resources and ecological integrity of the Monument.

<b>Comment Category 5 - Ecosystem Health</b>	
5-10. Comment	Page 63 Diseases: The avian diseases impacting or potentially impacting the endangered Laysan duck are omitted. These include Avian Botulism, and Echinuria identified by the NWHL (Dr. Thierry Work). Both pathogens have the potential to decimate shore and waterfowl populations of the National Monument. The risk of Avian Flu and West Nile or other emerging disease should be mentioned as risks.
5-10. Response	Readers are referred to the Laysan Duck Draft Revised Recovery Plan (FWS 2004) for more detail on pathogens and parasites that threaten this species and other migratory bird species see Section 3.2.2, the Migratory Birds Action Plan). Newly emerging diseases borne by insects are discussed in the Alien Species Action Plan (3.3.2)
5-11. Comment	The whole reason for a marine monument is TO PRESERVE, the reefs, seals, turtles, seabirds and of course fish and sharks. Any person who really sees and understands that environment up there in the Northwestern Hawaiian Islands knows that the GREATEST THREAT are the MASSIVE sections of broken off ghostnets. We cannot monitor this without some presence in the NW Hawaiian Islands, because satellite imagery will not show the monofilament nets. It is time for government to work hand in hand with industry to monitor and ensure that area remains in its most pristine condition. The coral gets snapped off and damaged, the seabirds, turtles, seals and all fish in the area of the ghost nets are threatened.
5-11. Response	We agree that one of the most significant threats to the NWHI is marine debris. The Marine Debris Action Plan (3.3.1) describes a range of activities proposed and ongoing in the Monument to secure and remove all kinds of marine debris, including derelict fishing gear such as nets.
5-12. Comment	I'm curious to know what is really being done about preserving our natural resources there. I care about the lobsters. You know, Wespac did a good job of destroying that fishery. And I'd like you to look into the kapu system. Because we have the kapu system now on the bottom fishing in the summer when they spawn and when we wouldn't fish for them anyway. And we lift it in the winter when the fish is very expensive. That's when the big money is made. So it just didn't make sense.
5-12. Response	Proclamation 8031 prescribes that all commercial fishing will end in June 2011. Other human uses are managed through a joint Monument permit system.
5-13. Comment	OHA also notes that page 155 of the draft management plan proposes to hybridize local endangered fauna with closely related species in order to save them. OHA has concerns about this proposal on its face. We seriously question the wisdom of hybridizing plant species and wonder, if we can save the hybrid, why we cannot save the original. This, too, begs potential cultural questions about genetically manipulating genealogical relations to native Hawaiians, and the potential for preserving our siblings in whole, rather than in part.

<b>Comment Category 5 - Ecosystem Health</b>	
5-13. Response	There is no proposal for any hybridization of species to save them in the plan. The recovery action of establishing new colonies of three Nihoa endemics ( <i>Amaranthus brownii</i> , <i>Schiedea verticillata</i> , and <i>Pritchardia remota</i> ) would be evaluated with respect to the risk of any of those species hybridizing with related species on another island. Actions would be taken to prevent any risk of hybridization. We have provided clarifying language in on page 155.
5-14. Comment	The prospect of having the entire Northwest Hawaiian Islands under federal protection is an incredibly significant stride forward for preservation of the ecological integrity and biological diversity of the marine and terrestrial environments. We believe that through federal protection and continued management, the monument has the potential to provide refuge for a number of endangered and threatened species, as well as species which are critical to a healthy ecosystem. We strongly recommend ongoing habitat and ecological restoration projects which will ensure the perpetuation of the broad diversity of floral and faunal species, many of which are endemic to the monument.
5-14. Response	Restoration and protection are the way toward perpetuating biodiversity in the NWHI. We have added language the plan affirming the role of ecological restoration.
5-15. Comment	The Monument Management Plan provides a good framework that COULD eventually lead towards conservation of its ecosystem and resources therein. Your Marine Debris Action Plan is a good example of what other action plans should strive for to achieve the necessary degree of conservation.
5-15. Response	We note your comment. The NWHI are under both federal and state protection.
5-16. Comment	Page 105, line 32 states that one of the desired outcomes of the action plans are to increase understanding of the distribution, abundances and functional linkages of organisms and their habitats in space and time to improve ecosystem based management in the Monument.  Comment: In numerous instances, the Monument Management Plan refers to the NWHI as the world's largest marine protected area and an area of global biodiversity conservation. As the world's largest marine protected area, the Monument can also provide insight for improved management throughout the Hawaiian Archipelago. As the Monument comprises nearly four fifths of the Hawaiian archipelago, we recommend that the Monument Management Plan include strategies to address the benefits to the MHI resulting from the spillover of reef and bottomfish and provide a means of measuring these benefits should they exist.
5-16. Response	The purpose of the Monument Management Plan is to describe strategies and activities that directly relate to the Monument's vision, mission, and goals. While some of the strategies and activities may have spillover effects that

<b>Comment Category 5 - Ecosystem Health</b>	
	benefit adjacent areas, including the MHI, it is outside the scope and authority of the Monument and this plan to include strategies to address benefits outside this area.
5-17. Comment	Second, remediation of past injury and restoration of habitat and populations to nominal levels must be the focus and priority.
5-17. Response	We agree. Restoration and protection are the way toward perpetuating biodiversity in the NWHI. We have added language to the plan affirming the role of ecological restoration. We revised Section 3.2.3, Habitat Management and Conservation Action Plan, to indicate that restoration will be undertaken using best available information about predisturbance conditions. This is discussed in Action Plans 3.2.1 and 3.2.3.
5-18. Comment	Based on CEQ regulations implementing the National Environmental Policy Act (NEPA), implementing the Monument Management Plan would be considered a major federal action (40 CFR § 1508.18). In terms of NEPA, an Environmental Impact Statement (EIS) should have been prepared to provide the public with a clear understanding of the environmental and socio-economic benefit of implementing the Monument and Monument Management Plan. Instead, an Environmental Assessment (EA) was prepared. However, the EA does not discuss or nor attempt to analyze the significance (overall or otherwise) of the proposed action to the protection of natural resources, marine heritage sites, the State of Hawaii and to the United States.
5-18. Response	The EA presents an analysis of the impacts of implementing the two alternatives. An EA is prepared to determine whether or not the action significantly impacts the environment, and, if so, an EIS should be prepared. Our conclusion is contained in the Finding of No Significant Impacts that accompanies the Monument Management Plan.
5-19. Comment	To rebuild the environments if possible, but also to alter them to “assure” the survival of some species by translocating them. Which may have consequences of its own even if the efforts are successful or don’t seem to have changing affects on the new placement. Part of this means, in detail, to use herbicides and other such substances, usually artificial. Is this for species survival or the humans’ comfort? Although it may help the animals or species in a given situation, even if it has no direct or immediate adverse affects that can be seen, that doesn’t mean it’s good. A minor affect that appears at first may alter the potential of restoring habitat further. In many ways stated intent is to restore in many cases and balance, but in the same ones or others at a given time set to add one feature or another to transplant a species to theoretically keep the species alive alters that given environment even so. There are no details, even theories, only ideals that are desired to be used, to control temporarily allowed alien species within the Monument before replacing them with “native alternatives” in some cases, those that exist, for both land and species management to keep land from being lost, to restore species numbers or to rebuild certain features. Would that not alter the landscape, even with any good results? To propagate species is an ideal action, but where and how are concerns. Why is also an issue, this is where

<b>Comment Category 5 - Ecosystem Health</b>	
	<p>details are necessary. And in some ways as often ignored for that purpose. Ideals are easier to justify. And where many plans, proposals, propositions and other enquiries usually falter, including in this one. Propagating other birds and other species on other islands, besides altering the land that's there, is also potentially damaging. Immediate or not isn't the point. What if a given chosen environment with the monument is adaptable, but acts as an invasive species in another way. Much further down the line within or beyond the 15-year period of the plan as it is. And an invasive species may not appear to do too much damage, too. But invasive means just that. Invasive, introduced. Throughout the MMP it frets over changes done in this way or that way. Just because an adoption in a given setting is possible doesn't mean it's not harmful. Another alteration it is, and therefore potential damage if done even so.</p>
5-19. Response	<p>Translocation as an ecological restoration tool is done only after intense analysis of all possible effects on other native species and habitats. In most cases it is considered as a method to reintroduce a species to a part of its former range. In other cases it may be a species that is a close relative to another that has gone extinct, so the translocation may serve to restore an ecological function and help to recover the translocated species. A species is never relocated without careful environmental review. There are no activities in the sections dealing with the Conservation of Wildlife and Habitats or the Alien Species Action Plan that are being proposed for human comfort.</p>
5-20. Comment	<p>First and foremost, I would like to say that it is of the utmost importance that Papahānaumokuākea and its inhabitants (birds, Monk Seals, fish, flora, fauna, etc.) on and around The NWHI receive the MAXIMUM PROTECTIONS. In reading this document I see a lot of focus on making The NWHI accessible to researchers, tourists, scientists, contractors, military, etc. I do not see resource protection as the "primary purpose" as the language would indicate.</p>
5-20. Response	<p>Access to the Monument is highly limited. In order to achieve the vision, mission, and goals of the Monument there must be some human presence, primarily to restore and correct previous human disturbance. The large amount of information in the document relating to human activity is there to ensure that there are strict controls on that activity that minimize harm to the Monument.</p>
5-21. Comment	<p>Habitat Management and Conservation Action Plan – Section 3.2.3</p> <p>The "active management" discussed in the introduction for this plan is precisely the type of management we applaud in the Monument. It is important that the Monument pursue active management, as appropriate, rather than just observed and researched, in order to achieve eternal protection of the NWHI ecosystem. At the same time we are concerned that some of the active management discussed in this plan is more hands-on and invasive than necessary. Management should avoid invasive research that is not closely associated with management priorities. When research is identified in the Management Plan, it would be beneficial to also identify how management actions will be influenced by the research priorities. As always, the focus should be on protection, not on research for research's sake. Research in the Monument</p>

<b>Comment Category 5 - Ecosystem Health</b>	
	<p>must have tangible benefits to NWHI ecosystem that the Monument was established to protect.</p> <p>While the activities discussed in Strategy HMC-8 for control of ironweed are necessary, there is no activity identified to replace this invasive with appropriate native species. In order to maintain appropriate habitat and prevent erosion, reintroduction of natives should go hand in- hand with removal of invasive species.</p>
5-21. Response	All research proposed for the Monument will be evaluated and prioritized with respect to its relevance for conservation. Activity HMC-4.1 provides for the propagation and out-planting of some native substitutes for alien plants that are slated to be removed at Midway.
5-22. Comment	Volume I, page 21, lns 30-32: abyssal plains in the monument have NEVER been studied
5-22. Response	Jeff Drazen’s drop-camera bait station has been deployed on a limited basis on the abyssal plain. Nevertheless, your point is well taken that very little work has been done on abyssal fauna. We have reworded this sentence as follows: “Deep-water banks, seamounts, and the abyssal plain are among the least studied environments of the NWHI.”
5-23. Comment	The final management plan for the Monument must have a vision statement that equally embraces the cultural and ecological significance of the region, such as: “that the health, diversity and resources of the vast NWHI - its unique wildlife and cultural significance - be protected forever.”
5-23. Response	We have amended the Monument’s Vision Statement, in part, on your suggestions. The MMB agrees that Native Hawaiian traditional knowledge is imperative to the management and understanding of all of the resources of Papahānaumokuākea, as recognized throughout the Management Plan. Please see, in particular, Activity NHCH-3.4 and Strategy NHCI-3, with its associated activities.
5-24. Comment	In Vol. I, section 2.5, page 99, lines 7-11 add “and function” into the existing text as follows (IN CAPITAL LETTERS). “Development and implementation of threat reduction protocols and monitoring are needed to protect, preserve, maintain and, where appropriate, restore natural communities, including habitats, populations, native species, and ecological processes, AND FUNCTION as a public trust for current and future generations”
5-24. Response	We have added the suggested text, “and function,” to section 2.5.
5-25. Comment	We believe it is important to add more details on deepwater corals in the monument to the “corals” section that starts on page 27. There is a lot of very valuable information provided in Parrish and Baco (2007) including the number of species of deepwater corals that have been documented in the Hawaiian Archipelago to date (137 gorgonian octocorals

<b>Comment Category 5 - Ecosystem Health</b>	
	and 63 species of azooxanthellate scleractinians), past harvesting techniques, stressors, etc. Just last November, two new potential genera of deepwater bamboo corals were collected by submersible at a single site off Twin Banks (Watling, pers comm).
5-25. Response	We have added additional information on deepwater corals to section 1.2.
5-26. Comment	One is the general concern that ecosystem function is not mentioned as one of the main guiding principles for Papahānaumokuākea, and I think that's very important. Restoring ecosystem function or having that as a goal is something that's not captured in the document. It might free up powers in the agencies to look at moving Cenchrus from island where it still is to islands where it is not because it's been there. Or moving birds that would bring a certain ecosystem function back to life. All those things should be urgently considered. And some of those moves might include translocations of birds, some of which have been named in the 1998 document for Laysan Island, which I think has been pretty much captured in your management plan, and also a document that's much newer, 2007, done by Marie Morin and Sheila Conant for translocations. I think that needs to be looked at again in terms of urgency. And I know how our agencies move. I think the urgency question is really important if there is changes in sea level and that it be looked at in view of an urgent matter.
5-26. Response	We have revised Goal number 1 to include the physical environment and additional language of ecological integrity (see definition in glossary). We have revised "ecosystem integrity" to "ecological integrity" to correspond with Monument regulations. In addition, ecological restoration has been added to the glossary.
5-27. Comment	Page 67 Line 30: omit the word "all". Recommend changing "kills 100's" to "believed to contribute to Albatross mortality". Since, this has never been quantified. The sentence describing the impact of seasonal dieback on Pearl and Hermes should be a separate sentence.
5-27. Response	We have replaced this sentence with, "For example, the invasive plant golden crownbeard ( <i>Verbesina encelioides</i> ) displaces almost all native vegetation in some nesting areas. This plant causes entanglement of albatross adults and chicks and increases chick mortality due to heat stress by reducing the birds' ability to use convective cooling for thermoregulation. At Southeast Island, Pearl and Hermes Atoll, verbesina has displaced almost all native vegetation. When it dies back each year the endangered Laysan finches ( <i>Telespiza cantans</i> ) suffer severe food and cover restrictions."
5-28. Comment	In regard to the Migratory Birds Action Plan, as part of MB-3.1, standardized monitoring plans must be carefully designed and implemented so that the data collected permit statistical analyses that can detect changes in population size

<b>Comment Category 5 - Ecosystem Health</b>	
	and key demographic parameters over time, such as reproductive success and survival. As part of MB-3.2, the monitoring of changes in habitat quality through monitoring bird reproductive performance and diet must be accompanied by the monitoring a suite of habitat variables including climatic variables, since climate change will impact the Monument’s bird species.
5-28. Response	We agree. Activities MB-3.1 and MB-3.2 prescribe monitoring of populations and breeding and foraging habitats for seabirds. Using these data to ascertain the effects of anthropogenic climate change on migratory birds will be a high priority.
5-29. Comment	Table 2.1: 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 processes as public trust resources.
5-29. Response	Table 2.1, Goal 1 now reads accordingly: “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.”
5-30. Comment	...it feels as if you’ve separated, it’s almost like Papahānaumokuākea separate from Hawaii nei. It feels like that. For me, Hawaii nei is Hawaii nei, yeah? From way on top to all the way on the bottom. And I think we gotta look at it that way. So when we look at our ecosystem, we cannot just concentrate on the Northwest Hawaiian Islands or just our main Hawaiian islands. We need to look at the whole ecosystem as a whole. And I wish that we would put more effort into doing so, yeah?
5-30. Response	An understanding of the geological, biological, and cultural continuity of Hawai‘i is important for realizing the value that the NWHI have for informing us about all of Hawai‘i.
5-31. Comment	The use of Rodenticide is banned and forbidden by the Kupuna Council anywhere in the Northwestern Hawaiian Islands. Concern has been raised over the Draft Plan of the Northwestern Hawaiian Islands because it includes many practices that are against our cultural beliefs and are not viable solutions to solving problems. One such practice is invasive species program that allows the use of Rodenticide on the entire island to get rid of the name, “mouse.” This is absolutely in violation of the Executive Order that states, “The Hawaiians can indeed practice their age-old traditions in the Northwestern Hawaiian Islands.” The use of any toxic materials, herbicides Round-up or Rodeo, insecticides or other toxins interferes with our cultural practices. Due to the fact that the Northwestern Hawaiian Islands Management Plan is a federal undertaking, the use of poison is challenged because it is an “Adverse effect.” And in the Federal Planning and Historic Places text, that’s this one here, and in Federal Planning in section 106 by Thomas King it gives

<b>Comment Category 5 - Ecosystem Health</b>	
	<p>an example of the use of poison and filing under section 800.5(a)(1). Also, if the Native Hawaiian organizations and the Kupuna Council are stating that they are against the use of poison, the federal agents must listen to our claims. Use of poison would also render a situation of neglect, due to unknown toxins and avoidance of the area it would cause. Site identity changes and contamination of the food chain render those projects unacceptable.</p>
5-31. Response	<p>We share your concerns regarding the use of poisons, and we are taking the utmost care to ensure beneficial effects outweigh any potential harms. In this case, the nonnative invasive species are so abundant and virile that our options have become limited. Poisons are a necessary tool to prevent the loss of native ecosystems to invasive nonnative species, such as mice. However, when poisons are used, it is with caution, care, and concern for the biological and cultural resources that we are mandated to protect.</p> <p>As you referenced, under the National Historic Preservation Act (NHPA), if a federal undertaking may impact properties that either already are National Historic Properties or that may become so, a Section 106 consultation must be conducted. Until a programmatic agreement is executed for Monument management, each proposed activity within the Monument that may impact such properties has undergone, and will continue to undergo, Section 106 consultation. For example, both the FWS and the National Marine Fisheries Service have fulfilled Section 106 consultation requirements for management and conservation activities proposed on Nihoa and Mokumanamana. The State Historic Preservation Division is Hawai‘i’s State Historic Preservation Office, and the Office of Hawaiian Affairs is listed in the NHPA as a Native Hawaiian organization that must be consulted during any Section 106 process in Hawai‘i. Both of these agencies, as well as other Native Hawaiian organizations and individuals, have been, and will continue to be, consulted during the Section 106 processes mentioned above.</p>
5-32. Comment	<p>Briefly, OHA notes that page 63 of the draft management plan states that “Increased carbon dioxide can also influence photosynthetic rates in plants, change plant species composition, lower nutrient levels, and lower weight gain by herbivores.” OHA was unaware of any herbivores in Papahānaumokuākea and we ask what they are.</p>
5-32. Response	<p>In this sentence “herbivore” means any organism that consumes living plants (including limu) or their parts. That would include everything from zooplankton that eat phytoplankton to marine and terrestrial snails, to sea urchins, to algae-eating fish, such as the yellow tang (lau-i-pala), to honu (green turtles) in the water and various insects and the Laysan finch and Nihoa finch on land.</p>

<b>Comment Category 6 - Education</b>	
<b>Summarized Comments</b>	
6-01. Comment	<p>The comments below suggest the Monument staff develop educational materials, including traveling teacher boxes, a textbook, curricula, experiential learning opportunities, school visits, and teacher workshops.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Greater Monument focus or presence at teacher workshops and environment, science and education conferences.</li> <li>2) We need help for all our islanders, educate our own islanders.</li> <li>3) Development of traveling teacher boxes with pre-done lesson plans and supplies that can travel to schools in the outer islands. In my experience I have found that there is a serious disconnect with the kids and the knowledge that the Northwestern Hawaiian Islands even exists. This disconnect is more prevalent on islands besides Oahu which is often targeted in outreach.</li> <li>4) Emphasize experimental learning using both Northwestern Hawaiian Islands and Main Hawaiian Islands connections</li> <li>5) Use a rotating “guest” for school visits on the islands outside of Oahu</li> <li>6) I think funds should be available to contract educators to run teacher workshops in the CONTENTIAL U.S. to introduce teachers to the myriad of educational resources available relating to the monument. There has to be more than just curriculum on a website to educate the public about the monument and help them understand its enormous ecological value.</li> <li>7) Please help our young people on Kauai and throughout Hawaii learn more about the importance of the ocean, and especially about how to support visiting scientists. We need programs in our schools to teach our young people about our coasts, the ocean, and how to take care of it.</li> <li>8) Greater Monument focus or presence at teacher workshops and environment, science and education conferences.</li> <li>9) Programs that can help with teaching and reinforcing the correct values will go a long way in preparing our youth to become successful in all aspects of life. Papahānaumokuākea, like the main Hawaiian Islands, are one of the greatest community classrooms on the planet. The monument represents an outstanding opportunity to cultivate students through an experience that is unmatched in the world. The connection to the host Hawaiian culture through both management and education strategies need to be at the forefront in this management plan. Culture-based education and leadership models already exist that can and need to be incorporated into both a short and long-term management plan. It will be a critical investment and hopefully a model for others on the planet to follow. The Census 2000 was the first national census taken that was able to aggregate data on Native</li> </ol>

<b>Comment Category 6 - Education</b>	
	<p>Hawaiians and Pacific Islanders. The results showed that Native Hawaiians and Pacific Islanders are underrepresented in nearly all areas of business, professional and scientific areas of employment. This needs to change. While not everyone will have an opportunity to live or work within the monument boundaries, innovative culture based education strategies have increased student achievement and a motivation to learn and dream. Management of the monument needs to sustain and integrate these strategies so that future natural resource managers, marine scientist, cultural preservationist and conservationist can pursue their dreams to give back to their own home communities through the inspiration of experiencing Papahānaumokuākea first hand. In conclusion, I would like to see more opportunities created for Native Hawaiians and Pacific Islanders to be involved in education programs, internships, research, employment and stewardship of the monument longterm. Our Foundation is ready, willing and able to partner with managers that have been entrusted with this responsibility to help integrate successful models and create new ones as needed.</p>
6-01. Response	<p>Since 2002 the multi-agency Navigating Change Educational Partnership has implemented a comprehensive educational project titled “Navigating Change.” This effort focuses on raising awareness and motivating people to change their attitudes and behaviors to better care for Hawai‘i’s land and ocean resources. By comparing and contrasting the coral reef and island ecosystems of the main Hawaiian Islands with the Monument’s healthier ecosystem, one can be inspired by this place that has much we can learn from. Highlighting these key messages have been a five-part video, standards immersed educational curriculum, and teleconferences with the traditional Polynesian voyaging canoe Hokule‘a during its 2004 expedition. Crafted by the multi-agency partnership, the Teacher’s Guide to Navigating Change has been implemented through hosting teacher workshops on every main Hawaiian island and through oral presentations at national and international conferences. Future plans continue to support these efforts. In addition, Educator and Class at Sea programs provide intensive experiences either onboard ship or while on Midway Atoll. The Co-Trustees plan to continue to offer these opportunities annually. While initially focused on reaching out to elementary school students and teachers, current and future efforts are building on and expanding an ocean stewardship program to give middle and high school students real-world, hands-on science- and culture-based experiences. The newly designed educator’s workshop on Midway will have openings specifically for community or business leaders who teach other than science and who show a keen interest in garnering support for restoring a healthy ecosystem in their own community.</p>
6-02. Comment	<p>A number of commenters expressed interest in the provision of opportunities for the public to visit Papahānaumokuākea, specifically mentioned groups include students, Native Hawaiians, teachers, and policymakers.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) So one of my ideas was, hopefully, some way we can, maybe not real soon, but in the long term we can get our</li> </ol>

<b>Comment Category 6 - Education</b>	
	<p>students out there, so they can make a comparison to what we have here. ‘Cause a lot of people say in the Hawaiian islands, Molokai is one of the best managed resources and we have lots of fish, and ‘opihi, and crab, and those types of things, so maybe we can go up there and make a comparison to see a place that hasn’t been fished at all.</p> <ol style="list-style-type: none"> <li>2) Creation of a pacific teachers cruise, bring together teachers from all over the pacific to do outreach work and traditional connecting/learning in the Monument.</li> <li>3) Student/Teacher visits from all disciplines should be allowed.</li> <li>4) Facilitate University of Hawaii classes on Midway Atoll. And finally, a positive suggestion: all effort - funding, organizing, administration, etc. - should be made to re-open University of Hawaii marine science classes on Midway. My first visit to Midway Atoll was through a U.H. class on seabirds taught on Midway in June of 2000. Others should have this opportunity to experience the beauty, isolation and peace of Midway. And I would love to return for another class myself! (N.B. Classes should not be limited to the marine science department. English, Biology, Environmental sciences, Agriculture, etc., could benefit from this unique setting.)</li> </ol>
6-02. Response	<p>To adequately protect the fragile coral reef ecosystem of the Monument, general public visitation is permitted only at Midway Atoll National Wildlife Refuge. The Monument’s educational goal is “to bring the place to the people versus the people to the place,” thus much of the Co-Trustees educational work has been focused on crafting educational projects that inspire students to take better care of their resources back home. One such project is titled, “Navigating Change,” which includes a teacher’s guide that inspires students to take better care of their resources through contrasting and comparing the Marine Monument ecosystem with their ecosystem back home. We are also planning to implement long-distance learning technologies that could video stream live footage so students can experience the Monument through a Web site. As addressed in the management plan, the Co-Trustees will be hosting educator workshops on Midway Atoll with the intent to inspire teachers who can reach hundreds of students through their experiential hands-on knowing and learning. Although it is not reasonable or financially feasible at this time to offer an opportunity to a few students, we will add language to consider expanding our teacher workshop audience on Midway to include a few students, or perhaps to host twelve students for a workshop solely designed for students. It is an expensive trip, with a minimum cost of \$3,500 per person per week, including airfare on a fifteen-passenger private G-1 Gulfstream aircraft.</p>
<b>Unique Comments</b>	
6-03. Comment	<p>p. 273 Add Strategy OEL-2 and OEL-3 as national and international education efforts and make current OEL-2 --&gt; OEL-4.</p>

<b>Comment Category 6 - Education</b>	
6-03. Response	We do not think it is necessary to add separate strategies to expand education to international audiences because these are already encompassed within current strategies, Strategy OEL-2.
6-04. Comment	<p>One way of telling the story of Midway month-by-month as we go forward and even to recreate some of the history is you can do it through video. I don't know what telecommunication format we're working with today. But you could do a program that shows maybe monthly back to our islands here and even to the mainland.</p> <p>People could get onto the Internet. You could educate people would having their footprints in the sand. I think that might be a way of doing it.</p>
6-04. Response	We concur with your comments and hope one day to do as you suggested through telepresence technology, as stated in Strategy OEL-2, Activity OEL-2.2, for education and outreach within five years. The activity descriptor goes on to state such technologies as underwater video, real-time video, virtual field trips, formal distance learning programs, Web site interfaces, and exhibits in discovery centers can play an important role in educating students and the public about the NWHI. The Co-Trustees of the Monument have been working diligently to explore the possible technology available to upgrade the Midway Atoll's telecommunication to specifically increase our educational potential to stream video segments to the public via the Internet. A separate satellite dish will be installed soon that will allow us to do live stream video almost solely for educational purposes at least three months out of the year. We will continue to explore technology options as we are able to financially upgrade our systems to allow such to occur year-round. Currently, to run both a phone and Internet system that can send video year-round would require installing an additional T-1 communication line at the cost of \$10,000 a month. We will continue to explore ways to provide seasonal or monthly updates via streaming live video or adding standard still video clips pending staff available to implement such to our standard Web site.
6-05. Comment	Creation of a Northwestern Hawaiian Islands ocean sciences textbook to be used in schools.
6-05. Response	The Co-Trustees provide input to contractors who have the lead in developing Hawai'i Department of Education marine science curriculum, and in the future we would be available to assist other entities specifically in crafting a marine science textbook. Taking the lead to develop a Department of Education sanctioned textbook would not be a viable option due to the labor intensive time and money necessary to write, illustrate, and publish such an extensive project. Currently, Monument staff develop and administer marine-based teacher workshops on all islands by implementing the Teacher's Guide to Navigating Change.
6-06.	I'm part of the Midway Alaka'i Program and the management plan states that only members will run successive

<b>Comment Category 6 - Education</b>	
Comment	workshops – this is not correct. It should read that members of the Midway Alaka‘i Program will MENTOR new members in the years after they participate in the education program on Midway. A number of resource personnel from NOAA, USFWS and related community groups may run the workshops for the program.
6-06. Response	The Midway Alaka‘i Program will mentor versus run the successive workshops.
6-07. Comment	How do I get kids there to do hands on activities? Resource monitoring?
6-07. Response	To provide adequate protection to the fragile coral reef ecosystem of the Monument, general public access is permitted only in the Midway Atoll National Wildlife Refuge. The Monument’s educational vision is “to bring the place to the people versus the people to the place,” thus much of the Co-Trustees’ educational work has been focused on crafting educational projects that inspire students to take better care of their resources back home. One such project, entitled Navigating Change, includes development and dissemination of the Teacher’s Guide to Navigating Change, which immerses students in how to use resource monitoring tools and techniques to better take care of their resources in their own community. We are also planning to implement long-distance learning technologies that could stream live footage so students can experience the Monument via a Web site. Currently, interested families can visit Midway Atoll National Wildlife Refuge through organizations with Monument recreational permits. In the future it is our intention to offer independent tours, classes, and educational camps.
6-08. Comment	Junior scientists shadowing program – have management employees and scientists related to the Monument interact with Hawaii students, have them job shadow, learn what the job entails and provide internships for local students
6-08. Response	We are implementing a Pacific America Foundation internship program in the fall 2008 on Midway Atoll that will be a conduit for Native Hawaiian students to work side-by-side with scientists. Ideally we would also provide avenues for other up-and-coming students in addition to Native Hawaiians. Because this is a newly implemented program, language will be added in the Monument Management Plan that describes this new initiative.
6-09. Comment	3.5 Coordinating Conservation and Management Activities Education and outreach efforts should be extended beyond the Hawaii population and visitors to the discovery centers and the Monument itself to the U.S. mainland and internationally. The goal is to create greater awareness for this refuge, coral reef ecosystems worldwide, and reduce the effects of detrimental human-caused activities inside and outside the Monument (e.g., marine debris, global climate change, illegal fishing, dumping, etc) that will result in degradation of the Monument resources. Perhaps some formal program competition could be run, much like taking a science teacher on the

<b>Comment Category 6 - Education</b>	
	space shuttle, where a teacher (and class?) could be introduced to the Monument as part of a research cruise or land expedition. To have wider impact, this competition would not be restricted to those located in Hawaii. There could be dual awards for Hawaii and the mainland (or other). Funding for this program could either be built into the annual Monument budget or proposals could be written to other line office RFPs or agencies.
6-09. Response	See Activities OEL-1.5, OEL-1.8, and NHCH-2.3. These activities allow students and teachers educational opportunities in the Monument and do not preclude participation by the international community. Activity OEL-1.8 has been revised as follows: “Facilitate at least two opportunities per year for educational groups, private/nonprofit environmental or historical organizations to conduct wildlife-dependent or historical courses or to administer informal educational camps, within two years.
6-10. Comment	But at the same time I’m an educator. I know it’s really difficult to have people care so deeply about a place they’ve never been to, never touched or may never know. So I really think that having an education workshop or workshops for educators is very important. We’re glad to see that it’s included in the plan. But the understanding it’s maybe once every two years. I think maybe once a year -- would be a good idea to have it more often. And to have positions that are dedicated to education is important. So I’m not sure how many positions are already allocated but if there could be as much as the budget can allow. It should be the 5 percent of the budget. It really is important to help people understand how important this place is. Education is a way to do it.
6-10. Response	Since 2002, a multi-agency partnership referred to as the Navigating Change Educational Partnership has implemented a comprehensive educational project titled “Navigating Change.” Part of this initiative is the establishment of an Educator’s Workshop on Midway. Activity OEL-1.7 now provides, as revised, for an annual workshop on Midway as resources allow. The title for Activity OEL-1.7 has been changed to reflect its annual frequency.
6-11. Comment	<p>Educating the public at large is essential for fostering respect for the environment, initiating discussion, and mobilizing the public to make good decisions everyday at home and ultimately when they vote. My experience thus far makes me believe that many people here in the United States are not even aware of the existence of the NWHI – certainly an unfortunate circumstance, given its ecological and cultural value. Teaching the public about the NWHI provides an excellent opportunity to raise ocean literacy by using an example that is not only protected and supported by our federal government, but also an important resource for our country.</p> <p>Concerning Activity MCS-3.3 and 3.4</p> <p>During the 2003 cruise, I wrote many of the dispatches from sea, which were posted on our cruise website. Since then, of course, technology has enabled these exploration cruises to be followed by learners all over the world. I also visited Mokupapapa Discovery Center while on the Big Island and thought it was interesting and a nice representation of the</p>

<b>Comment Category 6 - Education</b>	
	<p>work done on NWHI. These outreach materials are certainly invaluable, since they make the science come alive for people who can now see images nearly real time, observe real progress in science, and experience the discovery for themselves. I support these activities whole-heartedly, having seen the products from many sides, as participant/ teacher, and learner. However, now that I live and work on the mainland, I see the need for an even broader reach for these activities. Here in California, we have many different marine environments but in order for our public to fully understand the ocean and our individual and community impacts on the ocean, we have to consider the various ecosystems to which we are connected.</p> <p>Because the Monument is an area that is still being explored, it has the power to capture public attention and get people interested in the science going on there. I work with many kids who have this idea that we are “done” exploring our planet, when that of course is not the case at all. I try to combat that when I teach public programs and school programs; when I teach a program about the deep sea, I often talk about what it’s like to ride in a submarine and to collect coral samples that are totally new species. I talk about my experiences in research and the kids connect to it because they see it as an opportunity for themselves. They do not realize that there are worlds of discovery that are right here, in the Pacific Ocean, the very same ocean down the road from their houses. I hope that future outreach and education activities on the Monument reach the public on the islands as well as those living here on the mainland.</p>
6-11. Response	<p>The plan contains Strategy OEL-2 that states the need to develop and implement new tools to “bring the place to the students,” rather than the students to the place, within three years and engage a broad a diverse base of students from around the world to continuously expand the types of products and modes of communication used in educational programs. In addition, future plans as noted under Strategy CBO-1 (p. 253), mention that telepresence technologies such as underwater video cameras, real-time video transmission, virtual field trips, Web site interfaces and exhibits in discovery centers will be used as an important conduit for educating the public about the NWHI. Also, Educator and Class at Sea programs provide intensive experiences either onboard ship or while at Midway Atoll. The Co-Trustees plan to continue to offer these opportunities.</p>
6-12. Comment	<p>I particularly support the "Ocean Ecosystems Literacy (OEL)" programs as outlined in section 3.5.4. However, regarding OEL-1.7, I see that the educator workshop (Alaka'i) program is listed as biennial, and I would like to strongly suggest that this become a yearly program instead. In addition, I would like to support the Midway Atoll Visitor Services Action Plan (section 3.4.3), and any measures or funding that will result in expanded and enhanced interpretive tools, methods and educational displays onsite. The "living classroom" themes of the island can be reinforced and communicated through effective educational strategies and materials. These themes can also be supported and visibly demonstrated by making the facilities themselves a "model for sustainability," as outlined in Alternative B, Volume IV, in the Midway Atoll NWR Conceptual Site Plan. I support the assessment that Alternative B "best meets all</p>

<b>Comment Category 6 - Education</b>	
	management concerns," and is focused on sustainability.
6-12. Response	Since 2002, a multi-agency partnership referred to as the Navigating Change Educational Partnership has implemented a comprehensive educational project titled "Navigating Change." Part of this initiative is the establishment of an Educator's Workshop on Midway. Activity OEL-1.7 now provides, as revised, for an annual workshop on Midway as resources allow. The title for Activity OEL-1.7 has been changed to reflect its annual frequency.

<b>Comment Category 7 - Emergency Response</b>	
<b>Unique Comments</b>	
7-01. Comment	Section 3.3 Reducing Threats to the Ecosystem Maritime Transportation and Aviation lacks a specific accident intervention plan, or oil spill remediation plan.
7-01. Response	Emergency response for events such as vessel groundings, oil, fuel, or chemical spills, or releases of hazardous substances is addressed through the Area Contingency Plan for the Hawaiian Islands, which is a local plan under the larger structure of the National Response Plan. The Monument Co-Trustees and Interagency Coordinating Committee will seek to address NWHI responses as part of the Area Contingency Plan. The Emergency Response and Natural Resource Damage Assessment Action Plan describes strategies and activities to plan for and respond to an emergency within the established Incident Command System for the region and for other unanticipated events that fall outside the scope of the Area Contingency Plan for the Hawaiian Islands. Because of the extensive infrastructure found at Midway Atoll, several Midway-specific contingency plans have been developed, including an emergency spill response plan, spill prevention and control counter measure plan, and an airport emergency action plan.
7-02. Comment	3.3.4 Emergency Response and Natural Resource Damage Assessment Action Plan Given the extreme sensitivity of Monument resources and the difficulty in logistics of emergency response, prevention of large scale events like vessel groundings and oil spills is absolutely critical. As use of the Monument is expected to increase in coming years, it is important that disaster avoidance remain a top priority. The Draft Monument Management Plan notes that response to oil, fuel or chemical spills or vessels groundings would come under an existing Area Contingency Plan and therefore is not addressed directly in the Draft Monument Management Plan. We encourage direct reference to the Area Contingency Plan, incorporation of the Plan by reference and inclusion in the Draft Monument Management Plan of a brief summary of the Area Contingency Plan as it applies to the NWHI. At a minimum the Draft Monument Management Plan should include a citation to the website that contains information regarding the Area Contingency Plan.

<b>Comment Category 7 - Emergency Response</b>	
	<p>We encourage revision of Activities ERDA-1.2, 1.3, 2.3, and 3.1 to include discussion of necessary emergency response equipment as appropriate. Currently these activities appear to focus on planning and training. We also suggest cross referencing from this Action Plan to the Maritime Transportation and Aviation Action Plan, specifically to Activity MTA-2.3 Improve existing pre-access information for inclusion on the Monument website and in permit application material. As noted above, we suggest that emergency response information be included on list of information provided to all permit applicants. Such information might include materials outlining what to do in the event of an emergency as well emergency response training for permittees and what information on what kinds of supplies or materials permittees should have on board to respond to an emergency situation.</p>
7-02. Response	<p>The MMB does not lead responses to emergencies, such as groundings and oil spills, though many MMB agencies do participate in responses as resource trustees. Emergency response in the NWHI will be coordinated under a series of existing plans and systems, including the National Response Plan and the National Incident Management System. Also, because of the infrastructure found at Midway Atoll, several Midway-specific contingency plans have been developed, including an emergency spill response plan, spill prevention control and countermeasure plan, and an airport emergency action plan. There are federal regulations governing how the Coast Guard, Environmental Protection Agency, the affected state, and the resource trustees respond to oil pollution. Standard emergency response to such events as vessel groundings, oil, fuel, or chemical spills, or releases of hazardous substances throughout Hawai‘i, including the NWHI, is addressed through the Hawai‘i Area Contingency Plan. This is a local plan under the larger structure of the National Response Plan. As suggested, we have added a Web site for the most recent Hawai‘i Area Contingency Plan to the Monument Management Plan, along with further information regarding its relevance to the Monument (see <a href="http://homeport.uscg.mil/mycg/portal/ep/portDirectory.do?tabId=1&amp;cotpId=27">http://homeport.uscg.mil/mycg/portal/ep/portDirectory.do?tabId=1&amp;cotpId=27</a>).</p> <p>The Area Committee, under the direction of the federal on-scene coordinator, is responsible for developing the Area Contingency Plan. When implemented in conjunction with the National Contingency Plan, these plans will be adequate to remove a worst-case discharge of oil or a hazardous substance, and to mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility operating in or near the geographic area. The Area Committee is responsible for planning for joint response efforts, including establishing appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife.</p> <p>Through the Emergency Response and Natural Resource Damage Assessment Action Plan (see Section 3.3.4), the MMB seeks to integrate its resources in a way that benefits both the Monument resources and regional emergency response and assessment efforts. The MMB can contribute primarily through building an internal and interagency capacity to contribute to existing emergency response efforts. Another way is by providing relevant and current</p>

**Comment Category 7 - Emergency Response**

information about NWHI resources so that current data is readily available and accessible to the Regional Response Team and any Unified Command that may be established to address an incident. The Monument Co-Trustees and Interagency Coordinating Committee will seek to more fully address NWHI responses as part of the Hawai'i Area Contingency Plan. In order to determine and develop appropriate response strategies to emergencies in the NWHI, a workshop will be held for all the partner agencies, parties that are typically involved in responses, and individuals, organizations, and researchers who are active in the region or who have a particular specialty area that relates to the NWHI (Activity ERDA-3.1). This will also address emergency response equipment needs in the Monument.

Through the creation of a Monument Emergency Response and Assessment Team (Activity ERDA-1.1) the MMB will meet with the local area response team within the Incident Command, Regional Response Team and the Scientific Support Team. By acquiring and maintaining appropriate training and certification, the Monument Emergency Response and Assessment team will complement and support the Regional Response Team (Activity ERDA-1.2). This will minimize the impact on Monument resources by a given event or response. The Co-Trustees have several active members in the Hawai'i Area Committee and who are part of a subcommittee that will assist the Coast Guard Captain of the Port/Federal On-Scene Coordinator in examining alternative planning criteria in remote locations, such as Midway Atoll and the NWHI, while referencing the Response Resource Inventory, Basic Ordering Agreements, and subject matter expert input.

In addition, we have modified Activity MTA-2.3 to include relevant information about emergency response and contacts to potential permit applicants. Also, we will forward the comment to the Permit Team to consider, as it regularly updates the content of information given to permit applicants.

**Comment Category 8 - Endangered Species****Summarized Comments**8-01.  
Comment

The comments below suggest recovery activities be included and prioritized in the Monument Management Plan, as well as summaries of activities that relate to all listed species in the Monument, including migratory species.

Comments:

- 1) Green Sea Turtles – Strategy TES-3 -- The activities identified for green sea turtles, particularly TES-3.3, seem sound and beneficial for this one species. Although other sea turtles are rare in the Monument, it is unclear why no other sea turtle species are included. Additionally, the Monument provides the opportunity to attempt to further understand the high incidence of fibropapillomas in some Hawaiian sea turtle populations, and ways to counteract expected rise in this deadly disease as climate change accelerates. The Monument, as a place of less human interaction than the Main Hawaiian Islands, provides a wonderful opportunity for research and action, yet the Draft Plan does not even mention the topic. Some analysis of the threat of sea level rise should be part of the research plan, given that most (90%) of Hawai‘i’s sea turtles nest in the NWHI, and many of these beaches will be threatened by higher sea levels. There is also no mention of how the Draft Plan’s strategies and activities relate to the recommendations of sea turtle Recovery Plans. Recovery Plans are also absent from discussions of other threatened and endangered species. In order to ensure that activities prioritized by the Management Plan are the most relevant to conservation of threatened and endangered species, inter-agency cooperation and coordination with Recovery Plans must be assured.
- 2) 3.2.1 Threatened and Endangered Species Action Plan - Defenders again endorses the Ocean Conservancy’s comments with regard to the DDMP’s treatment of management for Hawaiian monk seal habitat, cetacean populations, and nesting sea turtles. Defenders reiterates the importance of monitoring the impacts that climate change will have on threatened and endangered species, most importantly, loss of habitat to sea level rise and beach erosion, changes in location and range of species, increased frequency and strength of storms, and changes in water and air temperatures.
- 3) In terms of sea-turtle conservation, Defenders urges the DMMP to address the potentially devastating impacts increased temperatures will pose to nesting sea turtles, whose sex is determined by the ambient temperature during incubation. Ambient air temperatures as well as the temperature of the sand will directly affect the sex of sea turtle hatchlings, potentially eliminating male sea turtles from clutches, and therefore putting the already endangered species in even greater danger of extinction.
- 4) The king pin of the Monument ecosystem is in many ways the Hawaiian monk seal. The science plan will hopefully elevate the needs of this critically endangered species. But the existing Management Plan does an

**Comment Category 8 - Endangered Species**

insufficient job of prioritizing monk seal needs funding and research. Six. Agency funding requests should be coordinated to ensure that agencies request funding in accordance with agreed upon priorities. Coordination will also help ensure that secondary agencies such as the Coast Guard are fully funded for Monument priorities.

- 5) Section 3.2 Conserving Wildlife and Habitats - Protections must be in place before Conservation measures can be implemented. Endangered Species Act requires that a Recovery Team be appointed to prepare a Recovery Plan for each species listed as endangered. These plans should be merged, and their conflicts resolved before incorporation into the Action Plans.
- 6) Strategies to support the recovery of the monk seal are vitally important. The strategies selected for the Draft Monument Management Plan are needed for the conservation of the Hawaiian monk seal. It is important that efforts focus on recovery of the monk seal, not merely research that may eventually document the extinction of this important marine mammal. Beyond research, it is essential that the Monument Management Plan take specific steps to conserve and recover the monk seal. Permitted research activities should be focused on efforts to promote the recovery of the species.

The Center strongly supports activities to conserve Hawaiian monk seal habitat. The Management Plan proposes to evaluate the feasibility of restoring habitat. Much more, however, is needed to ensure beach habitat for monk seal pupping, nursing, molting, and resting under the threat of sea level rise. The Monument should identify areas of the Northwest Hawaiian Islands that are at high enough elevation from foreseeable sea level rise and ensure that those areas remain suitable for monk seal uses. Please see the subsequent section on sea level rise for more information on the impacts of sea level rise in the Northwest Hawaiian Islands and take this into account in the Management Plan. Moreover, recent science shows that monk seals forage at greater depths than previously believed. Hawaiian monk seals use areas between nearshore shallows to 500 meters deep for foraging (NMFS 2007c). The Management Plan should evaluate mechanisms to protect monk seal foraging grounds for successful feeding. Additionally, efforts to ensure that coral reefs remain intact and healthy to protect the islands from erosion and storms will help protect monk seal habitat.

While the primary threat to the Hawaiian monk seal is starvation, this problem of food limitation is not addressed in the Management Plan. The limited food availability may be the cumulative result of various factors. First, former overfishing may have stressed prey sources but now the moratorium on fishing in the Papahānaumokuākea Marine National Monument will help. Additionally, competition for prey with other apex predators such as sharks and jacks may affect foraging success of the monk seals (NMFS 2007c). One of the leading theories for the lack of available prey for the monk seals is that the carrying capacity of the habitat has been decreased due to changes in oceanographic conditions (NMFS 2007b). Climate change and oceanographic

**Comment Category 8 - Endangered Species**

conditions may be limiting food for the monk seals (NMFS 2007c). Changes in climate, currents, and upwelling commonly alter productivity and prey availability in the ocean (NMFS 2007c). The Management Plan should consider efforts for better management of the aquatic habitat of the Hawaiian monk seal and efforts to address climate change impacts.

- 7) Strategy TES-1: Support Activities that advance recovery of the Hawaiian monk seal for the life of the plan - Ocean Conservancy has a long history of concern and engagement regarding the conservation, viability and recovery of the Hawaiian monk seal. Hawaiian monk seal numbers have been declining and continue to decline. Actions to address major threats identified in the Hawaiian Monk Seal Recovery Plan that are applicable to the monk seal population in the Monument include:

- investigate food limitations and take actions to increase female juvenile survival,
- prevent entanglements of seals in marine debris,
- reduce shark predation on seals,
- reduce exposure to and spread of infectious disease,
- continue population monitoring and research,
- reduce impacts from grounded vessels,
- reduce the impact of human interactions, and
- conserve monk seal habitat.

However, only three of the eight are included as key action items for advancement by the MMB (entanglement in marine debris, conserve monk seal habitat, and reduce the likelihood and impact of human interactions). Two other distinct but separate actions are also identified: support and facilitate emergency response, and support education and outreach on monk seals. While the DMMP has identified only these five specific actions the MMB will pursue in support of monk seal recovery efforts, it should be clear that the MMB will facilitate and support the continuation of all actions identified in the Hawaiian Monk Seal Recovery Plan as necessary for monk seal survival and recovery.

One of the key indicators of success of the Monument in enhancing recovery activities for Hawaiian monk seals would be an increase in pupping and juvenile survival rates. Monk seal pupping beach counts have been conducted, with varying frequency, since the late 1950s and constitute one of the longest known pinniped data sets. In 2008 not all of these beach count sites were surveyed by NMFS Protected Species Division because of budget constraints (NMFS, pers. comm.). If these beach counts are not completed in 2009 and in the very worst

<b>Comment Category 8 - Endangered Species</b>	
	<p>case, 2010, we will lose valuable information – as the population is projected to dip below 1,000 seals in the next five years. We urge the Co-Trustees to include these beach counts as one of the indices they plan to monitor within the Monument management plan. Starvation is the most critical threat to the survival of juvenile monk seals. The starvation of pups and the low survival rates in juveniles in the Northwestern Hawaiian Islands point to the possibility that food resources may be inadequate. Ongoing fatty acid and critter-cam research has verified that bottomfish are important components of Hawaiian monk seal diets, and lobsters may also be important prey in the diets of Hawaiian monk seals. Open assessment of the factors affecting the decline in monk seals has not been possible because of NOAA’s refusal to publish the results of the fatty-acid diet study. We strongly urge in the DMMP of a commitment by the management agencies to make all research fully and openly available to outside researchers and the public. The lobster fishery was closed in 2000 because it was judged by the court to be a threat to Hawaiian monk seals. The President’s wish that there be a phase out of all commercial fishing in the Monument by 2011 should ease overfishing of primary prey sources of monk seals. We urge the Co-Trustees along with NMFS to continue research and monitoring of: • the links between Hawaiian monk seals and their potential prey in the Hawaiian Islands, • the potential relationships between the status and health of those prey populations and population trends in the Hawaiian monk seals, and • the effect of the phase-out of both the bottomfish fishery and the lobster fishery on that relationship.</p> <p>8) I don't believe in no catch zones. Too much monk seals in one area is not good. They coming down here now. We see 'em on our beaches. And for some of us, you know, it's nice to see, but sometimes it's a nuisance, yeah? I believe that we need to allow for -- not for them to get caught, but maybe for better practices so that maybe we can restore more food up there, yeah? Maybe less sharks, more food for the monk seas, whatever. But we need to be allowed to practice.</p>
8-01. Response	<p>Although a few activities are described in the Management plan, in general, the plan does not republish the priorities for recovery activities for listed species. Rather, recovery activities are treated comprehensively in the recovery plans for each listed species. These recovery plans are available on the Web sites of the agencies responsible for recovery activities and may be accessed at <a href="http://www.nmfs.noaa.gov/pr/recovery/plans.htm">www.nmfs.noaa.gov/pr/recovery/plans.htm</a> and at <a href="http://www.fws.gov/endangered/recovery/index.html#plans">www.fws.gov/endangered/recovery/index.html#plans</a>. Each recovery activity is considered for its effects on other listed species and is designated critical habitat to ensure compatible implementation. Although climate change and its effects on listed species have been added to the management plan, the main source for these activities is the species recovery plans.</p>
8-02. Comment	<p>The comments below concern the impacts light and noise may have on Laysan ducks. Comments:</p>

<b>Comment Category 8 - Endangered Species</b>	
	<ol style="list-style-type: none"> <li>1) Page 72 Line 8 Light and Noise Impacts – What about human disturbance to wildlife? Anthropogenic noise is a well documented disturbance to breeding water birds. The endangered Laysan ducks and ducklings are very susceptible to brood fragmentation and abandonment during their breeding season. Disturbances can be visual or auditory or due to vegetation management or weed control activities during the sensitive periods (breeding and flightless molt).</li> <li>2) Page 72 - No mention of Laysan Duck being impacted by lights and noise. Waterfowl are very sensitive to these disturbances.</li> </ol>
8-02. Response	<p>Strategy TES-5, Activity TES-5.1, reflects the need for monitoring the effects of human disturbance on Laysan ducks at Midway. Activity TES-5.1 now says, “Monitoring Laysan duck populations for potential human disturbance, especially during molt, when the birds are flightless, and during the nesting season, when disturbance may result in nest abandonment and brood fragmentation.”</p> <p>Furthermore, we have no specific data, anecdotal observations, or other information that Laysan ducks are affected by lights and noise at Midway, nor that waterfowl as a taxonomic group are especially sensitive to light and noise relative to other birds. TES-5.2 includes identification of conditions that disrupt translocations.</p>
8-03. Comment	<p>The comments below were editorial suggestions for the Monument Management Plan.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Page 13 - Misspelled the scientific name of the Miller Bird.</li> <li>2) Page 19 Pearl and Hermes: Laysan finch is described as “endangered” at Pearl and Hermes, but not at Laysan. The species is endangered, as are both populations.</li> <li>3) Page 143 Change to “90% of Hawaiian Green Turtles....”</li> <li>4) Page145 ln 22-29 change to read “The Endangered Species Act of 1973 provides for the conservation of species at risk of extinction throughout all or a significant portion of their range, and the protection of critical habitats on which they depend. The Act also gives states the option to assist in managing endangered species recovery programs. The MMPA provides for the protection and conservation of all marine mammals and their ecosystems, whether or not they are listed under the ESA.”</li> <li>5) Page 145 ln 30-31 reword to say “The State of Hawai‘i has additional protections for endangered species in its wildlife laws, codified chapter 195D,....”</li> <li>6) Page145 ln 42-45 reword to say “The Recovery Plan for the Hawaiian monk seal (NOAA Fisheries 2007) provides a detailed description of actions that should be taken by NOAA Fisheries and its collaborators to</li> </ol>

<b>Comment Category 8 - Endangered Species</b>	
	<p>recovery the species. This action plan details the ways in which the MMB can facilitate and support those efforts”</p> <p>7) Page 145 ln 56 change to read “and a final recovery plan is available for the blue whale”</p> <p>8) Page 147 ln 5 add “It is especially important that all MMB agencies actively support needed recovery actions because the entire world population of many of these species occurs only, or almost entirely, within the Monument.”</p> <p>9) Page 147 ln 14 change to read “the high cost of failure to act.”</p> <p>10) Page 147 ln 34 “Maintain stable or increasing populations of...”</p> <p>11) Page 148 ln 4 “For nearly 3 decades.....”</p> <p>12) Page. 149 ln 32 “...on species distribution and abundance estimates.”</p> <p>13) Page 149 ln 38 add “Spinner dolphin surveys should also be conducted at French Frigate Shoals to develop baseline information for assessing the status of the population at that location.”</p> <p>14) Page 149 ln 27-28 change to read “Management actions and efforts to reduce the impacts to cetaceans in the NWHI have been limited, largely because of a lack of understanding of the distribution, abundance and ecology of species using the Monument. Initial efforts should address this lack of information which should then lead to the identification and management of threats.”</p> <p>15) Page 153 ln 29 “...capture, translocation, release, and monitoring.”</p> <p>16) Page 156 ln 30 Change from: “and streamline consultations.” To: “and facilitate timely and effective consultations.”</p>
8-03. Response	We have made changes to the Monument Management Plan in response to these suggestions.
<b>Unique Comments</b>	
8-04. Comment	<p>First and foremost the purpose of the creation of the Monument was for saving the Monk seals and other species from extinction. To be clear, the original intent and purpose of the Monument was to protect critically endangered Hawaiian Monk seals, its habitat and provide protection for the other 7,000 rare or endangered species. Therefore, any activities in the Monument that do not directly support recovery efforts of these species will violate the original intent and purpose of the Monument.</p> <p>We, along with -- and I got different numbers than you guys. I have a hundred thousand comments. But I combine with</p>

<b>Comment Category 8 - Endangered Species</b>	
	<p>KAHEA’s action alerts. But we, along with a hundred thousand, submitted testimony calling for the creation of the marine sanctuary and later a marine Monument in order to protect the Monk seals and species, to provide space for their recovery. Thousands also testified in support of a five-year Monk seal recovery plan. And the Hawaiian Monk seal recovery team has submitted extensive comments to that plan which we support as well. There’s no question that the threats that many of the species of the Northwestern Hawaiian Islands face are a function of adverse human impact. The Monk seals whose numbers were currently standing at about 1200 -- and I could be wrong. Maybe it’s plus or minus -- were first hunted near extinction, now suffer from, among other things, starvation due to overfishing of their prime food source, lobster. The threats to the Monk seal’s survival have been recorded for decades, including the starvation problems. We all thought the Monument designation would help eliminate such threats and give the seal a chance for survival. There are also invasive species threatening native plants and the land and sea birds in their nests. All these threats must be addressed before considering any more human activity that does not directly relate to recovery efforts of these rare, threatened, endangered species. NOAA just issued this month, officially declared, I guess is the word, the Caribbean Monk seal extinct, gone forever and also called for its delisting, evidence demonstrating that simply listing a species is not enough to ensure its recovery. Of late, conservation groups navigating the Bush gauntlet could not get the polar bear listed as endangered either. The Hawaiian and Mediterranean Monk seals now represent the most endangered pene-ped [pinniped] species in the world.</p>
8-04. Response	<p>The purpose of the Monument is described in Proclamation 8031 and includes a variety of environmental goals, including the protection and recovery of the Hawaiian monk seal. All activities in the Monument must be considered for their potential to affect the Hawaiian monk seal, as well as other listed species and designated critical habitat. Many activities undergo a separate consultation under the Endangered Species Act with the National Marine Fisheries Service so that any potential adverse effects can be addressed before allowing the activity.</p>
8-05. Comment	<p>In order to protect and recover threatened and endangered species, important habitat variables should be monitored in conjunction with the monitoring of population parameters in order to permit an assessment of the habitat factors influencing population processes. Particularly because climate change will have population-level effects and impact the recovery of threatened and endangered species, climatic variables including surface temperature, surface ocean productivity, sea level, storm surge levels, and precipitation should be monitored. Data for many climatic variables can be obtained from satellite sources.</p>
8-05. Response	<p>The management agencies are working to monitor populations of listed species, as well as oceanographic and climate parameters. This information will inform management options for listed species and habitats and ultimately will be incorporated into specific management programs.</p>

<b>Comment Category 8 - Endangered Species</b>	
8-06. Comment	THIN THE SHARK POPULATION! ESPECIALLY TIGERS!!!! Then we would not have endangered turtles and monk seals, and it would make our waters alot friendlier and more fun to look at for snorkelers and divers. The sharks have been protected too much - the ancient Hawaiians used to hunt them.
8-06. Response	Food limitation and shark predation affects the survival rate of Hawaiian monk seal pups and, therefore, affects the recovery of the Hawaiian monk seal. Research scientists are studying the role of shark predation in Hawaiian monk seal pup mortality so that appropriate deterrent and other measures may be implemented to alleviate these pressures on Hawaiian monk seal pups and assist in the recovery of the Hawaiian monk seal. A new activity has been added to the final management plan (TES 1.6) that describes the actions to be taken to respond to shark predation on Hawaiian monk seals. As appropriate, NOAA will separately apply the NEPA process to monk seal recovery activities related to shark predation (NOAA 2008).
8-07. Comment	We urge you to include in the plan specific discussion of threats to endangered and threatened species from human disturbance, including historical information as information on specific monitoring measures (including observers) planned by your agencies for all activities. The following is an example of historical information and species-specific information appropriate for inclusion in the Plan.
8-07. Response	The Monument Management Plan does not republish the recovery plans for listed species; these plans may be accessed via the Web sites for the agencies with recovery responsibilities. In a few instances, key activities have been included because they highlight the value added function of the Monument management on the recovery projects of the agencies. The draft has been amended to include examples of addressing how climate change is affecting Monument resources, including listed species and their habitats. A description of stressors and threats to species and the Monument can be found in Section 1.4, Environmental and Anthropogenic Stressors.
8-08. Comment	Page 147 Line 27: The Laysan ducks “desired outcome” is highly oversimplified. It is possible to “increase populations” as a short term goal without adequately advancing recovery, maintaining their genetic biodiversity, protecting existing populations, or creating stable or self sustaining populations. Including the scientists that study the species ecology in planning for their management is useful.
8-08. Response	We will address this comment when developing the conservation science step-down plan and in the final revised recovery plan for the Laysan duck.
8-09. Comment	Page 147 Line 27: The Laysan ducks “desired outcome” is highly oversimplified. It is possible to “increase populations” as a short term goal without adequately advancing recovery, maintaining their genetic biodiversity, protecting existing populations, or creating stable or self sustaining populations. Including the scientists that study the species ecology in

<b>Comment Category 8 - Endangered Species</b>	
	planning for their management is useful.
8-09. Response	We will address this comment when developing the conservation science step-down plan and in the final revised recovery plan for the Laysan duck.
8-10. Comment	Page 156 ln 9 Change from: “Also, ESA and other consultation procedures will be reviewed and streamlined” To: Also, ESA and other consultation procedures will be reviewed and updated to improve their effectiveness”
8-10. Response	The proposed modification changes the intent of the activity. Consultation procedures under other laws and regulations cannot be modified by this management plan.
8-11. Comment	We’re very concerned about inadequate funding for threatened and endangered species both in the Monument and throughout the state. Everyone knows Hawai‘i is the endangered species capital of the nation. Monk seals’ critically underfunded, to use an example. We need 7 million a year to try to keep this seal from going extinct in the next 10 years or so. And the seal is not getting that kind of funding. So we echo concerns of Keiko Bonk and Marine Conservation Biology Institute that that funding is going to be short. You’re not going to be able to do everything you want to do. You’ve got to prioritize.
8-11. Response	Prioritization of activities in the management plan is not a linear process, nor is it necessarily measured by the amount of funds allocated. Several factors apply when setting the implementation schedule and allocating funds; these include available natural, cultural, and historic resource needs, funding, agency capacity, completion of necessary planning and environmental review, and community input and support. Each MMB and partner ICC agency develops annual budget projections and priorities and allocates funds based on its own programmatic, legal, and policy requirements. The cycle and timelines for funding and planning vary.
8-12. Comment	Page 153 Add common and Hawaiian names of birds where only genus/sp appear
8-12. Response	We used scientific names for plant species when common names do not exist or cover more than one species (e.g., loulou can be any of the native Hawaiian palm species). The Laysan finch, Nihoa finch, and Nihoa millerbird are all referenced by their common English names; we have not documented Hawaiian names for those species.
8-13. Comment	On page 153 Section 3.2.1 Activity TES-6.2 proposes translocations for Nihoa Finch, Nihoa Millerbird, and Laysan Finch. This work is very important to fund and begin now, urgently moving birds to all appropriate Monument islands, and even Main Hawaiian Island sites, due to the expected changes in sea level in the near future. Morin and Conant (1998 and 2007) reported on translocation strategy, biosecurity, and restoration needs, for Laysan and all Islands

<b>Comment Category 8 - Endangered Species</b>	
	respectively, to the USFWS – these reports need to be incorporated fully into the PMMP, and be adequately funded and executed.
8-13. Response	We agree. Both of the documents you cite also are cited in the Monument Management Plan.
8-14. Comment	Page 98 Line 39: Why are only the marine endangered species mentioned? There are four very unique endangered land birds completely restricted to one or two islands. Their existence is entirely dependent on the management of the NWHI and luck (or the frequency of stochastic events).
8-14. Response	You refer to a direct quote from the Presidential Proclamation establishing the Monument. We have no editorial authority this proclamation.
8-15. Comment	Please address the horrific problems concerning the extinction of our state mammal, the monk seal. We need protected areas for the seal, so it can breed have their pups and raise their young. These areas need to be relatively safe and protected from predators such as sharks and dogs.
8-15. Response	Strategy TES 1 in the management plan includes a description of how the Monument management will complement the activities that advance the recovery of the Hawaiian monk seal. In addition to the list of activities included in the draft management plan, we have added a new activity to the final management plan (TES 1.6) that describes the actions to be taken to respond to shark predation on Hawaiian monk seals.
8-16. Comment	Page 9 - Laysan Finch and Laysan Ducks are endemic to the archipelago, not just the monument.
8-16. Response	We have edited the document to clarify the difference between endemic species and restricted ranges and to indicate that the Laysan duck and finch formerly were found elsewhere in the Hawaiian archipelago.
8-17. Comment	Page 155, lns 16-21 Recommend rewriting this paragraph to reflect that the Endangered Species Act requires that federal agencies consult with NOAA for marine species and FWS for terrestrial species on actions that the federal agencies conclude may affect listed or endangered species. This more accurately describes the ESA requirements. As currently drafted, the management plan does not clearly establish the consultation requirements federal agencies taking the action must follow.
8-17.	We have edited the paragraph and added the following information: Section 7(a)(2) of the Endangered Species Act

<b>Comment Category 8 - Endangered Species</b>	
Response	(ESA) requires that federal agencies consult with NOAA Fisheries for listed species under its jurisdiction and with the FWS for listed species under its jurisdiction (jurisdiction for sea turtles is shared by the two agencies) on actions that the federal agencies conclude may affect listed species or designated critical habitat.
8-18. Comment	Page 17 - Description of Laysan Island is inaccurate. Says 100 acre lake, Environmental Assessment says 70 acres, which is correct? Where did you find your information? Document says that Laysan Teal and Laysan Finch were “previously harbored”. These species still occur there. Time of eradication project of <i>Cenchrus</i> is different in the Environmental Assessment, which is correct?
8-18. Response	(1) The size of the lake on Laysan is variable through time, and the reported lake size varies somewhat among sources based on the timing methods used to measure it. To reconcile the discrepancy between the Management Plan and the EA, we have made edits to best reflect the most recent source of information. While the Monument Management Plan describes the Laysan Lake area in general terms, the EA description focuses on the saline lake itself. (2) This comment is erroneous; the text on page 17 says that ducks and finches are still there.
8-19. Comment	Page 20 - How do know that the ducks are thriving? Maybe change language to “appear to be thriving”. Eastern Island still has Ironwoods that sprout, so continued management is required.
8-19. Response	(1) The Laysan duck population at Midway has grown from 42 founders in 2005 to an estimated (preliminary) 192 ducks in 2007 (Reynolds et al. 2007), a 357 percent increase in a little more than two years. We have revised the text to describe more objectively the status of the Laysan ducks at Midway. (2) We have revised the text to reflect the fact that <i>Casuarina</i> control on Eastern Island is ongoing.
8-20. Comment	Page 67 - How did removing <i>Cenchrus</i> restore Laysans veg. community? There is still a lot to be done. <i>Cenchrus</i> time of eradication not consistent with rest of document.
8-20. Response	The <i>Cenchrus echinatus</i> eradication project has contributed significantly to restoring seabird nesting habitat and native vegetation on Laysan Island.
8-21. Comment	Finally, the Management Plan includes plans to develop Midway Atoll that should carefully consider the present and future needs of the Hawaiian monk seal. It is vital that the conservation of the Hawaiian monk seal not be disturbed by any activities that will increase human presence and development on Midway Atoll. In the past, monk seals in the Northwest Hawaiian Islands have avoided areas with human presence. The site plan includes the development of infrastructure such as utilities, housing, and boating and airport facilities. It also promotes increased visitors to the Atoll. In light of these proposed developments, the Center urges the Monument to avoid and mitigate the direct and climate

<b>Comment Category 8 - Endangered Species</b>	
	change impacts of such projects expanding the facilities and visitation of Midway Atoll.
8-21. Response	The Midway Atoll Conceptual Site Plan (Vol. IV) puts forth a vision of how the infrastructure needs to be modified or developed to meet the MMB's needs to protect and monitor the Monument resources. As individual components of the plan move from a conceptual stage to implementation, an additional environmental assessment will be conducted to ensure that disturbance of and impacts on monk seals or other willdlife are minimized. Likewise, the Midway Visitor Services Plan caps overnight and large group visitation and requires that agency staff be present to minimize impacts on sensitive wildlife.
8-22. Comment	<p>Page 98 - You mention endangered species like the monk seal, but there is no mention of critically endangered species like the land birds.</p> <p>Page 99 - No mention of critically endangered species, lines 14-20.</p> <p>Page 145 "Protect marine mammals and aid in the recovery of threatened and endangered plants and animals within Papahānaumokuākea Marine National Monument." Wouldn't you want to also want to protect threatened and endangered plants and animals, as well as aid in the recovery of marine mammals?</p> <p>Page 146 - What source did you use to call the Laysan Finch Critically endangered, keep consistent in document? Your #'s for Laysan Duck are inaccurate, you should contact experts. Only 42 were translocated, 26 of which passed their genes into the gene pool. You should verify these #'s with the people that work with Laysan Teal.</p> <p>Page 152 - Laysan Duck: Should use correct number of birds translocated. Get information that is available to the public.</p> <p>Page 153 - Laysan Finch bones are found on some of the main Islands, they are not only endemic to the NWHI's. Where did you get your information from?</p>
8-22. Response	<p>Comment on p. 98—You refer to a direct quote from the Presidential Proclamation establishing the Monument; we have no editorial authority over this proclamation.</p> <p>Comment on p. 99—On line 15, the first example given of endangered species is land birds.</p> <p>Comment on p. 145—You did not consider the paragraphs headed "Birds" and "Plants" on page 146.</p> <p>Comment on p. 146(a)—We have deleted the word "critically"; species designations under the ESA do not include "critically endangered."</p> <p>Comment on p. 146—We have revised the text to reflect more accurate information about the Laysan duck translocation on Midway.</p>

<b>Comment Category 8 - Endangered Species</b>	
	<p>Comment on p. 152—In 2004 and 2005, a total of 42 Laysan ducks were removed from Laysan Island to Midway Atoll. For more information, please see the Internet Web page <a href="http://www.fws.gov/pacific">www.fws.gov/pacific</a>.</p> <p>Comment on p. 153—The island-by-island descriptions were intended to be brief introductions rather than definitive descriptions of all species present. We have modified some of the text to clarify that some of the species are endemic to the Hawaiian Islands, not just Laysan Island, and that some of the species are land birds to differentiate them from seabirds.</p>
8-23. Comment	<p>Page 17 Line 32: The “endemic” birds of Laysan should be referred to as “land birds”. The remaining “land birds” are endangered species and should be described as “endangered land birds”. The endangered land birds are endemic to the Hawaiian Islands, but their current range restriction (endemism) on Laysan may be anthropomorphic. The endangered Laysan duck was not naturally endemic to Laysan. It is a relic population that was extirpated (went extinct) on the other Hawaiian Islands. The Laysan finch was also endemic to the Hawaiian Islands, not Laysan. Laysan Island supports the last individuals of a largely extirpated Hawaiian Island endemic fauna. The largest population of Tristram’s Storm-Petrel, a species of conservation concern breeds on Laysan, but is not mentioned specifically. Laysan’s is the only natural hypersaline ecosystem in the Hawaiian Islands. The highly adapted and unique invertebrate fauna of Laysan’s dominant hypersaline ecosystem is also omitted any mention in the Monument’s Management Plan. The fresh water wetlands of the NWHI are very important historically and biologically. These are not mentioned. The endangered species of Laysan should be listed here in the introductory information to be consistent with other sections.</p>
8-23. Response	<p>We intended the island-by-island descriptions to be brief introductions rather than definitive descriptions of all species present. We have modified some of the text to clarify that the species are endemic to the Hawaiian Islands, not just Laysan Island, and that some of the species are land birds to differentiate them from seabirds.</p>
8-24. Comment	<p>Page 145, Threatened and Endangered Species Action Plan: The Monument Management Plan recognizes that the Hawaiian monk seal is one of the world’s most endangered marine mammals and its population is in crisis.</p> <p>Comment: Studies cited in the plan have found that standing stock of fish in the NWHI are 260 times greater than in the MHI and that 54 percent of the total fish biomass in the NWHI consists of apex predators compared to just 3 percent in the MHI.</p> <p>Yet, despite the apparent wealth of fish biomass in the NWHI, monk seals continue to decline there but, continue to increase in the MHI. This suggests apex predators may be having a negative impact on the survival of the Hawaiian monk seal as they may be outcompeting seals for food. However this is not even recognized in the Monument Management Plan and there are no strategies to address this situation. Additionally it is thoroughly documented that Hawaiian monk seals are sensitive to human interactions and have been known to abandon areas which are visited by</p>

<b>Comment Category 8 - Endangered Species</b>	
	<p>humans. However, the Monument Management Plan proposes to allow an ever increasing number of humans to access the NWHI which may further displace monk seals and discourage feeding, breeding and growth.</p> <p>We recommend that the draft Management Plan include strategies to address apex predator competition with the Hawaiian monk seals and include measures to limit and established hard caps on the number of individuals that are allowed to access the emergent lands of the NWHI annually.</p>
8-24. Response	<p>Strategy TES-1 in the management plan describes how the MMB will complement and build on existing efforts to protect and recover the Hawaiian Monk Seal. In addition to the list of activities included in the draft management plan, a new activity has been added to the final management plan (TES 1.6) that describes actions to be taken to respond to shark predation on Hawaiian monk seals.</p> <p>As it relates to human impacts, protecting the health, diversity, and resources of the NWHI ecosystems is our constant and highest concern. Although we have not included specific annual limits on the number of people accessing the area in the Monument Management Plan, all activities are closely managed and monitored through the interagency permitting process and all federal actions are subject to Section 7 consultation under the Endangered Species Act. In addition, the number of tourists visiting the Monument at any one time is limited through the Midway Atoll Visitor Services Plan (Appendix B), which has already gone through an Endangered Species Act Section 7 consultation. The Papahānaumokuākea Information Management System (IM-1.3) and the Monument Evaluation Action Plan (3.6.4) will be used to track and evaluate human impacts.</p>
8-25. Comment	<p>Page 20 Midway Atoll Line 6: Midway Atoll also supports the first successful reintroduced population of critically endangered (IUCN 2007) Laysan ducks translocated from Laysan Island in 2004-2005. Laysan ducks utilize both the largely introduced vegetation of Midway Atoll and restored patches of native vegetation. This reintroduction is significant because Island ducks are globally threatened taxa, and because the Laysan ducks are the most endangered waterfowl in the Northern Hemisphere and the U.S. Their listed status is omitted throughout most of this document. Successful removal of rats from Midway Atoll and Kure is not mentioned. This action was beneficial to plants and birds, and future accidental introduction of rats would have negative impacts to all islands of the National Monument. Emergency action plans are needed for each island in the event of an accidental introduction of terrestrial predators or competitors. Rattus should be the first priority for emergency action plans.</p>
8-25. Response	<p>We have replaced “A translocated population of Laysan ducks . . .” with “Midway Atoll also supports the first successful reintroduced population of endangered Laysan ducks translocated from Laysan Island in 2004-2005. Laysan ducks utilize both the largely introduced vegetation of Midway Atoll and restored patches of native vegetation. This reintroduction is significant because Island ducks are globally threatened taxa, and because the Laysan ducks are the</p>

<b>Comment Category 8 - Endangered Species</b>	
	most endangered waterfowl in the Northern Hemisphere and the US.”
8-26. Comment	Page 34 line 6: What happened to the endangered endemic land birds here? Island endemic species do not migrate and are the most vulnerable vertebrate fauna of the National Monument. Their ecology is very unique because of their extremely limited ranges and limited mobility.
8-26. Response	We have corrected our omission by adding a section regarding land birds.
8-27. Comment	Page 112 Line 6: Only marine mammals are protected? What about protection for migratory birds, endangered species and other resources? The bias throughout the document is concerning.
8-27. Response	We were unable to locate any reference to marine mammals in that location. Perhaps you were referring to the desired outcome statement for the Threatened and Endangered Species Action Plan, now rewritten to better reflect our intentions. “Safeguard and recover threatened and endangered plants and animals and other protected species within Papahānaumokuākea Marine National Monument” includes “Conserve migratory bird populations and habitats....”
8-28. Comment	Page 146 Line 14: only three of the four endangered land birds are considered “critically endangered” by the IUCN. Laysan finches are endangered, but are not designated critical.
8-28. Response	We have deleted the word “critically“; species designations under the ESA do not include “critically endangered.” This is an IUCN designation, which we are not using in this document.
8-29. Comment	There are many additional actions underway or planned to protect NWHI monk seals, presumably these would continue and thus should be described in the No Action alternative. This is a three agency plan and should reference all the activities by those agencies, not just efforts by monument staff.
8-29. Response	We have added the following text to Vol. II, Section 1.5.5.1, “. . . endangered species and continued implementation of appropriate species recovery plans, such as that for the Hawaiian monk seal.“ In addition, Strategy TES 1 in the management plan describes how the Monument management will complement the activities that advance the recovery of the Hawaiian monk seal. The key actions in the Monk Seal Recovery Plan can be found in the description in TES-1. In addition, Activity TES 1.3 already states that the “feasibility of restoration will be evaluated to consider rebuilding habitat essential for the reproduction of monk seals and other protected species . . . ,” so no change is needed. Although a few activities are described in the Management plan, in general, the plan does not republish all the monk seal recovery plan priorities or activities. This information can be accessed at the Web site

<b>Comment Category 8 - Endangered Species</b>	
	<a href="http://www.nmfs.noaa.gov/pr/recovery/plans.htm">www.nmfs.noaa.gov/pr/recovery/plans.htm</a> . Each recovery activity is considered for its effects on other listed species and designated critical habitat to ensure compatible implementation.
8-30. Comment	Page 145 ln 52 change to read “in the Monument (Barlow 2003).”
8-30. Response	We have revised the sentence to read as follows: “It has now been documented that groups of humpback whales are overwintering in the waters of the Monument (Barlow 2007), including those with small calves and some exhibiting breeding behavior (Johnston et al. 2007).”
8-31. Comment	Migratory Birds Action Plan – Section 3.2.2 Activity MB-3.1 is the type of research we have recommended in several places – research that uses key locations and species as indicators of greater ecosystem health and needs. The inter-agency cooperation on identifying these indicator species, and the use of the Regional Seabird Conservation Plan, an already completed assessment of needed actions, are exemplar and should be used in other sections of the Management Plan.
8-31. Response	Agency cooperation through the ICC and review of plans and literature will be important parts of implementing the vast majority of our action plans.
8-32. Comment	Activity TES-2.5: Prevent human interactions with cetaceans We recommend that the DMMP, in consultation with NMFS Protected Species Division, include best practices to be included with permit information for all vessel traffic travel within the NWHI, including military activities.
8-32. Response	Best practices for vessels and other best management practices for any work in the Monument (such as, preventing introduced species and disease and moving between islands) are shared with permittees before their activity begins. Best management practices can be found in Volume III, Appendix G.
8-33. Comment	We also strongly recommend that the DMMP incorporate measures to protect monk seals that haul out on Midway and to enact measures that minimize disturbance when seals haul out, such as closing and limiting access to public beaches (i.e., north beach). Furthermore we strongly recommend that public access to the walking trail adjacent to west beach require monument staff accompaniment. Lastly, we recommend that any restoration or construction that involves major disruptive noise or activity be conducted outside the important pupping period. While FWS may have had the capacity of having 100 island residents and 100 transient visitors, this goal was never reached, so traffic and human visitation has been relatively low since the 90s. Because of this low level of activity, it is imperative that the species most affected by increased human activity (e.g., monk seals and sea turtles) are monitored for changes in behavior, movement, and

<b>Comment Category 8 - Endangered Species</b>	
	population status. If populations respond negatively, there should be protocol for identifying and limiting the most disturbing activities.
8-33. Response	<p>Development of our Interim Visitor Services Plan included consulting with NOAA Fisheries under Section 7 of the Endangered Species Act. As part of that consultation, the FWS developed a Natural Resources Monitoring Plan for Midway Atoll. That document is being implemented under our visitor program. During the mandatory visitor orientation, all visitors are fully informed about required monk seal viewing distances.</p> <p>According to the Hawaiian Monk Seal Recovery Plan, “[m]onk seal births have been documented in all months of the year (NMFS, unpubl. data), but are most common between February and August, peaking in March and April (Johnson and Johnson, 1980; Johanos et al., 1994).” The construction season at Midway is during nonalbatross season, from August through October, thus it appears to be a favorable time for both species. Monk seal pups are monitored on Midway, and if a mother/pup pair is located near a construction site, the project is delayed until the pup is weaned. Major construction and other activities that may adversely affect any listed species would be undertaken after any necessary consultation under the ESA and any other applicable requirement.</p>
8-34. Comment	<p>Activity TES-1.4: Reduce the likelihood and impact of human interactions on monk seals</p> <p>We recommend that you publish, in cooperation with NMFS, best practices for viewing and coexisting with monk seals and to make these available and required reading for both transient and resident visitors to the NWHI. These guidelines should be included with permits and be included within Appendix I (Operational Protocols and Best Management Practices). In addition to the guidelines, the consequences of disturbing these endangered species should also be outlined, and the visitors and residents informed of potential action they may face if any of these guidelines are not adhered to.</p>
8-34. Response	Volume III, Appendix G already includes the National Marine Fisheries Service best management practices (page G-29). Briefings and orientations for permittees (including visitors) and residents include information about wildlife viewing requirements and the importance of not disturbing threatened and endangered or other protected species.
8-35. Comment	We strongly support the inclusion of Activity TES-1.2 (Support and facilitate emergency response for monk seals) within the action plan, as this activity will help accelerate the coordination and effectiveness of emergency response activities among the Co-Trustees thereby supplementing current protocols and efforts.
8-35. Response	We note your comment.
8-36.	Ocean Conservancy strongly recommends the Monument to work towards coordinated field efforts for research on or

<b>Comment Category 8 - Endangered Species</b>	
Comment	pertaining to monk seals. This organized effort will ensure that research, restoration, and monitoring activities will keep disturbances to monk seals to a minimum.
8-36. Response	Such coordination will occur under Strategy TES-1: Support activities that advance recovery of the Hawaiian monk seal for the life of the plan. Much of this work is led by NOAA Fisheries through implementation of the Hawaiian Monk Seal Recovery Plan.
8-37. Comment	Activity TES-2.1: Census cetacean populations Ocean Conservancy also encourages the Monument to specifically include within this activity a process to identify and document humpback whale calving areas in the NWHI. Humpback whales ( <i>Megaptera novaeangliae</i> ) have been recently observed calving and engaging in breeding activities. Johnston et al. (2007) predicted humpback whale wintering habitat based on previous published characterizations using bathymetry and SST, shallower than 200m and warmer than 21.1 degrees Celsius. They determined that of the approximately 21,900 km <sup>2</sup> area of potential wintering habitat in the Hawaiian Archipelago, two thirds of this area fell within the NWHI. These predictions were verified during a field survey, where over the course of 15 days, they observed 3 groups with small calves and animals exhibiting breeding behaviors. Regular surveys for humpback whales in the NWHI have not been conducted, and should be included in future studies. In addition to determining the population status of humpback whale populations, another important reason for documenting these breeding areas is because one of the predictions of global climate change is species ranges and activities moving poleward.
8-37. Response	We have modified the text under Strategy TES-2 to read, “Management actions and efforts to reduce the impacts to cetaceans in the NWHI have been limited, largely because of a lack of understanding of the distribution, abundance, and ecology of species using the Monument. Initial efforts should address this lack of information, which should then lead to the identification and management of threats.” Under Activity TES-2.1, we have added the following sentence at the end of the paragraph: “This information will allow us to better define humpback whale breeding and calving areas in the NWHI.”
8-38. Comment	Page 148-149 supporting text needs to be developed for each activity.
8-38. Response	As each activity is implemented, additional detailed plans will be developed. Supporting text is also found in the Monk Seal Recovery Plan.
8-39. Comment	Page 149 “Conserve and restore monk seal habitat, including prey resources”

<b>Comment Category 8 - Endangered Species</b>	
8-39. Response	<p>Strategy TES 1 in the management plan describes how the Monument management will complement the activities that advance the recovery of the Hawaiian monk seal. The key actions in the Monk Seal Recovery Plan are found in the description in TES-1. In addition, Activity TES 1.3 already states that the “feasibility of restoration will be evaluated to consider rebuilding habitat essential for the reproduction of monk seals and other protected species . . . ,” so no change is needed.</p> <p>Although a few activities are described in the Management plan, in general, the plan does not republish all the monk seal recovery plan priorities or activities. These can be accessed at the Web site <a href="http://www.nmfs.noaa.gov/pr/recovery/plans.htm">www.nmfs.noaa.gov/pr/recovery/plans.htm</a>. Each recovery activity is considered for its effects on other listed species and designated critical habitat to ensure computable implementation.</p>
8-40. Comment	<p>The monk Seal has never been known to live on Necker or Nihoa Islands they love to live in their own Habitat unless someone moves them to another island without a Shoal to live unhappy</p> <p>The Monachus Seal known as the Monk Seal, by change of name through the U.S. Fish and Game Division is called the Hawaiian Seal a Seal that has never lived in the Archipelago of MokuPuni alias Polynesian Triangle of the Pacific Ocean.</p> <p>The U.S. Division of fish and Game, should be keeping Hunters and fisherman away from this marked area the Natural Habitat of the Monk Seal, the Turtles and the Birds that live there</p>
8-40. Response	<p>The earliest written records of Hawaiian monk seals at Nihoa are from a visit in 1857 (<i>Kamehameha IV</i> expedition). Visitors observed approximately a dozen monk seals there. FWS staff have observed as many as 41 seals at one time resting on the sandy beach on the southwest side of the island, and all of these seals came to Nihoa on their own. At Mokumanamana and Nihoa, the monk seals of all ages sleep on the lava bench that surrounds the island. One of the important reasons for the great restrictions on all human activity in most of the Monument is the need to minimize disturbance to Hawaiian monk seals.</p> <p>Access to areas in the NWHI where monk seals, turtles, and birds are found is strictly regulated.</p>
8-41 Comment	<p>Page 149, lns 10-16</p> <p>This discussion of human interactions fails to define and describe nearshore ship traffic and how it actually affects monk seals based on peer reviewed science. Any restrictions imposed in the National Monument for Monk Seals would likely be carried over to the main Hawaiian Islands where ship traffic is much greater in frequency and intensity. Accordingly, restrictions based on geography, intensity and frequency would have a severe impact. This section also fails to define and describe “unnecessary research” and criteria intended for use to define and regulate beach use, noise and the</p>

<b>Comment Category 8 - Endangered Species</b>	
	thresholds that will be used to create any regulations
8-41. Response	<p>Interactions with marine mammals, including Hawaiian monk seals are prohibited anywhere in US jurisdiction, including the Monument, unless it is allowed under permit or authorization (for species protected under the Marine Mammal Protection Act but not the Endangered Species Act). Best practices for vessels as well as other best practices for any work in the Monument are required with permittees. Best management practices can be found in Appendix G.</p> <p>Activity TES-1.4 calls for “Reducing the likelihood and impact of human interactions on monk seals.” The text description provides examples of some of the activities that could negatively impact monk seals, such as research so that they could be given more careful scrutiny during the permit review process to avoid harming them or their habitat. More specific details about efforts to reduce human impacts on monk seals can be found in the NOAA Monk Seal Recovery Plan.</p> <p>There are no additional restrictions or regulatory measures being proposed to protect monk seals from nearshore ship traffic in the Monument or the main Hawaiian Islands.</p> <p>We have deleted the term “unnecessary” because the intent was aimed at all research activities that could impact monk seals.</p>
8-42. Comment	<p>Page 146 Line 26. Only 42 Laysan ducks were translocated from Laysan Island to Midway Atoll. Approximately 65% of these became breeders. Reporting “about 50” birds translocated is inaccurate and sloppy for an official document under public review. The number of translocated birds is published information and readily available. Reporting “50” glosses over the genetic consequences of few founders (i.e. risk of creating new translocation bottle necks, loss of genetic biodiversity for the species) at the translocation site, risk of close inbreeding, and risk of loss of disease resistance in isolated and closed populations). The language “Laysan ducks are flourishing” appears lifted from an early press release. The species on Midway is not currently being monitored (although plans are in place to initiate a long term monitoring effort). At Midway, there are numerous habitat management conflicts, limited brood rearing habitat, new diseases (avian botulism), and risks to ducklings and breeding ducks that are not adequately addressed for the long term. This type of document should move towards addressing the long term persistence of species (as missing components of Hawaiian ecosystems) - instead of repeating reports of the initial success as if species recovery has been secured.</p>
8-42. Response	<p>We will consider these comments in the Conservation Science Plan for Natural Resources, and we will address them in the final revised recovery plan for the Laysan duck.</p>

<b>Comment Category 9 – Enforcement</b>	
<b>Summarized Comments</b>	
9-01. Comment	<p>The comments below urge looking into the U.S. Navy enforcing the regulations of the Monument. This could help supplement state and federal agency limited resources and assets.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) I would urge looking into use of the US Navy to enforce control of ships, fishing, etc. in Papahānaumokuākea waters. This might supplement Coast Guard and state enforcement ships and or personnel without need for heavy funding.</li> <li>2) The enforcement of keeping people from doing improper things in the Northwest Hawaiian Islands -- And we recognize that the Coast Guard is limited with their funding and with their vessels and the State of Hawaii is limited insofar as enforcement personnel. So that perhaps we could bring in another governmental agency called the United States Navy, who has ships out in the open ocean all the time, who can access satellite imaging of vessels that aren't supposed to be out there doing things like fishing, and perhaps can utilize this for training of their personnel and of their ships and at the same time protect this invaluable resource.</li> </ol>
9-01. Response	<p>The state and federal law enforcement agencies and the Coast Guard, charged with enforcing the laws and regulations within the Papahānaumokuākea Marine National Monument, have been soliciting and will continue to solicit ideas and assistance from a broad spectrum of entities throughout the world in order to develop, refine, and execute the best operational plans for protecting this most valuable resource.</p> <p>As the Monument continues to gain public awareness, partnerships continue to develop by means of memorandums of understanding and memorandums of agreement with outside agencies. Continued support increases the relationship and effectiveness of law enforcement activities.</p>
9-02. Comment	<p>The comments below suggest that various aircraft and satellites be used to help in surveillance and enforcing the regulations and identifying marine debris.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) I propose aerial surveillance from the air for floating marine debris - poaching fishermen from an ultralight aircraft equipped with floats drawing less than 4 inches of water, operating cost of \$10 to \$15 per hour.</li> <li>2) “If you don’t get rid of that and as was suggested a couple of years ago, start using satellite management, see exactly who’s in the territorial waters, and who’s there with permits doing what they’re allowed to do and those there that are poaching.</li> </ol> <p>As soon as someone knows that people who are poaching, that they’re gonna be observed. They’re gonna be</p>

<b>Comment Category 9 – Enforcement</b>	
	<p>warned. At least be prosecuted for entering territorial waters.”</p> <ol style="list-style-type: none"> <li>3) There should be established a satellite to protect and monitor the area. That way those poachers can be taken to court. And also we can know what the military is doing. However, I also propose cultural monitors to accompany military expeditions to negate their harm. Hopefully.</li> <li>4) Stop the poaching that’s going on out there. And you’ve heard before when you have a surveillance system in place to be monitored by satellite exactly who’s out there. You should know. You can interdict. Enforcement is no longer a problem with modern technologies.</li> </ol>
9-02. Response	<p>The state and federal law enforcement agencies and the Coast Guard, charged with enforcing the laws and regulations within the Papahānaumokuākea Marine National Monument, examine an array of technologies from around the world and will deploy the most effective technologies for protection and for detecting anyone intent on harming the Monument. One of the goals of the enforcement team is to ensure that violations are prosecuted pursuant to the laws and regulations governing the Monument. Enforcement will remain a priority of effective Monument management.</p> <p>Under Activity EN-2.1, a comprehensive threat assessment and enforcement plan is being developed to analyze the levels and types of activities occurring throughout the Monument and to assess the potential for violations and threats to resources. This assessment will include cost-benefit analyses of applicable technologies and solutions. Under Activity EN-2.4, the Monument law enforcement working group will identify platforms that could be used to increase enforcement, surveillance, and response and will develop proposals to acquire new assets. Remote sensing systems being researched for Monument enforcement may also prove useful for detecting large conglomerations of marine debris.</p>
9-03. Comment	<p>The comments below suggest that sufficient resources be devoted to enforcing regulations in order to dissuade potential violations.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) I am deeply concerned that sufficient resources be devoted to enforcement of regulations, especially fishing violations and waste discharge by cruise vessels and others transiting the refuge.</li> <li>2) There’s a concern about enforcement, that it be timely, and that it be sufficient enough to dissuade people from doing things they shouldn’t be doing.</li> <li>3) Enforcement is nonexistent despite availability of effective measures such as satellite surveillance, relying by default on self reporting and whistle blowing by research colleagues. Permitted programs to kill predators rather than protect (monk seal) pups evidence a policy driven by pragmatism and politics rather than “full protection of</li> </ol>

<b>Comment Category 9 – Enforcement</b>	
	<p>all marine life.” A fragmented process opaque to public view and participation can only lead to further deterioration of a faulty process. A full moratorium is necessary to regain control and implement No Take Policy.</p> <p>The Monument is CLOSED to all but Monument staff until a Compatibility Determination has been made finding consistency with an Adapted Plan. Draft doesn’t count (8). The best prevention of ship groundings is the enforcement of the ban on all ships without a Permit or without an acknowledged Mayday distress call for assistance. Satellite surveillance can disclose unauthorized entry and should initiate immediate Coast Guard response, expulsion, and prosecution. A call for the preparation of an oil spill contingency Plan is not the equivalent of having the resources in place for the execution of an emergency clean up. Permission to enter Monument waters must not issue until a Plan is both prepared and implemented.</p>
9-03. Response	<p>The state and federal law enforcement agencies and the Coast Guard, charged with enforcing the laws and regulations within the Papahānaumokuākea Marine National Monument, have been soliciting and will continue to solicit ideas and assistance from a broad spectrum of entities throughout the world to develop, refine, and execute the best operational plans for protecting this most valuable resource.</p> <p>One of the goals of the enforcement team is to ensure that violations are prosecuted pursuant to the laws and regulations governing the Monument. Enforcement will remain a priority of effective Monument management.</p>
9-04. Comment	<p>The comments below express concern about illegal fishing in the Monument and the need to enforce laws against illegal fishing.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) We’re concerned --this is a little tangent from that -- we’re concerned about the illegal fishing that has already occurred in the Monument since it was declared a Monument two years ago. We hope that the Monument managers will advocate to NIMS in favor of the strictest and the highest penalties for the illegal actions that have occurred by the bottom fish boat and the two long-liners, I believe, who have broken the law. And we would encourage even the possibility of taking away the permits if they continue these kinds of action. There’s a basic inconsistency in the Monument. Commercial fishing has been declared incompatible with Monument objectives. Yet, sustenance fishing is allowed even as the number of people entering the Monument will increase. We agree with the finding that fishing is incompatible in the Monument, with the Monument objectives and expect that sustenance fishing will be discouraged. And that sustenance fishing that does occur, if it does occur, will be strictly limited to consumption within the Monument and will be subject to all the reporting and observer requirements that commercial fishing is subject to. Detailed reports on time, location and species caught is</li> </ol>

<b>Comment Category 9 – Enforcement</b>	
	<p>essential to understanding the impact of different user groups and of sustenance fishing as an activity.</p> <p>2) Police the Japanese vessels from catching the fish that Hawaii residents are then not allowed to catch.</p>
9-04. Response	<p>The state and federal law enforcement agencies and the Coast Guard, charged with enforcing the laws and regulations within the Papahānaumokuākea Marine National Monument, have been soliciting and will continue to solicit ideas and help from a broad spectrum of entities throughout the world to develop, refine, and execute the best plans to protect this most valuable resource. One of the goals of the enforcement team is to continue prosecuting violators to the full extent of the laws and regulations governing the Monument.</p>
9-05. Comment	<p>The comments below recommend the establishment of a penalty schedule for violations that occur in the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) A penalty schedule that covers all violations in state and federal waters must be severe enough to deter violators and must be broadly disseminated to ensure that compliance.</li> <li>2) Page 232, Activity EN-4: Increase costs of non-compliance with Monument rules (increase incentives for compliance).</li> <li>3) Page 235, add a new “Activity EN-4.1: Specify clear monetary and non-monetary penalties for non-compliance with Monument rules.”</li> </ol>
9-05. Response	<p>Each of the Co-Trustees has independent authority to establish penalty schedules, within existing law, that cover violations of statutes they administer. The Monument Law Enforcement Working Group confers on issues such as the handling of violations to ensure compatibility between enforcement agencies. NOAA Office of General Counsel has published a penalty schedule for violations in the Monument under statutes it administers and it can be found at <a href="http://www.gc.noaa.gov/enforce-office3.html">http://www.gc.noaa.gov/enforce-office3.html</a>.</p>
<b>Unique Comments</b>	
9-06. Comment	<p>Therefore, OHA inquires as to whether or not the managers know which ““compliance actions”” they will trigger by which actions, and if not, when will the plans be completed and in what form (a supplemental environmental assessment, for example) they will be provided. We also ask if any state water quality standards assessments have been made for proposed construction activities that may impact upon state waters, and if an Army Corps of Engineers jurisdictional determination or consultation has been made. Page 56 of the draft management plan, for example, mentions coastal construction which would normally trigger a host of state and federal requirements.</p>
9-06.	<p>The Monument Management Plan describes several strategies and associated activities that the agencies will implement</p>

<b>Comment Category 9 – Enforcement</b>	
Response	<p>in the Monument over the next 15 years. Volume 2 of the environmental assessment provides a discussion about the potential environmental effects of the Monument Management Plan strategies and activities. Although the Monument Management Plan and the associated environmental assessment describe these activities and their impacts in general terms, they cannot for the most part fully analyze the impacts of every action that the agencies will take or authorize over the next 15 years. As such, each agency action taken in the Monument will be subject to future NEPA analysis on a case-by-case basis. Some of these activities will be eligible for a categorical exclusion, while others will require the preparation of an environmental assessment or environmental impact statement, depending on the significance of the impacts. Volume 2, Section 1.8, includes a description of the categorical exclusions for each of the agencies.</p> <p>Although the Monument Management Plan describes some general planning documents or conceptual site plans for Midway and other infrastructure projects that may include construction, the EA does not fully assess their environmental impacts. Such projects would require separate NEPA and HRS Chapter 343 analyses, including an assessment of compliance with state water quality standards and consultation with the US Army Corps of Engineers.</p>
9-07. Comment	<p>In 2007, the grounded vessel <i>Grendel</i> was found loose inside Kure Atoll after it had ground a 500' path through the reef. This serves as just one example of the isolation of Papahānaumokuākea and the need for enforcement in the area. OHA realizes that the best made action plans are of little use without a way to apply them or make their true force realized. Page 73 of the draft monument management plan states that, “The Coast Guard sends a buoy tender to the NWHI once a year. This mission also serves as a law enforcement patrol. In addition, the Coast Guard may occasionally send other ships to the area as needed.” OHA inquires as to the level of enforcement patrols currently underway in Papahānaumokuākea other than this annual visit.</p>
9-07. Response	<p>In addition to the annual buoy tender patrol, the Coast Guard conducts monthly overflights of the Papahānaumokuākea Marine National Monument, and NOAA OLE monitors VMS daily. Other Coast Guard patrols may be active in the NWHI in conjunction with other missions as opportunities arise or threats dictate. In addition, Co-Trustee chartered flights, vessel traffic, and island-based personnel provide a level of oversight for the Monument through their presence. A new law enforcement officer will also be stationed at Midway.</p>
9-08. Comment	<p>Section 3.4.2 has a desired outcome to “Achieve compliance with all regulations within Papahānaumokuākea Marine National Monument.” However, on the same page a contradiction is presented: “Managers and law enforcement personnel must work together to prioritize and initiate appropriate activities that will have the greatest impact.” OHA asks if all the regulations will be complied with or just some, and if not all, which ones or when will they be complied with.</p> <p>OHA suggests the use of penalties for those violating regulations in the area and vessel monitoring systems that cannot</p>

<b>Comment Category 9 – Enforcement</b>	
	be turned off by the applicant. Page 17 of appendix C mentions that Lands within the National Wildlife Refuge System are generally considered strict liability lands and OHA feels that appropriate use of this regime should be applied. We also support the creation of a monument law enforcement working group as noted on page 52 of the environmental assessment.
9-08. Response	<p>The state and federal law enforcement agencies and the Coast Guard, charged with enforcing the laws and regulations within the Papahānaumokuākea Marine National Monument, examine an array of technologies from around the world and will deploy the most effective technologies for protection and for detecting anyone intent on harming the Monument.</p> <p>All permitted vessels entering the monument are required by law to have onboard functioning vessel monitoring systems that are functioning and transmit data to NOAA’s Office of Law Enforcement. Those not in compliance are subject to fines. The Monument Management Plan, Activity EN-1.1, calls for establishing an enforcement working group.</p>
9-09. Comment	<p>Enforcement Action Plan—Section 3.4.2. The Enforcement Action Plan appropriately emphasizes that inter-agency cooperation is necessary. We also applaud mention of “the potential use of other technological capabilities.” We note two activities that should be tightened up in this Plan:</p> <ul style="list-style-type: none"> <li>• Activity EN-1.2—There is mention of discussions to formalize Coast Guard Support, but no mention of a timetable or the urgency of the creation of this support, as opposed to the mere discussion. The Plan should state when adequate enforcement will be in place and what it will look like.</li> <li>• Activity EN-1.5—Specific goals for the amount of increased enforcement capacity required at Midway should be set. Additionally, visitor activities at Midway should be delayed until sufficient enforcement capacity is available. As a “major access point into the Monument,”<sup>12</sup> it would be irresponsible to allow interactions to increase without simultaneously increasing enforcement capacity.</li> <li>• As discussed in the Permitting Action Plan, clear and consistent penalties for permit violations must be enacted into regulation with approval of appropriate Offices of General Counsel and the Coast Guard. There could be significant impacts to the Monument’s resources if permits are issued without an effective means of assessing penalties, including the immediate and permanent revocation of the permit.</li> </ul>
9-09. Response	Response time for law enforcement to potential violations in this vast area of the Pacific has always been a concern but can be overcome when coordination and communication goals are achieved. The Coast Guard is an invaluable resource in these areas, and they, along with our Department of Defense partners, via memorandums of understanding and memorandums of agreement, are making a positive impact on response time and overall awareness of law enforcement

<b>Comment Category 9 – Enforcement</b>	
	<p>activities inside the Monument.</p> <p>The Midway visitor services program has already begun, and initial steps have been taken to install a full-time, uniformed law enforcement officer from the USFWS there in 2009. This officer’s involvement begins with enforcement and continues to expand, as additional resources are dedicated to the Monument.</p> <p>Each of the Co-Trustees has independent authority to establish penalty schedules, within existing law, that cover violations of statutes they administer. The Monument Law Enforcement Working Group confers on issues such as the handling of violations to ensure compatibility between enforcement agencies. NOAA Office of General Counsel has published a penalty schedule for violations in the Monument and it can be found at <a href="http://www.gc.noaa.gov/enforce-office3.html">http://www.gc.noaa.gov/enforce-office3.html</a>.</p>
9-10. Comment	<p>Strategy EN-1: Increase law enforcement . . . Plan (p. 233)</p> <p>How many enforcement officers will be necessary to police the entire area?</p> <p>Activity EN-2.4: Increase available platforms to support law enforcement (p.235)</p> <p>Will the rising price of oil make it more difficult to put additional ships and planes on patrol to prevent violations of the Monument rules? The rising cost of fuel is an issue that may have a detrimental impact on enforcement. Without enforcement however, violations are sure to happen.</p>
9-10. Response	<p>The state and federal law enforcement agencies and the Coast Guard, charged with enforcing the laws and regulations within the Papahānaumokuākea Marine National Monument, examine an array of technologies from around the world and will deploy the most effective technologies for protecting the Monument and for detecting anyone intent on harming the Monument. Budgeting for personnel and programs will always be an important consideration in protecting this vast area. However, with the proper planning and the execution of those plans, the enforcement team will achieve the maximum results.</p> <p>The enforcement team will continue to work together to resolve issues pertaining to the Papahānaumokuākea Marine National Monument. By using current resources, new technologies, new ideas, and support from outside entities and partners, the law enforcement team will provide the most productive means to enforce Monument regulations.</p>
9-11. Comment	<p>To aid in preventing permit violations and thereby preventing potential harms to the ecosystem, we suggest that every vessel carry an independent compliance officer onboard.</p>
9-11. Response	<p>Law enforcement partners continuously determine and reevaluate the appropriate makeup for the personnel needed to protect the Monument. However, limited resources likely prevent a mandate that all vessels have independent compliance officers onboard. The MMB is working with the maritime industry and the IMO to raise awareness about</p>

<b>Comment Category 9 – Enforcement</b>	
	regulations and specific requirements to operate in and to transit the Monument.
9-12. Comment	The pre-departure briefing for everyone on the vessel or mission should include a discussion of reporting procedures in the event a possible violation has been committed. This must include direction to contact state’s Division of Conservation and Resource Enforcement for activities in state waters.
9-12. Response	The law enforcement team for the Monument has reached a consensus on briefing vessel operators before they depart or when they request permission to transit the Monument. Protocols are in place to address this issue with each vessel operator requesting permission to enter the area. These protocols identify compliance and responses to questions about potential violations. Accompanied by a vessel monitoring system, vessel operators traveling through the Monument should understand the full impact and consequences of any violations and law enforcement efforts to protect our natural resources.
9-13. Comment	Regarding Activity EN-1.5: Increase law enforcement capacity on Midway Atoll within 2 years, we urge that appropriate enforcement staffing be seen not as a one time event but as a task requiring ongoing reassessment. For example, law enforcement presence on Midway should be scaled to the island’s level of use so that as visitor, researcher and staff numbers increase over time there is a commensurate increase in law enforcement capacity. Furthermore, when the daily limit of visitors is exceeded, it will be difficult for a single enforcement officer to ensure that passenger and crew of an 800-passenger vessel are all in compliance. We recommend that the Co-Trustees require cruise ship companies to cover the costs for an additional enforcement officer to accompany the vessel from the Main Hawaiian Islands when traveling to Midway.
9-13. Response	One law enforcement officer should be sufficient for the island population, as outlined in the Monument Management Plan. Although one person cannot be in all locations at all times, other Monument staff also monitor activities and can contact the law enforcement officer if needed. When large groups visit, additional law enforcement and interpretive staff are brought to the island.
9-14. Comment	Activity TES-2.5: Prevent Human Interactions with Cetaceans (p.150) In the discussion of human/cetacean interaction, the DMMP states “The controls will aim to prevent disturbance to cetaceans resting in Monument lagoons or nearshore areas and prevent geological research using sound levels known to be dangerous to marine mammals.” How will you prevent or discourage sonar use? How widely has it been used in the area in the past for geological or military purposes?
9-14. Response	The MMB will work with the National Marine Fisheries Services and other appropriate agencies to ensure that all human-made sound, including sonar, has been evaluated and authorized under the applicable processes of the MMPA

<b>Comment Category 9 – Enforcement</b>	
	and ESA. Investigating the effects of various sound energies on marine mammals is an active research topic. The MMB will continue to evaluate this research, as well as sources and levels of sounds in the Monument for its potential to impact natural resources.
9-15. Comment	Enforcement Action Plan: The RAC regards the implementation of a threat-based detection and monitoring program to be a high priority and recommends that it be implemented in one year instead of two years from the date the management plan is adopted by the CO-Trustees. The RAC considers it very important that the MMB conduct ongoing and comprehensive threat assessments and the MMB should be immediately informed of all alleged violations. Penalties for violations should be clear and set at meaningful levels so as to act as a real deterrent.
9-15. Response	As stated in Activity EN-2.1, NOAA initiated a threat assessment at the end of 2007. The MMB needs to complete this task as soon as possible so a Monument enforcement plan can be completed. Given existing resources, it is likely this task will take two years to complete.
9-16. Comment	Presumably already contaminated or/and controlled areas, even something like that doesn't guarantee that any toxin or other invading external object that goes into the water or by land/air will not get onto any other atoll or island. Or into the sea environment. And especially if it has anything to do with or near the sea, it's bound to affect everything, how would such as this be dealt with? Levels of safety, etc. will be monitored and developed, even with some clean up, that doesn't guarantee the safety of these recreative, per se, groups themselves either. Many details are offered, but little concrete details are. These are only implied in detail, law, policy and other as the details are supplied. Very little is stated in detail, which is where the biggest worry comes in. Mostly intention and theory as regards action are given. No one action only has just a single given result, even if it helps in any way.
9-16. Response	Law enforcement relies on biologists and experts from all over the world to address marine and natural resource questions about the environment so that violations and potential violations can be immediately identified. With the assistance of these experts, law enforcement can better understand the issues, can take quick actions, and can reach positive outcomes. More details will be developed as enforcement strategies are implemented and improved.
9-17. Comment	Page 233 Implement a communication system to ensure that all Monument co-trustee enforcement authorities are immediately informed of all alleged violations.
9-17. Response	A program is effective only when a strong foundation framed with proper communication is established. All the law enforcement partners involved—state and federal entities, the Coast Guard, and the US Military—allow this foundation to be built, resulting in a strong enforcement network that can respond in a timely matter to violations inside the Monument. Communication devices, such as VHF radios, cellular and satellite phones, and other electronic devices, can

<b>Comment Category 9 – Enforcement</b>	
	be some of the strongest tools for enforcement.
9-18. Comment	Page 233, line 32 insert at the end of the sentence, “including with DOD agencies.”
9-18. Response	Involving all supportive entities and gaining their full cooperation will enhance law enforcement’s coverage within the Papahānaumokuākea Marine National Monument. The Department of Defense does not fall within the jurisdiction of the MMB. The MMB cannot mandate the Department of Defense to help enforce Monument regulations, so the language you propose cannot be changed.
9-19. Comment	Page 233 line 44 change annual to regular
9-19. Response	Information and input about law enforcement issues surrounding the Monument are solicited continuously from law enforcement partners. The annual briefing is meant to provide a strategic outlook on annual priorities. The MMB will review other enforcement issues as needed.
9-20. Comment	Page 233 line 44 present formal briefing to the MMB, MAC, and public.
9-20. Response	Law enforcement partners continuously determine the appropriate sites to conduct briefings about the law enforcement issues in the Monument, and they consider all appropriate venues.
9-21. Comment	Page 234 line 10 change two years to one year.
9-21. Response	Law enforcement partners continuously determine and reevaluate the appropriate time to implement various procedures inside the Monument. Although the planning for a threat-based detection and monitoring system will begin in the first year, sufficient resources are not available to fully implement the system until the second year, given all the other activities in the Monument Management Plan.
9-22. Comment	Page 234 line 22, change a threat assessment to “conduct ongoing comprehensive threat assessments.”
9-22. Response	Activity EN-2.1 includes Monument law enforcement working group collaborating on a comprehensive threat assessment and producing an initial enforcement plan. Before it is finalized, this first assessment will be reassessed to determine how often it should be revised. Law enforcement partners continuously determine and reevaluate the

<b>Comment Category 9 – Enforcement</b>	
	appropriate responses to all assessments conducted regarding the Monument.
9-23. Comment	<p>We also urge addition of a new enforcement strategy directed at development of administrative penalties including penalty schedules and summary settlement tables. Based on our experience with the National Marine Sanctuary Program, simplified administrative penalties is a critical piece of an effective enforcement program. NOAA General Counsel for Enforcement and Litigation (GCEL) has authority to produce “penalty schedules” and “summary settlement tables” to aid them in prosecuting violations of statutes and regulations. Penalty schedules establish “suggested penalty ranges” for first, second, and third violations of specific regulations. Summary settlement tables establish “fixed fine amounts” for small misdemeanors and allow officers in the field to issue tickets on the spot, similar to a traffic ticket process. Respondents can either pay the ticket or request a hearing before a U.S. Coast Guard Administrative Law Judge. In the absence of a summary settlement, GCEL issues a Notice of Violation and Assessment (NOVA) which is a procedurally lengthy process designed for larger, more complex cases. GCEL attorneys can use the penalty schedules to determine penalty amounts for a NOVA. The majority of Sanctuary violations are not complex and do not require NOVAs, which respondents frequently do not receive for months or years after violations occur. This is wholly ineffective and inefficient for small violations. Summary settlements are likely to be appropriate to a majority of Monument infractions in order to:</p> <ul style="list-style-type: none"> <li>• achieve an immediate credible deterrent to future violations,</li> <li>• avoid a backlog of mounting NOVAs,</li> <li>• clear minor case action efficiently, and</li> <li>• address a variety of responsible parties from individuals to companies.</li> </ul> <p>For example, GCEL has completed a revised national penalty schedule for the National Marine Sanctuary Program (NMSP), but has not yet completed a national summary settlement table. The national penalty schedule provides suggested NOVA penalty ranges for prohibition categories that cross all sanctuaries and for site-specific prohibitions that pertain only to individual sanctuaries. Summary settlement tables are needed that provide a low-level immediate fine option for practically every prohibited activity in the Monument. The table must thus be comprehensive and carry fine amounts that have adequate deterrent effect. We also encourage the DMMP to include language noting that any permittee found to be in serious violation of permit conditions or to have violated Monument regulations will have their permit revoked and be ineligible for future permits.</p>
9-23. Response	NOAA GCEL completed and published a civil administrative penalty schedule for Monument violations under its Magnuson-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act, and Endangered Species Act authority. This penalty schedule is available on the Internet at <a href="http://www.gc.noaa.gov/gcelschedules/">www.gc.noaa.gov/gcelschedules/</a>

<b>Comment Category 9 – Enforcement</b>	
	NWHI%202-07.pdf. NOAA GCEL has issued several Notices of Violation and Assessments of Civil Penalty in cases involving Monument violations and continues an active enforcement strategy for addressing Monument violations to the greatest extent possible under existing legal authorities.
9-24. Comment	As noted above, we strongly support Activity EN-2.2: Operate a Vessel Monitoring System for all permitted vessels and Activity EN-2.3: Integrate additional automated monitoring systems and ship reporting systems for all vessels transiting the Monument. We agree that automated monitoring systems are critical to law enforcement in an area as large as NWHI. We urge that a fully functioning system covering all vessels that transit or visit the Monument be up and running as quickly as possible. Such a system would simultaneously serve multiple Monument needs: threat assessment, prevention of disasters, emergency response, and law enforcement. Since Monument management is based on the fundamental premise of prohibition of entry (other than for transit) without authorization, it is critical for managers to be able to tell who is in the Monument, where they are and what they are doing.
9-24. Response	<p>The law enforcement agencies and the Coast Guard, charged with enforcing the laws and regulations within the Papahānaumokuākea Marine National Monument, examine an array of technologies from around the world and will deploy the most effective technologies for protection and for detecting anyone intent on harming the Monument. We will continue to use existing technologies to the greatest extent possible, while identifying opportunities to use new technologies, to the extent allowable under domestic and international law. Vessel monitoring systems are required for all vessels permitted to enter the Monument.</p> <p>We considered the threats and relative risks to Monument resources from commercial shipping, including from hazardous cargo in developing the Monument Management Plan. We also considered the protective measures of designating the Monument as a Particularly Sensitive Sea Area by the International Maritime Organization , a specialized agency of the United Nations that addresses safety of navigation as well as protection of the environment from commercial shipping activities. Protective measures developed by the United States and adopted by the IMO in association with PSSA designation include Areas To Be Avoided and a ship reporting system. These measures appear on international nautical charts and direct ships away from coral reefs, shipwrecks, and other ecologically or culturally sensitive areas in the Monument. They also encourage ship operators to use three transit corridors between Areas To Be Avoided if they must transit the Monument and help to facilitate timely response to developing emergencies.</p>
9-25. Comment	<p>3.4.2 Enforcement Action Plan</p> <p>Adequate enforcement is a critical component of ongoing Monument management. The DMMP notes that the size and remoteness of the NWHI complicates effective enforcement. Given the inherent challenges to patrolling a large, remote and ecologically sensitive area, it is especially important that the Co-Trustees and partner enforcement agencies like the</p>

<b>Comment Category 9 – Enforcement</b>	
	Coast Guard coordinate activities and share resources and information. Therefore, Ocean Conservancy strongly supports development of interagency agreements as described in Activity EN-1.2.
9-25. Response	We have noted your comment.

**Comment Category 10 - Fishing****Summarized Comments**10-01.  
Comment

The comments below provided input and expressed concerns on some of the different management aspects of the bottomfishery of the Monument.

Comments:

- 1) I know I've seen pictures and videos, and I've read things about the big schools of ulua just circling around and they're real tame, and stuff like that, so maybe that's one of the reasons why there's not too many of the other fish that the seals eat, is because the ulua is eating 'em all, whatever, they're all hiding or whatever. So if we get more people up there -- I know it's really hard to get up there to go fishing nowadays. It's probably always difficult because it's so isolated and stuff, so it wasn't very common practice, but the people did go, and so maybe if we have more opportunities -- I was telling my students back there for come speak, 'cause they're good fishermen too. Not too long ago, I had an ulua tournament and they caught the big fish, and so they won the prize, so, I know they would really enjoy getting a chance to see what it's like up there and maybe catch some ulua or whatever. But just along those lines of more chances for the people to get the opportunity to go and practice their traditional gathering rights, 'cause the people are part of the ecosystem, too, yeah? And they're the main predator that keeps it in balance. Sometimes they go too far and they don't respect their kuleana to maintain the balance and they take too much, but sometimes if you don't have anybody there and it goes the opposite way, where there's no balance, that way, too.
- 2) But about the fishing management, we should just use some of our people to be on that management, instead of only from western or wherever they come from, Japan or China. You know, the fish belong to our people first. What we get out of that? I like know. Because we don't see any red cent. They said the Hawaiian people getting some. All my life, I think to today, I see nothing. So we like the management not go for only us, for all the people who live here, but goes for them too. Stuff what go on in this area up here or whatever go on in this, in all the nine island, is for the people here.
- 3) If you could start with that, you've got \$1.3 million that are earmarked to jump-start this, get this going. I would suggest the first thing you should do is buy out those fishing permits that are out there. Protect the resources you have left as the first measure.
- 4) I understand that there is \$1.3 billion earmarked for this Monument. And I think that the number one priority would be to buy out the six leasing or the fishing leases that are in practice today. I think there's three more years left of those fishing leases. I think that the harm that they're going to be doing the next three years is totally

<b>Comment Category 10 - Fishing</b>	
	<p>unacceptable if you really want.</p> <p>5) What you can do, though, immediately is use the first use of that \$1.3 billion you have to spend should be to buy out the leases on the fishermen that are out there that are continuing to overtake the area. You know from studies that have already been done, two studies in particular the top predators are all reduced to just a shadow of what they were. You know that already. If you look at the success of other people who have set up, say -- the one I'm most familiar is Santa Barbara Islands. That's not very old. They started out there with a plan for that sanctuary before you did. When I was out there there wasn't a black sea bass in the area. I had the privilege of having 13 of 'em all over 250 pounds inside at once. That's what happened in just five years. Around the world you've seen that when you actually put protection in place what you got is results. When you have a Management Plan like this is for the wise use and the exploitation you will see continued degradation. You can't help it.</p>
10-01. Response	<p>In accordance with Presidential Proclamation 8031, the federally managed bottomfishery will be closed in June 2011. Until then, a maximum of eight vessels are allowed into the Monument for fishing, with total annual landings not to exceed 350,000 pounds of bottomfish and 180,000 pounds of pelagic species. Under the proclamation, sustenance fishing is allowed outside any special preservation area, incidental to a Monument permit. Of the six permit types, only the Native Hawaiian practices permit specifically allows for but is not limited to harvesting and consumption of Monument resources while in the Monument, so long as it is “conducted in a manner compatible with the 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.”</p>
10-02. Comment	<p>The comments below provided input and expressed concerns on some of the different management aspects of sustenance fishing within the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Set up areas for specific fishing and rotate them to keep the populations intact.</li> <li>2) Bottomfishing must be immediately eliminated.</li> <li>3) Fully implement the purpose and spirit of the Proclamation designating the Monument and the regulations establishing the State Refuge by dissuading sustenance fishing by researchers and vessel crew. Sustenance fishing is not allowed in the state waters of the Northwestern Hawaiian Islands and should not be permitted in the federal waters. Yet, right now, federal Co-Trustees grant permission for vessel crew and researchers to fish for their own consumption while in federal waters. There are no apparent checks on this practice: no fishing reports or gear</li> </ol>

**Comment Category 10 - Fishing**

restrictions. In fact, we continue to get reports of “coolers upon coolers” of fish from Northwestern Hawaiian Islands being brought back to Honolulu. This practice is unacceptable and should be stopped.

- 4) No large commercial fishing enterprises for 5-10 years. Small commercial and sustenance fishermen should be able to continue provided they do not deplete the resources.
- 5) How do fishermen get there to help alleviate the concern of lots of high end predators (uluua)
- 6) Specifically, I disagree with the provisions... that would allow continuation of a fishing plan administered by a body whose record of stewardship is anything but commendable...
- 7) Section 3.1 (New) Remediation and Restoration Plan. Immediately stop existing ongoing exploitation of the marine fishery by buying out existing leases. The first priority for the \$1.3 Billion in Monument funds earmarked by Senator Inouye must be the buyout of commercial fishing leases currently legally exploiting the resource in violation of No Take Policy and the Proclamation 8031. A permanent moratorium on commercial and sport fishing is required by No Take Policy and consistency requirements of the groundfish moratorium, and is not inconsistent with Native Hawaiian rights and practices.
- 8) I think it's also a good idea with the fisheries now that we learned that much more about fragility of this place we can do that. We can say no, we don't want to fish on this level up there.
- 9) I think you should simply end all fishing and other extractive activities in the Marine Monument. Period. Use some of the money to buy back the licenses of anyone now fishing there
- 10) Any current commercial fishing permits should be revoked at the end of this year - not 2011
- 11) Terminate all commercial fishing now.
- 12) First, there must be an immediate halt to fishing and other authorized take of biota and resources within the Monument.
- 13) The second thing you should do besides stopping the fishing, the legal fishing that's going on out there now,
- 14) Commercial fishing has been declared incompatible with Monument objectives. Yet, sustenance fishing is allowed even as the number of people entering the Monument will increase. We agree with the finding that fishing is incompatible in the Monument, with the Monument objectives and expect that sustenance fishing will be discouraged. And that sustenance fishing that does occur, if it does occur, will be strictly limited to consumption within the Monument and will be subject to all the reporting and observer requirements that

**Comment Category 10 - Fishing**

commercial fishing is subject to. Detailed reports on time, location and species caught is essential to understanding the impact of different user groups and of sustenance fishing as an activity.

- 15) Sustenance fishing is not compatible with the purpose of the Monument. Allowing any extraction of resources for consumption is not consistent with preserving the monument in its pristine state, let alone allowing the removal of up to SEVEN TONS of magnificent large predatory fishes. You have not provided adequate scientific justification for your claim that removing seven tons of the Monument's resources will not harm Monument resources or alter its ecosystem. I do not believe that we should risk the Northwestern Hawaiian Islands ecosystem merely to save the government a few thousand dollars and to provide government employees and university researchers with a luxury fresh ahi.
- 16) All fish and wildlife should be protected and no collection of species for consumption no matter how small allowed. Taking of species for future personal consumption or sale should be prohibited and substantial penalties incurred.
- 17) We strongly urge the Co-Managers to support comprehensive protections for the entire NWHI ecosystem by upholding the ban on sustenance fishing throughout the Monument. Thus fishing should NOT be allowed for - or even requested by - any of the management agencies for staff or vessels operating within this fragile public trust resource. Sustenance fishing is prohibited in the state NWHI Refuge, and this prohibition should be upheld throughout the entirety of the co-managed Monument.
- 18) We urge the NOAA sanctuaries office and crew of NOAA vessels and contracted vessels including the HI'IALAKAI to similarly respect the "do no harm" and conservation goals of the Refuge and Monument and remove their request for permission to fish from their permit applications.
- 19) Sustenance Fishing Permits Pursuant to the Monument regulations, the Secretaries of Interior and Commerce should develop "systematic reporting requirements."<sup>10</sup> An accurate assessment of impacts of sustenance fishing cannot be conducted without inclusion of the location of catch in reporting requirements. Only with information on catch location can any impacts on localized populations, monk seals, etc. be assessed. Having said that, MCBI feels that no sustenance fishing should be allowed in the Monument. Bottomfishing was determined to be incompatible with protection of the NWHI ecosystem, and the Presidential Proclamation therefore phased out commercial catch. While US Fish and Wildlife recommends a seemingly tight limit on the numbers and types of fish allowed to be taken by sustenance fishing around Midway, there are no similar limits for the rest of the Monument. It is inconsistent to phase out commercial fishing and yet allow unrestrained numbers of fish be taken

**Comment Category 10 - Fishing**

for sustenance fishing from much of the Monument with fewer reporting restrictions than commercial fishing is subject to.

- 20) Sustenance Fishing. Ocean Conservancy believes that sustenance fishing should not be a permitted activity within the Monument. The activity is not consistent with the vision and goals for the Monument and the Nation's view of the NWHI as a unique and pristine environment that should be protected against human exploitation and impacts to every extent possible. All other forms of fishing, except subsistence fishing by Native Hawaiians, is or will be prohibited within the Monument. All fishing is prohibited within the Hawaiian Islands National Wildlife Refuge and the Northwestern Hawaiian Islands Marine Refuge and State Seabird Sanctuary at Kure Atoll. The ongoing permitting of sustenance fishing appears to raise what is essentially recreational fishing by researchers and other permittees to the same level of importance as that fishing of cultural and ceremonial importance to Native Hawaiians – subsistence fishing. Ocean Conservancy believes it is fundamentally inappropriate to allow fishing within the Monument whose purpose is solely to provide the luxury of fresh fish to Monument residents, researchers and visitors. Many Ocean Conservancy staff have spent months at sea or on remote islands conducting research, and we fully understand the high amenity value of being able to have fresh fish. However, that is simply not sufficient justification to allow what amounts to a sanctioned recreational fishery within the Monument. Even limited recreational fisheries have been demonstrated to have appreciably depleted fish stocks in MPAs elsewhere in the world.
- 21) We recognize that the Proclamation states: “The Secretaries of Commerce and Interior may permit sustenance fishing outside of any Special Preservation Area as a term of condition of any permit issued under this proclamation.” However, nothing in the Proclamation language requires the Secretaries of Commerce and Interior to allow such fishing. We urge the Co-Trustees to reject the permitting of sustenance fishing for all permits types. In the Proclamation sustenance fishing is defined as fishing for bottomfish or pelagic fish. Recent research has shown that Endangered Hawaiian monk seals consume bottomfish, which means that humans would potentially be removing fish from the ecosystem that monk seals rely on. This potential conflict is recognized in the draft FWS Appropriateness Finding and Compatibility Determination for Midway Island Appendix D of the DMMP, however it does not appear to be applied to the Monument as a whole. Aside from a very brief mention in the Permitting Action Plan, the DMMP only provides detailed guidance and proposed regulations on sustenance fishing within Appendix D with respect to the Midway Atoll Special Management Area (SMA) (Compatibility Determinations). However, all of these regulations appear to be limited to the Midway Atoll SMA since they come under Appendix D and address FWS compatibility criteria. Given the lack of discussion of sustenance fishing in Ecological Reserve areas (outside of Midway Atoll SMA) we assume sustenance fishing would not be

<b>Comment Category 10 - Fishing</b>	
	<p>allowed under the DMMP since the Proclamation requires consideration of impacts of sustenance fishing and reporting (see above) and no such discussion is included in the DMMP for any area except for Midway Atoll SMA. The DMMP must be specific about exactly where any fishing would be allowed if its potential impact is to be accurately assessed.</p> <p>22) Furthermore, we also wish to see that no more fishing is done in the area by scientific expeditions, military incursions or even cultural visitations. We must preserve the fish stock there so we can restock our depleted species.</p>
10-02. Response	<p>Sustenance fishing is only allowed as a term or condition of a permitted activity within the Monument; as such, it is subject to reporting requirements. In accordance with Presidential Proclamation 8031, the federally managed bottomfishery will be closed in June 2011. Until then, a maximum of eight vessels are allowed into the Monument for fishing, with total annual landings not to exceed 350,000 pounds of bottomfish and 180,000 pounds of pelagic species. Additionally, sustenance fishing is allowed under Presidential Proclamation 8031 and “must be conducted in a manner compatible with the 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 of Commerce and Interior have worked on procedures for systematically reporting any sustenance fishing that is allowed to ensure that the effects are within the prescribed parameters of the proclamation. In addition, the proclamation allows the limited collection of resources for scientific purposes.</p>
10-03. Comment	<p>The comments below provided suggestions regarding minor changes and edits for the document.</p> <p>Comments:</p> <p>1) Page 68, line 27states: The crustacean (lobster-trap) fishery has not had a harvest guideline set for the NWHI since that time; no crustacean fishery has operated in the NWHI since 2000. Comment: The regulations at 50 CFR 665.50(b)(2) require NMFS to publish an annual harvest guideline for lobster Permit Area 1, comprised of Federal waters around the NWHI which it has done so annually until 1999. Additionally, Proclamation No. 8031 specifically directed the Secretary of the Interior and the Secretary of Commerce to ensure that NWHI lobster permit holders be subject to a zero harvest guideline. Therefore, we recommend that this sentence be amended to read: “No crustacean (lobster-trap) fishery has operated in the NWHI since 1999. Between 2000 and 2005, NMFS has set an annual harvest guideline of zero lobsters for this fishery. Although 15 federal NWHI lobster permits</p>

<b>Comment Category 10 - Fishing</b>	
	<p>continue to remain valid, Proclamation No. 8031 directed the Secretaries to ensure that these commercial lobster fishing permit be subject to a zero annual harvest limit.”</p> <p>2) Page 68, line 45 to Page 69, lines 1 - 2 states: In practice, bottomfish harvest is below catch limits and is thought not to be the contributing factor to the overfishing status of the bottomfish stocks in the archipelago. Comment: As of April 1, 2008, Hawaii’s archipelagic bottomfish stocks were no longer subject to an overfishing condition as the final rule implementing Amendment 14 to the Fishery Management Plan for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region effectively reduced fishing effort by the amount required by NMFS to end overfishing (73 FR 18415, April 4, 2008). We recommend that this sentence be revised to read: “Bottom fish harvest is below catch limits.”</p>
10-03. Response	We have made the recommended revisions.
<b>Unique Comments</b>	
10-04. Comment	<p>Specific to coral reefs and reef associated organisms which are confined to the boundaries of the Monument, it acceptable to limit all destructive or extractive activities that impact them. However, there are species of importance to the recreational fishing community such as tuna, marlin, dolphin, and other highly migratory species that when pursued, do not result in destruction, cause loss of or impose injure to the Monument resources. RFA supports limited recreational fishing for highly migratory species in a manner that will not impact bottom habitat or species. Trolling natural baits and lures at high speeds near the surface is consistent with this position.</p> <p>Under the draft Monument management plan, subsistence and research fishing is permitted to continue. There will be mortality associated with these extractive activities. RFA is certain that recreational fishing in the Monument for highly migratory species, if permitted, would impose minimal additional mortality. Furthermore, Pacific highly migratory species are under the authority of the Inter-American Tropical Tuna Convention, which manages these species with precaution and conservation. Fishery management plans for these species mandate quota management and utilize annual catch limits. As such, regulations to limit harvest have been set and are enforced by NOAA Fisheries. It is not necessary to impose additional measures upon anglers who fish for highly migratory species by restricting them from the Monument.</p> <p>The Monument is over 139,000 square miles and regardless of how remote the area, RFA is extremely uncomfortable about excluding recreational anglers from any area of the ocean without a scientifically proven cause. With regard to the Monument, recreational fishing for highly migratory species, which, by definition, constantly traverse in and out of</p>

<b>Comment Category 10 - Fishing</b>	
	Monument boundaries, is not a conservation problem nor would it compromise the objectives and goals of the Monument. While we believe that special protection should be imposed to protect coral reefs and associated species, RFA is firmly opposed to the arbitrary restrictions of the Monument management plan which prohibit recreational fishing.
10-04. Response	Presidential Proclamation 8031 established clear limits for commercial and recreational fishing. The federally managed bottomfishery and associated pelagic species will be closed in June 2011. Until then, the fishery that is allowed to persist is composed of a maximum of eight vessels, with the total landings for the fishery not to exceed 350,000 pounds of bottomfish and 180,000 pounds of pelagic species per annum. Under the proclamation, sustenance fishing is allowed outside any special preservation area, incidental to a Monument permit. Of the six permit types, only the Native Hawaiian practices permit allow for subsistence gathering so long as it is “conducted in a manner compatible with the 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.”
10-05. Comment	I think you guys should stop selling the fish and `opihi. They should mostly use it for gathering for your family and feeding your family.
10-05. Response	Only fish caught in the federally managed bottomfish fishery, which can persist only until June 2011 under Presidential Proclamation 8031, are allowed to be harvested and sold. `Opihi and other resources may not be sold.
10-06. Comment	ban all long line fishing in the Monument
10-06. Response	Longline fishing has been prohibited in what is now the Monument since 1991, when the Longline Protected Species Zone was designated to prevent interactions with endangered species (50 CFR 665.21 Subpart C).
10-07. Comment	wants public reports on lobster fishing
10-07. Response	Lobster fishing has not been conducted in the Monument since 2000. Reports on the crustacean fishery that operated within the area that is now the Monument may be accessed on the Internet at <a href="http://www.pifsc.noaa.gov/index.php">www.pifsc.noaa.gov/index.php</a> .
10-08. Comment	With respect to Midway Island, the FWS “Finding of Appropriateness of a Refuge Use” determined that: “Sustenance Fishing would not contribute to the public’s understanding and appreciation of the Refuge’s natural or cultural resources and would not be beneficial to the Refuge’s natural or cultural resources. However, following the Refuge conditions for

<b>Comment Category 10 - Fishing</b>	
	<p>compatibility will establish that sustenance fishing will also not materially detract from these resources or the public’s understanding and appreciation of them.” In the absence of any apparent impact the FWS made a finding that sustenance fishing is appropriate for a variety of reasons. Ocean Conservancy has a number of concerns about this finding and the proposed regulations based on it. It states in the Proclamation, with respect to the permitting of sustenance fishing in the Midway Refuge, that: “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 Finding has not demonstrated scientifically that sustenance fishing will not “diminish monument resources ...”, and therefore is incorrect. The FWS proposes certain restrictions on sustenance fishing at Midway designed to reduce the impacts of sustenance fishing (e.g., no reef fish because of ciguatera, no bottomfish because of the monk seal link, fishing gear and method restrictions, limit on total take), but they have not demonstrated that impacts would be avoided beyond making a number of unsupported assumptions and claims. The claim is made that: “The use would not measurably harm ... populations of fish ...”, but the term ‘harm’ is not defined nor is the scientific method described by which this determination was reached.</p>
10-08. Response	<p>The Proclamation states that sustenance fishing may not be permitted unless the Director of the FWS, or designee, has determined it to be compatible with the purposes for which the Midway Atoll National Wildlife Refuge was established. Further, an activity may be permitted only after considering the extent to which it 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 Compatibility Determination considers the extent to which the activity would diminish these factors and specifies terms and conditions to be followed to ensure the activity is compatible with the mission of the Refuge System and purposes of Midway Atoll NWR.</p>
10-09. Comment	<p>One of the reasons provided in the FWS Finding of “no harm” was that sustenance fishing: “would enhance the quality of life for monument employees and other permittees, many of whom are stationed at this remote location or on a vessel for extended periods of time, by providing fresh food at substantial savings to the Government.” We agree that it would improve the quality of life for Monument employees who are subject to all the difficulties and hardships of living and working in a remote location for long periods of time. However, we do not agree that Monument resources should be risked to provide government employees and university researchers with what is essentially a luxury—fresh fish for two days once every two weeks. For a few thousand dollars, high quality frozen fish could be supplied to staff or fresh fish could easily be brought in on flights from the MHI.</p>
10-09.	<p>It is appropriate to allow island residents and visitors who are 1,000 miles from the closest food source to consume</p>

<b>Comment Category 10 - Fishing</b>	
Response	limited numbers of fresh fish. The term “no harm” has been corrected in the Appropriateness Finding to more accurately refer to the Refuge System requirement for refuge managers to use sound professional judgment to determine if a use will materially interfere with or detract from the fulfillment of the System mission or the purpose(s) of the refuge.
10-10. Comment	<p>Finally, we find the proposed plans to monitor and control this activity to be inadequate. While the types of data to be collected are sufficient (date, species, weight, length, location, accidental catch, interactions), we find that insufficient attention has been paid to the manner in which the data will be collected and how those data will be used. We recommend that:</p> <ul style="list-style-type: none"> <li>• The data should be collected by trained personnel to insure that species determinations are correct, and lengths/weights are properly measured, for example:</li> <li>• For the proposed monitoring to be effective, at least one person on Midway and on each research vessel would need to be designated and trained to collect the data, and fishing undertaken only when that person can be present to collect the data;</li> <li>• The data should be assessed on a quarterly basis, rather than annually, to forestall any problems that might arise with too many fish being taken, the wrong species being taken or excessive numbers of interactions occurring.</li> </ul> <p>Given the fundamental inconsistencies between allowing sustenance fishing and the Monument’s mission as well as the specific problems identified with the sustenance fishing program as outlined above, Ocean Conservancy urges that sustenance fishing not be allowed within the PMNM.</p>
10-10. Response	Trained staff would collect data from island residents and would report data from vessel-based catches to the Refuge Manager on a trip-by-trip basis. Refuge staff would monitor all data regularly and would report it to Monument managers annually.
10-11. Comment	<p>Pelagic fishes only: It is suggested in the Finding that because pelagic fish move widely, and the proposed catch (300 fish or 7 tons per year) is only a tiny fraction of the total catch for the Archipelago, that the impact would be minimal. This relies on an implicit assumption that the pelagic fishes around the Archipelago form single populations. The fact that the National Marine Fishery Service routinely assumes a “unit stock” for a management area with little evidence does not make it correct. If any of these species move much less, or, even worse, are resident around Midway, then the fishing pressure could be much higher than the average elsewhere in the Archipelago because it is concentrated in a very small area. There is evidence that such concentrated recreational fishing around Midway depleted ulua in the past. Regardless, determining whether the take is minimal by fisheries management standards (proportion of biomass taken) is not</p>

<b>Comment Category 10 - Fishing</b>	
	<p>sufficient to determine if there would be an impact on the ecosystem. There is a suggestion in the DMMP that because at least one species of pelagic fish (skipjack) is highly fecund and fast growing that the proposed sustenance fishing would have no impact. This is an odd fact to base the argument on, given that the data presented on past catch do not include any skipjack. Instead, most of the tuna are yellowfin and/or bigeye, both of which are slower growing and less fecund. The latest report on the status of stocks from NMFS lists bigeye tuna in Pacific as experiencing overfishing, and indicates that it may be approaching an overfished condition. It is unclear to Ocean Conservancy what justification could be offered to allow researchers and government employees to take even a relatively small amount of bigeye tuna from the Monument when the stock is experiencing overfishing and is at risk of being overfished.</p> <p>A more important question is: what are the effects of the take on ecological integrity. Large fish are especially important to reproductive capacity, and have an important influence on ecosystems as predators. Fishing is well known to select for the largest individuals. Thus, it is possible that sustenance fishing would remove some of the most important individual fish from the pelagic environment around Midway, with unknown consequences to the ecosystem. It is especially distressing to imagine that spawning age bigeye tuna could be removed when the stock is at risk of being overfished. It is not sufficient to claim that the effect would be minimal without research to support that claim. Not only is there no research, but there are no data on the sizes of fish taken. While biomass estimates are provided based on the number of fish taken in the past, they are based on what appears to be a guess at an average size per fish of 50 pounds.</p>
10-11. Response	The Compatibility Determination has been amended to rely on data only for the species considered for this activity. Additionally, the recent information on bigeye tuna has been added to the Compatibility Determination, and as a result the determination has been made to not allow this species to be consumed in order to ensure compatibility.
10-12. Comment	Fishing gear and methods: The gear and methods proposed would help ensure that other species are not caught, but they do not go far enough. Additional requirements should including banning the use of wire line, down-riggers, planers or heavy weights, and prohibiting fishing at night or during the dawn and dusk periods. While “muscling” the fish in may help to lessen depredation by sharks, no data are offered to suggest how successful this technique might be. We assume that the Co-Trustees are not interested in supporting a “shark-feeding activity” in the Monument.
10-12. Response	The Compatibility Determination specifies that the activity would be conducted only during daylight for island-based vessels, in accordance with current refuge policy on vessel operations. It has been amended to further this stipulation for all vessels. The proposed activity specifies that only artificial surface lures (composed of, for example, a jet head, squid squirt, leader, and hook) would be used.
10-13.	Total take: How was the total take limit of 300 fish (nearly 7 tons) determined? Was a stock assessment model used,

<b>Comment Category 10 - Fishing</b>	
Comment	although as argued above that would be inappropriate? Was there an ecological assessment made of what the impact on the local ecosystem would be from removing 300 large fish per year? Was an assessment made of what removing seven tons of predator biomass would do to the dynamics of the fish community and the functioning of the ecosystem? Was it determined what this would do to prey populations that might be controlled by predation pressure? Was it determined what removing that much of the pelagic community would do to the reef communities through linkages between the two communities? Was it determined what this might do to competitive interactions within the predator community? Was it determined what removing seven tons of spawning biomass would do the reproductive output of these fishes, especially bigeye tuna? The fact that it is seen to be necessary to limit the number of fish caught suggests that FWS and Co-Trustees recognize that the activity could cause harm. Would harm occur if 1000 fish were taken? 500? 100? How do we know that a take of 300 fish per year is below the threshold above which harm would occur? Does this number depend on environmental factors that vary from year to year? We see no evidence that these and other pertinent questions about the impact of sustenance fishing at Midway were addressed or answered in any rigorous, scientific manner. Until such an approach is undertaken we cannot support the FWS's Finding of "no harm".
10-13. Response	As stipulated in the Compatibility Determination, the limit was determined at 208 fish per year for island residents, as an average of four fish per week for 52 weeks. The four fish average is based on an estimate of what can be reasonably consumed by island residents in two days. The remaining fish are accounted for as an average of current visiting vessels, allowing for the maximum of four fish per day, up to an annual total of 92. The tonnage is an important consideration, and terms and conditions for this activity specify that "[a]lthough a limit on the number of fish allowed is stipulated here, if sufficient poundage of fish is caught to provide for the common table before the number limit of fish is reached' fishing will cease." "No harm" has been corrected in the Appropriateness Finding to more accurately refer to the Refuge System requirement for refuge managers to use sound professional judgment to determine if a use would materially interfere with or detract from the fulfillment of the system mission or the purpose(s) of the refuge.
10-14. Comment	I understand that there is \$1.3 billion earmarked for this Monument. And I think that the number one priority would be to buy out the six leasing or the fishing leases that are in practice today. I think there's three more years left of those fishing leases. I think that the harm that they're going to be doing the next three years is totally unacceptable.
10-14. Response	The Monument does not have a \$1.3 billion earmark. Current annual funding for all MMB agencies is in the \$8-9M range. The MMB recognizes the significant relationship of Hawaiian monk seals to the Monument and is committed to helping efforts to recover this endangered species. Strategy TES-1, "Support activities that advance recovery of the Hawaiian monk seal," contains specific activities that the MMB would implement.  Although a few Recovery Plan activities are described in the Monument Management Plan, in general, the plan does not

<b>Comment Category 10 - Fishing</b>	
	<p>republish all of the recovery priority activities for listed species. Rather recovery activities are treated comprehensively in the recovery plans for each listed species. Each recovery activity is considered for its effects on other listed species and designated critical habitat to ensure compatible implementation. Specific recovery activities for the Hawaiian monk seal can be accessed at <a href="http://www.nmfs.noaa.gov/pr/recovery/plans.htm">www.nmfs.noaa.gov/pr/recovery/plans.htm</a>.</p> <p>Prioritization of activities in the management plan is not a linear process, nor is it necessarily measured by the amount of funds allocated. Several factors apply when setting the implementation schedule and allocating funds; these include natural, cultural, and historic resource needs, funding, agency capacity, completion of necessary planning and environmental review, and community input and support. Each MMB and partner ICC agency develops annual budget projections and priorities and allocates funds based on its own programmatic, legal and policy requirements. The cycle and timelines for funding and planning vary.</p> <p>The management agencies coordinate in areas where program priorities overlap. For example, one agency may take the lead on behalf of all responsible agencies that have a common mandate. In other areas of overlap, multiple agencies may share responsibility for carrying out the activities to address core management needs, thereby creating a strengthened and shared focus. Doing so creates synergy and uses public funds more efficiently within the co-management structure. The seven MMB agencies are committed to annually sharing implementation schedules and priorities to identify opportunities where coordination and efficiencies would apply. This is true for all projects and permitted activities related to monk seal monitoring and recovery activities.</p> <p>The specific research topics in your comment will be addressed in various step-down plans, such as the Natural Resources Science Plan that will be completed in the first year, and by integrating the monitoring efforts in Strategy MCS-1, Continue and expand research, characterization, and monitoring of marine ecosystems, Activity TES-1.3, Conserve monk seal habitat, Strategy HMC-1, Within 15 years, develop and implement a strategy for restoring the health and biological diversity of the shallow reefs and shoals, where anthropogenic disturbances are known to have changed the ecosystem. In addition, Activity TES -1.6, Reduce shark predation on monk seals, has been added.</p>
10-15. Comment	<p>Page 79, line 12 - 13 states: The Monument includes areas and management authorities that are under the jurisdiction of one or multiple Federal agencies or the State of Hawaii. For example, the Monument, an area of approximately 139,739 square miles, includes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve ....</p> <p>Comment: The NWHI Coral Reef Ecosystem Reserve was established through Executive Orders 13178 and Executive Order 13196 and has been previously been determined by NOAA to have the force of law. From a legal standpoint, these Executive Orders contain numerous provisions relating to fishing such as the authorization of certain fishing activities</p>

<b>Comment Category 10 - Fishing</b>	
	<p>that were in existence at the time the orders were executed, subject to fishing caps, closed areas and other restrictions. However, some of the provisions of Proclamation No. 8031 which established the Monument are inconsistent with the provisions of Executive Orders 13178 and Executive Order 13196. For example, Executive Orders 13178 and Executive Order 13196 appears to allow nonfederally permitted pelagic handline and trolling vessels who are licensed by the State of Hawaii and fished in the NWHI prior to 2000 to continue to fish within the NWHI while the provisions of Proclamation No. 8031 allows only federally permitted bottomfish fishermen to fish in the NWHI.</p> <p>We recommend NOAA specifically clarify in the Monument management plan whether the provisions of Proclamation No. 8031 supersedes the provisions of Executive Orders 13178 and Executive Order' 13196 related to authorized fishing activities, fishing caps and closed fishing areas.</p>
10-15. Response	<p>Fishing activities that were allowed to continue under the Executive Orders establishing the Coral Reef Ecosystem Reserve were either modified (i.e., commercial fishing for bottomfish and pelagic species) or prohibited within the Monument by Proclamation 8031. The Monument was established pursuant to the Antiquities Act. Only the fishing activities allowed by the Proclamation 8031 may be conducted within the Monument. The Management Plan will clarify that Proclamation 8031 is the controlling authority for Monument activities.</p>
10-16. Comment	<p>'Page 220, line 22 states: The Proclamation allows the Secretaries of the Interior and the Secretary of Commerce to issue permits for sustenance fishing outside any Special Preservation Area as a term or condition of any permit issued, if the activity is conducted in a manner compatible with the Proclamation.</p> <p>Comment: The Proclamation also provides the Secretaries with particular guidance in exercising this discretion and requires the Secretaries to also consider the extent to which sustenance fishing 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 Proclamation also mandates the Secretaries to develop procedures for systematic reporting of sustenance fishing.</p> <p>We understand that the Monument Co-Trustees have authorized sustenance fishing for bottomfish and pelagic fishing in association with several Monument access permits in 2007, and Monument Co-Trustees themselves have applied for and received a Monument Conservation and Management Permit (Permit # PMNM 2008-001) authorizing over 200 individuals to access the Monument to conduct various activities, including sustenance fishing. Additionally, we understand that both NOAA research vessels (Oscar Elton Sette and the Hiialakai) have also applied for and received Monument permits in 2008 authorizing individuals covered by the permit to engage in sustenance fishing from those platforms.</p>

<b>Comment Category 10 - Fishing</b>	
	<p>Upon reviewing each of the various types of Monument Permit Applications (e.g., Research, Education, Conservation and Management, Native Hawaiian Practices, Special Ocean Use and Recreational) we found that each application contains a field that allows applicants to identify the various types of activities to be conducted under the permit, including sustenance fishing. However, the applications do not require the applicant to provide any information on how sustenance fishing is to be conducted such as the location or duration of fishing activity, the total number of hours of fishing that will be conducted under the permit or number offish to be taken under the permit.</p> <p>Without this information it is not apparent how Monument Co-Trustees are able to evaluate the extent to which sustenance fishing activity may diminish Monument resources, qualities and ecological integrity or any indirect, secondary or cumulative effects of the activity and the duration of such effects. Additionally, there do not seem to be any associated data reporting requirements in' either the Monument Management Plan or Volume III: Appendices, Supporting Documents and References although Proclamation No. 8031 specifically directs the Secretaries to develop procedures for systematic reporting of sustenance fishing.</p> <p>In light of the requirements and considerations regarding sustenance fishing in the Monument mandated by Proclamation No. 8031, we recommend that the Monument Management Plan include procedures for systematic reporting of sustenance fishing.</p> <p>We also recommend the Monument Management Plan clearly describe the process by which the Monument Management Board or Co-Trustees will evaluate permit applications to determine the extent to which sustenance fishing requests mayor may not diminish monument resources, qualities and ecological integrity. If the Monument Management Board is simply relying on existing fishery control rules, such as maximum sustainable yield, catch per unit effort and spawning potential ratio as mechanisms to determine the extent to which sustenance fishing requests mayor may not diminish monument resources, qualities and ecological integrity, that should be clearly articulated.</p>
10-16. Response	<p>The Monument already requires systematic reporting by permittees authorized to conduct sustenance fishing. Permittees must fill out a Monument Sustenance Fishing Data Sheet that contains the following information: date, gear type, number of lines in the water, start time, end time, number of fish and type caught, and latitude/longitude coordinates of the fishing activity. In addition, the following permit special conditions are also added to permits where sustenance fishing is authorized:</p> <ol style="list-style-type: none"> <li>1. The permittee must track all sustenance fishing conducted aboard [insert vessel name here] in Monument waters outside of Special Preservation Areas and the Midway Atoll Special Management Area during the cruise and provide data as requested in the Monument's Sustenance Fishing Data Sheet.</li> </ol>

<b>Comment Category 10 - Fishing</b>	
	<p>2. Within 30 (thirty) days after the expiration date of this permit, the permittee must submit a completed Sustenance Fishing Data Sheet as part of the summary report of activities described in General Condition #20.c.</p> <p>In 2007, approximately 153 fish were caught under the Monument's sustenance fishing provision. Three vessels were permitted to sustenance fish. The total number of fish caught in the Monument under the sustenance fishing clause is negligible compared to the thousands of tons of fish caught by the NWHI bottomfishery or the Pacific pelagic longline fishery.</p>
10-17. Comment	Volume II Page 90: Myers and Worm (2003) has been refuted by expert fisheries scientists from NOAA, National Marine Fisheries and the University of Hawaii, Pacific Fisheries Research Program. The EA should note the arguments against Myers and Worm study.
10-17. Response	The reference to the Myers and Worm study has been removed.
10-18. Comment	<p>Volume II Page 155: The document states that the black-footed albatross and Laysan albatross that nest almost exclusively in the NWHI are most affected by bycatch mortality. It should be noted in the document that the Western Pacific Fishery Management Council and NMFS have implemented successful seabird mitigation measures that have reduced seabird bycatch in the Hawai'i based longline fishery by two orders of magnitude.</p> <p>Furthermore, it should be noted that the Hawai'i-based longline fishery interacted with a total of 90 seabirds in 2007, with 47 of those birds released alive. The Hawai'i based longline fleet, which is subject to 100 % observer coverage in the shallow-set component and 20% in the deep-set component, has never been observed to interact with short-tailed albatross.</p>
10-18. Response	In Volume 2, Section 3.2.3.2, Planning and Administrative, we have changed the third sentence to read "FWS, NMFS, and the Regional Fisheries Management Councils have cooperated to implement the National Plan of Action to reduce seabird bycatch, which has significantly reduced mortality from the US-based commercial fleet. The agencies are working to extend these efforts to reduce mortality from foreign-based fishing fleets."
10-19. Comment	<p>Volume II Page 162 states that "bycatch of endangered and migratory birds and non-target marine species during sport and commercial fishing outside the Monument is a serious problem."</p> <p>However, the document does not provide any information on sport fisheries occurring outside the Monument. It is our understanding that no sport fishing is occurring outside the Monument. As noted in the comment above, the Hawaii-</p>

<b>Comment Category 10 - Fishing</b>	
	<p>based longline fleet has significantly reduced seabird bycatch, but the document does not provide information on this successful regulatory program.</p> <p>Instead, the document makes unfounded statements that mislead the reader and public without providing proper information. Furthermore the statement about non-target species in this section dealing with threatened and endangered species is similarly misleading and lacks supporting information. These types of statements without adequate information calls into question the purpose and need of many of the activities suggested in this document.</p>
10-19. Response	The statement has been amended. Activities outside the Monument are outside the scope of this document.

<b>Comment Category 11 - Global Impacts</b>	
<b>Summarized Comments</b>	
11-01. Comment	<p>The comments below provided input on concerns regarding global climate changes.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Activity TES-1.3: Conserve Hawaiian monk seal habitat. The potential loss of important breeding substrate for Hawaiian monk seals (and sea turtles) due to sea level rise may be a serious threat in the very near future, and is of great concern. It is possible that with a 3.6 degree Fahrenheit (2 degrees C) increase in ocean temperature, sea level could rise by 18 feet (6m) during this century, compared to the Intergovernmental Panel on Climate Change (IPCC) prediction of up to 23 inches (59cm). Current projected impacts of sea level rise on monk seals use the conservative estimates of the IPCC which do not account for multiple feedback loops for melting icefields. It is imperative that the MMB identify the decision-making process for evaluating the feasibility of restoration sooner rather than later, as many of the impacts of a warming planet are being experienced sooner than scientists have expected. As locations where to rebuild essential habitat for monk seal pupping beaches or sea turtle nesting beaches are considered, we urge you to include an evaluation of environmental impacts, particularly on the nearshore environment—as this is also considered important habitat for foraging.</li> <li>2) 1.4 Environmental and Anthropogenic Stressors. Defenders commends the DMMP for listing the major threats that climate change poses to the NWHI—weather changes, coral bleaching, sea level rise, and oceanic chemical composition change, or ocean acidification. These concerns outline the general problems that the Monument may face in the mere future, but the rest of the DMMP does not refer back to these specific threats, or outline ways to</li> </ol>

**Comment Category 11 - Global Impacts**

monitor and manage them. As a result, Defenders urges the Service to incorporate throughout the DMMP concrete management plans and actions to deal with these threats.

Defenders would like to stress in particular the severe impacts climate-change induced coral bleaching will have on the entire NWHI ecosystem. As mentioned in the DMMP, coral bleaching is predicted to occur if ocean temperatures significantly fluctuate due to climate change. Hawaii exhibits a high level of endemism, and certain rare species of coral may be more vulnerable to this threat than others. Another compounding factor is that if massive coral bleaching does occur, not only will this result in the loss of diverse reef ecosystems, but the geologic structure of the reefs that protect the coastline will no longer provide a barrier to increased beach erosion. The DMMP must fully explore and address possibilities to mitigate this significant threat to the monument's ecological health and sustainability.

- 3) 3.1 Understanding and Interpreting the NWHI. In the introductory section for 3.0 Action Plans to address Priority Management Needs in the DMMP, the plan lays out four major desired outcomes for management of the Monument over the next 15 years:

Maritime Heritage: Identify, interpret, and protect maritime heritage resources There is no explicit goal listed here to gauge and respond to the impacts of climate change on the Monument during this timeframe, during which the cumulative impacts of climate change are likely to be felt in a variety of ways. This omission is extremely problematic, and it is imperative for the Monument to make mitigation of the effects of climate change a priority management need. Defenders strongly recommends that the plan incorporate a fifth major desired outcome to the list:

- 4) 3.3.5 Climate Change Action Plan—Recommendation for inclusion. The MMP will contain 22 Action Plans arrayed within six themes, but conspicuously missing is a climate change action plan. Climate change will almost certainly be the most important human impact on the Monument in coming decades, yet the document only makes brief mention of this issue. Some scientists are predicting that unless greenhouse gases are cut significantly, and soon, that shallow-water coral reefs could be lost this century through the combined impacts of warming, acidification, sea-level rise and increased storm intensities. These threats are clearly recognized and described in detail in the DMMP.<sup>49</sup> The Monument cannot do anything to affect the cause of climate change, but it can do a great deal to adapt to climate change and to enhance the capacity of Monument resources and ecosystems to adapt to climate change. Around the world ecologists have argued that the ability of coral reefs and other ecosystems to withstand the impacts of climate change will depend on their condition. Healthy, intact, biodiverse, functioning coral reefs will be far more resilient to climate change than reefs that:

<b>Comment Category 11 - Global Impacts</b>	
	<ul style="list-style-type: none"> <li>• have lost biodiversity,</li> <li>• have been damaged by human activities,</li> <li>• have depleted fish populations, and/or</li> <li>• suffer poor water quality and pollution.</li> </ul> <p>A wide variety of human impacts act to reduce resiliency and therefore make reefs more susceptible to climate change. Thus, to enhance the capacity of coral reefs to withstand and absorb the impacts of climate change they must be maximally resilient. In most places, this requires removing or minimizing anthropogenic stresses in order to give the reefs a chance to recover fully resilient. In the Northwestern Hawaiian Islands, it requires preserving the largely intact ecosystem and maintaining its resilience by prohibiting any potentially damaging stresses, managing to restore ecosystem components that have been depleted by exploitation (pearl oysters, lobsters and bottomfish), and minimizing known anthropogenic stresses (e.g., debris). However, there is no evidence in the DMMP of the actions necessary to manage to restore and maintain ecosystem resilience. The only mention of resilience is a one-sentence call for research on resilience. Ocean Conservancy urges the Co-Trustees to develop a Climate Change Action Plan to deal with these issues. Actions to address these issues need to be included in a Climate Change Action Plan, as the DMMP encompasses a time frame within 15 years—a time period during which we will very likely experience some of the described effects of global climate change.</p>
11-01. Response	<p>As noted in Section 1.4, Environmental and Anthropogenic Stressors, climate change has potential short-term and long-term consequences for Monument resources. The MMB is committed to using data from existing monitoring and restoration efforts (see Strategy MCS-1, Continue and expand research, characterization, and monitoring of marine ecosystems, numerous activities in the Threatened and Endangered Species Action Plan [3.2.1], and the Habitat Management and Conservation Action Plan [3.2.3]). The MMB also is committed to directing future research and monitoring efforts to investigate how climate change is impacting individual species, assemblages, habitats, and ecosystems in the Monument. The Monument Management Plan describes all MMB management activities for the next 15 years. Describing all the specific efforts needed to monitor the direct and indirect effects of climate change on individual species, assemblages, and ecosystems is too detailed for this plan. Many of these activities will be detailed in the Natural Resources Science Plan (Activity MCS-2.1), which will be developed in the first year of implementation. This science plan will include the following thematic areas, all of which relate to climate change: research on ecological processes and connectivity, biodiversity and habitats, human impacts, and ecosystem change, indicators, and monitoring and modeling and forecasting ecosystem change.</p>

<b>Comment Category 11 - Global Impacts</b>	
	<p>The concept of ecosystem resiliency will be included in the science plan and will be greatly informed by some of the data gained by evaluating the permit database. The Monument staff will evaluate the cumulative impacts of human activities in the Monument and will conduct a threat assessment, and the results of these studies also will be used in the science plan.</p> <p>The desire to have a goal to “gauge and respond to the impacts of climate change” is already incorporated into the first goal “Marine Conservation Science: Increase understanding of the distributions, abundances, and functional linkages of organisms and their habitats in space and time to improve ecosystem-based management in the Monument.”</p> <p>As it pertains to Hawaiian monk seals and sea turtles, the MMB agrees that the potential impacts of sea level rise on breeding and nesting habitats need to be considered to ensure that recovery activities are successful. Activity TES-1.3, Conserve Hawaiian monk seal habitat, and TES-3.2, Protect and manage nesting habitat, specifically mention the need to assess the potential impacts of sea level rise on monk seal breeding and sea turtle nesting areas. Additionally, the Hawaiian monk seal recovery plan contains more specific activities that relate to protecting habitats and other activities to recover the species. This recovery plan may be accessed on the Internet at <a href="http://www.nmfs.noaa.gov/pr/recovery/plans.htm">www.nmfs.noaa.gov/pr/recovery/plans.htm</a>.</p> <p>The MMB recognizes the importance of evaluating the cumulative impacts of human activities in the Monument and has begun to collect data for this analysis. Assessing and analyzing required permit reports for all permitted Monument human activities will be a primary means for resource managers to understand the cumulative impact of ongoing activities (see Activity P-2.2, Analyze permit data to inform management decision making). In addition, information about past activities, such as military uses, is critical to our understanding of the Monument’s ecosystem and to establish a baseline for the health and condition of the Monument’s natural, cultural, and historic resources. Establishing such a baseline is necessary in order to analyze how current activities, either individually or cumulatively, are impacting Monument resources. Such past activity data is one of the many data sources that will be incorporated into the Information Management System (Activity IM-1.1, Activity IM-1.4, and Activity P-2.1).</p> <p>We have modified the Monument Management Plan to clarify that monitoring the impacts of climate change will be addressed in the Natural Resources Science Plan (MCS-2.1). Also, additional language about the importance of monitoring and understanding climate change was put in several places in the Monument Management Plan, and text changes were made to Section 3.4.1, Permitting Action Plan, Permit Tracking, and to Activity P-2.2.</p>
11-02. Comment	The comments below were made concerning the lack of a climate change action plan in the Monument Management Plan.

<b>Comment Category 11 - Global Impacts</b>	
	<p>Comments:</p> <ol style="list-style-type: none"> <li>1) Whaleskate Island is not mentioned in the climate change section of the draft management plan (page 62), and yet it serves as a clear example of sea level rise is a listed cause of concern for Papahānaumokuākea (page 149), and species have already been shown to be displaced because of it. OHA asks what steps are being taken to prepare for this event in terms of habitat loss as well as encroachment towards building footprints. OHA also reminds the managers that the Midway Atoll conceptual site planning document has a "No net loss of habitat" principle listed.</li> <li>2) Support for Ocean Conservancy's Recommendation to add 3.3.5 Climate Change Action Plan As noted in Ocean Conservancy's comments, the DMMP contains 22 Action Plans with six themes, but noticeably lacks a climate change action plan. While the Monument cannot stop the phenomenon of climate change itself, by responding to other threats to wildlife in a timely and effective manner, the Monument can greatly improve the resiliency of organisms on the islands in the hopes of preventing extinctions that could occur due to climate change. Defenders therefore wholeheartedly supports Ocean Conservancy's recommendation to create an action plan that specifically deals with climate change and the improvement of wildlife resiliency.</li> <li>3) There's also concern of the future of the Monument. In time the Monument itself will go under, the Emperor Seamounts and the islands leading north to Alaska prove it. But one specific concern is for rising seas, whether it's just the earth cycle now or because of global warming. If no other area really can hold these transplanted species, or the environment can't be recreated, will these end up in a special zoo or other? That is one way some have thought to do, or have done, to preserve species. As to global warming and rising seas, how do you plan to preserve or replace land lost to that, scrape up more coral, etc. to extend the land like was done before in the NWHI? And it is stated that even dead coral in the NWHI are not to be destroyed. They also built an airport that's sinking in that way in Japan. Replacing land is also unacceptable in most ways, as well as philosophy as to why. When Kako'olawe was lost as a bombing range, the military acquired about as much as they lost on the Big Island. They only transferred location, not "lost" anything. But they gained a new area to ruin. If land or habitat is lost how will you replace any of it? Especially if the species you want to transplant can't survive in other areas. And what if the species in question to this form or that can't be kept alive outside the monument? As for the rising seas and global warming, that's not likely to change.</li> </ol>
11-02. Response	The catastrophic and far-reaching effects of anthropogenic climate change have the potential to affect every part of the Monument including the loss of terrestrial habitats such as Whaleskate Island. Conservation planning for this threat will be extensive and require a comprehensive stand-alone plan of much greater detail than could be accomplished in this

<b>Comment Category 11 - Global Impacts</b>	
	MMP. We agree that the intent to plan for climate change and respond to its effects should be stated in this plan
<b>Unique Comments</b>	
11-03. Comment	<p>I believe this assessment is very comprehensive. I am a geologist by training. And as we know these islands were once two volcanoes. Now they're going in the graveyard of dead volcanoes. What will happen with global warming, sea level rise. Whatever the core there, once it gets down to 100 meters of that or 300 feet, the islands will disappear. And, of course, except for the Midway, most of the islands or atolls are just above that low tide level. So in a geological sense of course this will become a true Monument to the Hawaiian hot spot. So what I believe that these at first will bring in some temporary results. But in the long term all the core systems will disappear. Once the sea level or the saline water comes on the banks there will be no birds to lay, you know, nest and eggs.</p> <p>So in this assessment I believe sea level rise, increasing the temperature of the seawater and extreme weather events: Hurricanes, storm surge. They should be taken in because these islands are being eroded at great level. According to the IPCC, the Intergovernmental Climate Change Panel, sea level is going to rise by one meter by 2050. If this Monument is going to last, let's say, 300 years, you have to look into this scenario what will be the 2020 scenario? 2050 scenario? Because all the ecological system depends on freshwater. Of course these islands can hardly get any mauka showers or liquid sunshine. So one cannot sustain them in a geological term.</p>
11-03. Response	We will continue to monitor the rapidly changing predictions of the IPCC. We agree that there will be many severe ramifications for all Monument wildlife if the worst-case scenario unfolds.
11-04. Comment	What will happen when fresh water levels drop due to climate alteration?
11-04. Response	Reduced precipitation will cause changes in the plant community, which will in turn affect insects and spiders and those species that rely on them, such as Nihoa finches, Laysan finches, Nihoa millerbirds, and Laysan ducks. The salinity of Laysan Lake may increase, possibly affecting brine flies and brine shrimp. Sea level rise will also affect land plants by exposing root systems to seawater.
11-05. Comment	Typhoons have been reported at 65 mph on Midway. Climate change is resulting in increased "unusual" weather patterns. How will you be providing for natural disasters?
11-05. Response	As noted in Section 1.4, Environmental and Anthropogenic Stressors, the catastrophic and far-reaching effects of climate change could affect every part of the Monument with increased storm frequency and intensity. The MMB is committed to using data from existing monitoring and restoration efforts (see Strategy MCS-1, Continue and expand research,

<b>Comment Category 11 - Global Impacts</b>	
	<p>characterization, and monitoring of marine ecosystems, numerous activities in the Threatened and Endangered Species Action Plan [3.2.1], and the Habitat Management and Conservation Action Plan [3.2.3]). The MMB is also committed to directing future research and monitoring efforts to investigate how climate change is impacting individual species, assemblages, habitats, and ecosystems in the Monument.</p> <p>The Monument Management Plan is a general management plan that describes all MMB management activities for the next 15 years. Describing all the specific efforts needed to monitor the direct and indirect effects of climate and weather changes on individual species, assemblages, and ecosystems is too detailed for this plan. Many of these activities will be detailed in the Natural Resources Science Plan (Activity MCS-2.1), which will be developed in the first year of implementation. This science plan will include the following thematic areas, all of which relate to climate change: research on ecological processes and connectivity, biodiversity and habitats, human impacts, and ecosystem change, indicators, and monitoring and modeling and forecasting ecosystem change.</p> <p>While the MMB cannot control weather, such as hurricanes or strong storms, it is committed to reducing human impacts and stressors on other human-induced stressors to make the resources as resilient as possible to other natural events that may stress the resources.</p> <p>We have modified the Monument Management Plan to clarify that monitoring the impacts of climate change will be addressed in the Natural Resources Science Plan (MCS-2.1). In addition, supplemental language about the importance of monitoring and understanding climate change was inserted in several places in the document.</p>
11-06. Comment	<p>There is only scant mention in the DMMP and DEA of global warming, climate change, and sea level rise. Although consensus is still developing about the specific impacts that can be expected from this challenge, it is clear that sea level rise will be occurring in years to come and there must be acknowledgement and mitigations put in place that deal with this pending reality.</p>
11-06. Response	<p>As noted in Section 1.4, Environmental and Anthropogenic Stressors, climate change has potential short-term and long-term consequences for Monument resources. The MMB is committed to using data from existing monitoring and restoration efforts (see Strategy MCS-1, Continue and expand research, characterization, and monitoring of marine ecosystems, numerous activities in the Threatened and Endangered Species Action Plan [3.2.1], and the Habitat Management and Conservation Action Plan [3.2.3]). The MMB also is committed to directing future research and monitoring efforts to investigate how climate change is impacting individual species, assemblages, habitats, and ecosystems in the Monument.</p> <p>The Monument Management Plan is a general management plan that describes all MMB management activities for the</p>

<b>Comment Category 11 - Global Impacts</b>	
	<p>next 15 years. Describing all the specific efforts needed to monitor the direct and indirect effects of climate change on individual species, assemblages, and ecosystems is too detailed for this plan. Many of these activities will be detailed in the Natural Resources Science Plan (Activity MCS-2.1), which will be developed in the first year of implementation. This science plan will include the following thematic areas, all of which are related to climate change: research on ecological processes and connectivity, biodiversity and habitats, human impacts, and ecosystem change, indicators, and monitoring and modeling and forecasting ecosystem change.</p> <p>While the MMB cannot control weather, such as hurricanes or strong storms, it is committed to reducing human impacts and stressors on other human-induced stressors to make the resources as resilient as possible to other natural events that may stress the resources.</p>
11-07. Comment	<p>The threats of global climate changes to deep-sea animals should also be given on pages 61-63. Seibel and Walsh 2001 (Seibel, B. A., and P. J. Walsh. 2001. Potential impacts of CO<sub>2</sub> injection on deep-sea biota. <i>Science</i> 294: 319-320) have a wonderful article describing the great susceptibility of deep-sea animals to ocean acidification and many other articles are available. On page 9 it states “Overall, the fauna of the Monument’s waters below standard SCUBA diving depths remains poorly surveyed and documented, representing an enormous opportunity for future scientific research in a system largely undisturbed by trawling or other forms of resource extraction.” This is very true and brings up a very good point. The monument presents an ideal opportunity to study the impacts of global climate change. Most regions of the world’s oceans face multiple human threats such as pollution and fishing. The Monument does not and thus any changes seen during monitoring programs will be easier to interpret in light of changing environmental conditions. Not only is global change the biggest threat to the Monuments deep-sea habitats but it is the best place to study these impacts on deep-sea ecosystems.</p> <p>Volume I, page 61, ln 16: Climate change poses serious threats to deep-sea ecosystems through ocean acidification and these threats should be discussed.</p>
11-07. Response	<p>We have added a reference to the vulnerability of deep ocean organisms to acidification in the discussion on Oceanic Chemical Concentration Change in Section 1.4, Environmental and Anthropogenic Stressors, of the Monument Management Plan.</p>
11-08. Comment	<p>Activity TES-3.2: Protect and manage nesting habitat (turtles)</p> <p>The effects of global climate change and potential mitigation action in anticipation of future scenarios will be similar to those described for monk seals in TES-1.3. As stated in the DMMP, the sex of an incubating sea turtle egg is dependent on nesting temperature; however, an increase in bias occurs with a change as little as one degree Celsius and extreme</p>

<b>Comment Category 11 - Global Impacts</b>	
	<p>levels of mortality with a change of three degrees Celsius. Increased sea level rise will not only contribute to loss of habitat, as described earlier, but may also increase and amplify the effects of erosion with large tides and storms, placing entire clutches at risk of being washed away. Some of these effects from increased storm activity could be experienced before the predicted increase in sea level occurs and may require action sooner than anticipated. Other climatic factors that could affect sea turtles include changes in ocean currents that are used for migration and loss of coral reefs that sustain important feeding habitat. Actions to address these considerations need to be included in the Action Plan, as this plan encompasses a time frame within 15 years—a time period during which we will very likely experience some of the described effects of global climate change on sea turtles.</p>
11-08. Response	<p>We will continue to monitor the rapidly changing predictions of the IPCC. We agree that there will be many severe ramifications for all Monument wildlife if the worst-case scenario unfolds. To address specific details for research-related topics, we will create a Natural Resources Science Plan to guide and regulate research conducted in the Monument, as defined in the Priority Management Need Understanding and Interpreting the NWHI, Marine Conservation Science, Activity 2.1. This step-down plan will define and prioritize research activities based on management needs to protect, conserve, and when possible restore ecosystems within the Monument. Based largely on the HAMER plan, research areas are defined and activities will be prioritized by the necessity of information for management purposes. Due to the remoteness of the NWHI, research will be limited by vessel and research station space, so only those research activities ranking highest in management priority will be accommodated.</p>
11-09. Comment	<p>The Draft Monument Management Plan acknowledges that the consequences of global warming and ocean acidification could have impacts on the Monument including weather changes, sea level rise, coral bleaching, and oceanic chemical composition change. However, the management framework and action plans do little to address these impacts. It is vital that management of the Monument takes steps to address global warming—an overarching threat to the habitat and native species that make the Northwest Hawaiian Islands a unique and rich environment. The following discussion of the impacts of global warming and ocean acidification on the Monument and its wildlife and habitat should be taken into consideration in the Management Plan.</p> <p>A. The best available science and global warming</p> <p>In its most recent 2007 report, the Intergovernmental Panel on Climate Change (IPCC) 1 expressed in the strongest language possible its finding that global warming is occurring:</p> <p>“Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level” (IPCC 2007: 5). The</p>

**Comment Category 11 - Global Impacts**

international scientific consensus of the IPCC is that most of the recent warming observed has been caused by human activities and that it is “very likely” due to increased concentrations in anthropogenic greenhouse gases (IPCC 2007).

One of the most troubling recent findings is that the concentration of atmospheric carbon dioxide, the biggest contributor to global warming, has been rapidly increasing throughout the

1 The IPCC was established by the World Meteorological Organization and the United Nations Environment Programme in 1988. The IPCC’s mission is to assess available scientific and socio-economic information on climate change and its impacts and the options for mitigating climate change and to provide, on request, scientific and technical advice to the Conference of the Parties to the United Nations Framework Convention on Climate Change.

Since 1990, the IPCC has produced a series of reports, papers, methodologies, and other products that have become the standard works of reference on climate change. The 2007 Fourth Assessment Report is the most current comprehensive IPCC reference and has built and expanded upon the IPCC’s past products. 2000s and is generating stronger-than-expected and sooner-than-predicted climate forcing (Canadell et al. 2007, Raupach et al. 2007).

The global average temperature has risen by approximately  $0.74^{\circ}\text{C} \pm 0.18^{\circ}\text{C}$  ( $1.33^{\circ}\text{F} \pm 0.32^{\circ}\text{F}$ ) during the past 100 years (1906-2005) (Trenberth et al. 2007) in response to rapidly increasing greenhouse gas concentrations. Atmospheric concentration of carbon dioxide has increased by 36% since 1750 to a level that has not been exceeded during the past 650,000 years and likely not during the past 20 million years (Denman et al. 2007). The rate of increase of total atmospheric carbon dioxide concentrations is speeding up as well. Carbon dioxide emissions averaged  $4.1 \pm 0.1\text{ GtC yr}^{-1}$  during 2000-2005 compared to emissions of  $3.2 \pm 0.1\text{ GtC yr}^{-1}$  during the 1990s (Denman et al. 2007). Currently, the atmospheric carbon dioxide concentration is 385 ppm and rising at over 2 ppm per year (Shukman 2006, Hansen et al. 2008). The atmospheric concentration of methane, another important greenhouse gas, has increased by about 150% since 1750, continues to increase, and has not been exceeded during the past 650,000 years (Forster et al. 2007). Similarly, the atmospheric concentration of nitrous oxide has increased by about 18% since 1750, continues to increase, and has not been exceeded during at least the last 2000 years (Forster et al. 2007). Based on differing scenarios of future greenhouse gas emissions and the world’s leading climate models, the IPCC has projected 1.1 to  $6.4^{\circ}\text{C}$  ( $2^{\circ}$  - $11.5^{\circ}\text{F}$ ) of additional warming by the end of this century (Solomon et al. 2007). The higher the level of greenhouse gas emissions, the more the world will warm.

As scientific understanding of global warming has advanced, so too has the urgency of the warnings from scientists about the consequences of our greenhouse gas emissions. Scientists are now able to tell us, with a high degree of certainty, that additional warming of more than  $1^{\circ}\text{C}$  ( $1.8^{\circ}\text{F}$ ) above year 2000 levels will constitute “dangerous anthropogenic climate

**Comment Category 11 - Global Impacts**

change,” with particular reference to sea level rise and species extinction (Hansen et al. 2006, Hansen et al. 2007). This is because warming of greater than 1° C may induce positive climate feedbacks, such as the release of large amounts of methane from thawing arctic permafrost, that will further amplify the warming (Hansen et al. 2006, Hansen et al. 2007). Change of this magnitude is very likely. A recent scientific finding is that the safe upper limit for atmospheric CO<sub>2</sub> to prevent dangerous anthropogenic climate change is actually 350 ppm (McKibben 2007, Hansen et al. 2008). However, the current CO<sub>2</sub> concentration is already well past that ceiling at 385 ppm (Hansen et al. 2008).

Studies that have used climate model projections to forecast species extinctions have predicted large species losses. Using a mid-range climate scenario, Thomas et al. (2004) predicted that 15-37% of species are already committed to extinction by 2050. Malcolm et al. (2006) estimated that 11-43% of endemic species in biodiversity hotspots will go extinct by the end of the century under a scenario of doubled carbon dioxide concentrations, which includes an average of 56,000 endemic plants and 3,700 endemic vertebrate species.

In order to avoid truly unacceptable consequences of global warming, we must stop the growth of greenhouse gas emissions, and, in relatively short order, begin reducing them. Achieving the reductions necessary to keep additional global warming between the years 2000-2100 within 1° C will be extremely challenging, and will require deep reductions in emissions from industrialized nations such as the United States.

#### B. Sea level rise

The wildlife and plant populations of the low-lying islands and atolls of the Papahānaumokuākea Marine National Monument are extremely vulnerable to current and predicted sea level rise within this century which will be compounded by increases in storm surges and storm intensity (Bindoff et al. 2007, Mimura et al. 2007). Sea level rise poses a significant threat to the Monument’s threatened and endangered species including the Hawaiian monk seal, the green sea turtle, Laysan finch, and seabirds of conservation concern. Management that considers and mitigates the impacts of sea level rise in this century must be better integrated into the Monument action plans.

In the Northwest Hawaiian Islands, sea level has already increased by 1.2 to 2.4 mm/yr between 1955 and 2003 (Bindoff et al. 2007: Figure 5.16a), and sea level rise will accelerate in this century (Bindoff et al. 2007). Using conservative estimates of sea level rise predicted for this century, Baker et al. (2006) found that the Northwest Hawaiian Islands will experience significant habitat loss. French Frigate Shoals and Pearl and Hermes Reef are only about 2 meters above sea level, and sea level rise of 48 cm would lead to losses of between 15 and 65 percent of their area (Figure 1) (Baker et al. 2006). With sea level rise of 88 cm, Pearl and Hermes Reef islands would be reduced by 51 to 69 percent, and French Frigate Shoals would lose between 40 and 57 percent of its area with Gin and Trig Islands mostly submerged (Figure 1)

**Comment Category 11 - Global Impacts**

(Baker et al. 2006).

The Hawaiian monk seal will undoubtedly be negatively impacted by the elimination of several of its most important breeding sites due to sea level rise--French Frigate Shoals, Pearl and Hermes Reef, and likely Kure Atoll--in the Papahānaumokuākea Marine National Monument in the foreseeable future, in addition to the loss of beach habitat at other important breeding colonies due to sea level rise and increasing storm surge. There has already been a loss of important pupping beaches due to erosion that may reflect rising sea levels (MMC 2007). For example, the terrestrial habitat at French Frigate Shoals, which supports the world's largest Hawaiian monk seal population, has already shrunk, eliminating important pupping and resting islets (NMFS SAR 2007). Continued loss of habitat will undoubtedly further negatively impact the Hawaiian monk seal population.

The predicted loss of low-lying habitat in the Papahānaumokuākea Marine National Monument will also prove problematic for green sea turtles, seabirds, songbirds, migratory shorebirds, and plants. French Frigate Shoals, much of which may be submerged in this century, supports 90% of the Hawaiian Islands green sea turtle nesting population and 19 of 22 of the Monument's nesting seabirds. Pearl and Hermes Atoll, also predicted to lose much of its area to sea level rise, supports an important population of the endangered Laysan Finch and the largest population of Tristram's Storm-petrel in the Northwest Hawaiian Islands which has been recognized as a species of highest conservation concern on a regional (Pacific Islands) scale.

Islands with higher topography such as Lisianski Island, Midway Island, and Laysan Island may be less affected by sea level rise within this century and may provide an important refuge for animals using the terrestrial areas of the Northwest Hawaiian Islands, which should be considered in the management of these islands, especially since species seeking refuge on the high-elevation main Hawaiian Islands may be precluded due to heavy human development and depredation by introduced predators.

Figure 1. Current and projected maps of 4 Northwestern Hawaiian Islands at mean low water (MLW) with minimum (9 cm), median (48 cm) and maximum (88 cm) predicted sea level rise. The median scenario at spring tide is also shown. (A) Lisianski Island; (B) East Island; (B) East Island, French Frigate Shoals, showing the measured and interpolated points along the waterline and berm used to create the Triangular Irregular Network (TIN); (C) Trig Island, French Frigate Shoals; (D) Southeast Island, Pearl and Hermes Reef (Baker et al. 2006).

Also of concern, in the North Pacific in this century, storms are expected to increase in intensity, heavier rainfall events leading to flooding will become more frequent, and overall precipitation will increase after mid-century (2070-2099) (Bindoff et al. 2007: Table 16.2). Even on higher elevation islands, breeding habitat will be lost and degraded by erosion

**Comment Category 11 - Global Impacts**

from storm surges, more intense storms, and increased precipitation, which will likely have negative effects on terrestrially breeding species. For example, flooding and strong storms have been observed to lower black-footed albatross breeding success, and large waves associated with winter and spring storms cause a disproportionately greater loss in nests for birds nesting along the outer, more exposed sandy beaches of islands (Naughton et al. 2007). Since black-footed albatrosses generally nest in higher densities along these outer sandy beaches (Naughton et al. 2007), they may be especially vulnerable to the impacts of sea level rise and strong storm events.

Finally, one of the most troubling recent scientific findings is that IPCC projections for sea level rise for this century, including the sea level rise scenarios used by Baker et al. (2006), are almost certainly a substantial underestimate. Melting of the Greenland ice sheet has accelerated far beyond what scientists predicted even just a few years ago, with a more than doubling of the mass loss from Greenland due to melting observed in the past decade alone (Rignot and Kangaratnam 2006). The acceleration in the rate of melt is due in part to the creation of rivers of melt water, called “moulins,” that flow down several miles to the base of the ice sheet, where they lubricate the area between the ice sheet and the rock, speeding the movement of the ice towards the ocean. The IPCC projections for this century assume a negligible contribution to sea level rise by 2100 from loss of Greenland and Antarctic ice, but leading experts have stated that that conclusion is no longer plausible due to multiple positive feedback mechanisms including dynamical processes such as the formation of moulins, reduced surface albedo, loss of buttressing ice shelves, and lowered ice surface altitude (Hansen et al. 2006). Paleoclimatic evidence also provides strong evidence that the rate of future melting and related sea-level rise could be faster than previously widely believed (Overpeck et al. 2006).

While it has been commonly assumed that the response time of ice sheets is millennia, this may reflect the time scale of the forcings that cause the changes, rather than the inherent response time of the ice sheets (Hansen et al. 2007). The forcing from continued unabated greenhouse gas emissions in this century could lead to a dynamically changing ice sheet that is out of our control (Hansen et al. 2007). Just 2-3°C (3.6-5.4° F) of warming would likely cause sea level to rise by at least 6 m (18 feet) within a century (Hansen 2006). Temperature changes of 2-3°C (3.6-5.4° F) are well within the range of estimates for this century provided by the IPCC (Solomon et al. 2007). Sea level rise of this magnitude will have significant impacts on the Northwest Hawaiian Islands, inundating beach habitat.

C. Ocean temperature rise, decreases in productivity, and increases in ENSO frequency

Observed and projected ocean temperature rise and decreases in ocean productivity in the North Pacific, including the waters of the Papahānaumokuākea Marine National Monument, threaten the Monument’s marine species and should be carefully considered and monitored as part of the action plans. Water temperature is an important factor determining habitat ranges and physiological functioning of marine organisms, and even minor changes are seriously disruptive.

**Comment Category 11 - Global Impacts**

Global ocean temperatures have increased by 0.31 °C on average in the upper 300 m during the past 60 years (1948-1998) (Levitus et al. 2000), and locally, some ocean regions are experiencing even greater warming (Bindoff et al. 2007). Global ocean temperatures increased by 0.10 °C in the upper 700 m between 1961-2003 (Bindoff et al. 2007) and have even penetrated as deep as 3000 m (Levitus et al. 2005).

Warming waters are devastating for species that are unable to migrate toward cooler waters because of habitat requirements, environmental barriers, or lack of mobility (Scavia et al. 2002). These climatic changes are occurring at an unprecedented rate which also hinders the adaptation of many organisms (Parmesan 2006). Corals are extremely vulnerable to changes in ocean temperature since increased water temperatures results in bleaching and mortality of coral reefs (Hughes et al. 2003). Not only are corals keystone species in reef ecosystems, but coral reefs are extremely important to the habitat of monk seals because they protect the Northwest Hawaiian Islands and provide foraging habitat for the seals. Researchers predict that coupled with ocean acidification, global warming may result in the destruction of most coral reefs by mid-century (Hoegh-Guldberg et al. 2008). Additionally, invasive species may gain an advantage over native species in these warmer conditions (Stachowicz et al. 2002). Warmer waters favor different species of phytoplankton, some of which are associated with “red tides” that shade ocean vegetation, deplete oxygen, and often have toxic properties (Smith et al. 2000).

The warming of surface waters appears to be impacting primary production globally, including the marine waters of the Papahānaumokuākea Marine National Monument. The largest increases in global ocean temperature have occurred in the upper ocean where primary production is concentrated (Behrenfeld et al. 2006). Behrenfeld et al. (2006) detected significant global declines in net primary production between 1997-2005, which they attributed to reduced nutrient enhancement due to ocean surface warming. A second study found that the ocean’s least productive waters expanded in four of the world’s major oceans during 1998-2006 in parallel with rising mean sea surface temperatures and increased vertical stratification in the midlatitudes (Polovina et al. 2008). In the North Pacific outside the equatorial zone, areas of low productivity water expanded at average annual rates from 2.2%/yr and replaced about 354,000km<sup>2</sup>/yr of higher surface chlorophyll habitat with low surface chlorophyll water (Polovina et al. 2008). Of concern for marine life of the Papahānaumokuākea Marine National Monument, low productivity waters in the North Pacific expanded to the northeast, reaching portions of the Hawaiian Archipelago (Polovina et al. 2008). Reduced primary productivity may limit food supply for monk seals, seabirds, fish, and other animals.

El Niño Southern Oscillation (ENSO) events can also impact ocean productivity. Although the effects of climate change on the ENSO cycle are difficult to predict, leading climate scientists believe that near-term global warming will lead to an increased likelihood of stronger ENSO events (Hansen et al. 2006). Most climate models yield a tendency towards a

**Comment Category 11 - Global Impacts**

more ENSO-like state or no clear change (Collins 2005). Some climate scientists have hypothesized that during the early Pliocene, when the Earth was 3° C (5.4° F) warmer than today, a permanent ENSO-like condition existed (Hansen et al. 2006). From the observational record, intense ENSO events were more abundant in the later part of the 20th century. The 1982- 83 and 1997-98 ENSO events were successively labeled the “El Niño of the Century” because the warming in the Eastern Equatorial Pacific was unprecedented in the past 100 years (Hansen et al. 2006). ENSO has been known to have negative impacts for pinnipeds, including mortality and decreased reproductive success, often due to changes in ocean productivity (Baker et al. 2006).

ENSO tends to increase marine debris and entanglement rates in the Northwest Hawaiian Islands for the Hawaiian monk seals (Donohue 2007). Despite efforts to clean up marine debris, monk seal entanglements continue (Id.). Between the years 1982 and 2004, two to 25 seals were entangled each year and the mean annual entanglement rate was greater for El Niño years (Id.). This is likely because the convergence zone is drawn further southward during ENSO, thus concentrating marine debris in the Northwest Hawaiian Islands (Id.).

**D. Ocean acidification**

Ocean acidification poses a significant threat to marine species in the Papahānaumokuākea Marine National Monument. The oceans are becoming increasingly acidic due to their uptake of carbon dioxide from the atmosphere. The oceans have thus far absorbed approximately 30% of the excess carbon dioxide emitted since the beginning of the industrial revolution (Feely et al. 2004, WBGU 2006). The world’s oceans, in fact, store about 50 times more carbon dioxide than the atmosphere (WBGU 2006), and most carbon dioxide released into the atmosphere from the use of fossil fuels will eventually be absorbed by the ocean (Caldeira and Wickett 2003). As the ocean absorbs carbon dioxide from the atmosphere it changes the chemistry of the sea water by lowering its pH. The oceans’ uptake of these excess anthropogenic carbon dioxide emissions, therefore, is causing ocean acidification (WBGU 2006). Surface ocean pH has already dropped by about 0.1 units on the pH scale, from 8.16 in 1800 to 8.05 today -- a rise in acidity of about thirty percent (Orr et al. 2005). The pH of the ocean is currently changing rapidly at a rate 100 times anything seen in hundreds of millennia, and may drop by another 0.3 or 0.4 (100 – 150% increase in the concentration of H<sup>+</sup> ions) by the end of this century (Orr et al. 2005, Meehl et al. 2007). If carbon dioxide emissions continue unabated, resulting changes in ocean acidity could exceed anything experienced in the past 300 million years (Caldeira and Wickett 2003). Even if carbon dioxide emissions stopped immediately, the ocean would continue to absorb the excess carbon dioxide in the atmosphere, resulting in further acidification until the planet’s carbon budget returned to equilibrium.

Evidence of ocean acidification in or near the waters of the Papahānaumokuākea Marine National Monument comes from several studies. The Hawaii Ocean Time-Series has collected numeric data that demonstrates increasing ocean

**Comment Category 11 - Global Impacts**

acidification. The data shows that from 1990 to the present that Hawaii's ocean acidification has tracked the atmospheric carbon dioxide and resulted in a decline in pH from approximately 8.12 to approximately 8.08 units (Figure 2) (Bindoff et al. 2007). Figure 2. Changes in surface pH from Hawaii Ocean Time-Series (Dore et al., 2003). Values were calculated from DIC and alkalinity. (Bindoff et al. 2007). Years

Furthermore, hydrographic surveys have found that the ocean's absorption of anthropogenic CO<sub>2</sub> emissions is leading to the shoaling of the aragonite and calcite saturation horizons, making it more difficult for calcifying species to build their shells. In the North Pacific, the aragonite and calcite saturation depths are already among the shallowest in the global ocean (Feely et al. 2004: Figure 2). In the North Pacific, the uptake of anthropogenic CO<sub>2</sub> has caused aragonite saturation depths to migrate upwards by 50-100 m since pre-industrial times, with current upward migration occurring at a rate of 1-2 meters per year, while calcite saturation depths have moved upwards by 40-100 m since pre-industrial times (Feely et al. 2004, Fabry et al. 2008, Feely et al. 2008). On a transect in the Pacific Ocean that bisected the Papahānaumokuākea Marine National Monument, Feeley et al. (2004: Figure 3b) found that the aragonite saturation horizon is shallow and is shoaling compared to the pre-industrial aragonite saturation horizon.

Ocean acidification from unabated anthropogenic carbon dioxide emissions poses a profound threat to marine ecosystems of the Papahānaumokuākea Marine National Monument because it affects the physiology of numerous marine organisms, causing detrimental impacts that may ripple up the food chain. Changes that have been observed in laboratory experiments include impacts to the productivity of algae, photosynthesis of phytoplankton, metabolic rates of zooplankton and fish, oxygen supply of squid, reproduction of clams, nitrification by microorganisms, and the uptake of metals (WBGU 2006, Fabry et al. 2008). Perhaps most importantly, increasing ocean acidity reduces the availability of carbonate ions needed by marine life to build shells and skeletons (Orr et al. 2005). Phytoplankton, corals, coralline macroalgae, urchins, seastars, clams, oysters, crustaceans and many other organisms rely on calcium carbonate in the ocean to build skeletons (WBGU 2006). Normally, ocean waters are saturated with carbonate ions that marine organisms use to build skeletons (WBGU 2006). However, the acidification of the oceans shifts the water chemistry to favor bicarbonate, thus reducing the availability of carbonate to marine organisms (WBGU 2006). Acidic waters also dissolve existing protective carbonate skeletons and shells (Orr et al. 2005). Already the ocean surface layer has lost 10% of its carbonate compared to preindustrial levels (WBGU 2006). Continuing carbon dioxide emissions could result in a decrease in calcification rates by up to 60% by the end of this century (Ruttimann 2006). The average response of corals to a doubling in pCO<sub>2</sub> is a 30% decline in calcification (Kleypas et al. 2006). The combined stresses of warmer temperatures, rising sea levels, and ocean acidification are likely to produce major changes to coral reefs in the decades to come (Royal Society 2005).

<b>Comment Category 11 - Global Impacts</b>	
	<p>Even marine animals that do not calcify are threatened by carbon dioxide increases in their habitat. Changes in the ocean’s carbon dioxide concentration result in accumulation of carbon dioxide in the tissues and fluids of fish and other marine animals, called hypercapnia, and increased acidity in the body fluids, called acidosis. These impacts can cause a variety of problems for marine animals including difficulty with acid-base regulation, calcification, growth, respiration, energy turnover, and mode of metabolism (Pörtner et al. 2004). Squid, for example, show a very high sensitivity to pH because of their energy intensive manner of swimming (Royal Society 2005). Because of their energy demand, even under a moderate 0.15 pH change squid have reduced capacity to carry oxygen and higher carbon dioxide pressures are likely to be lethal (Pörtner et al. 2004).</p> <p>Levels of ocean acidification predicted within the foreseeable future will likely impact both the habitat and prey of Hawaiian monk seals. Monk seals depend on coral reef habitat for foraging and corals are faced with decreased calcification due to ocean acidification. Additionally, prey of the monk seals ranging from squid to crustaceans may be adversely impacted by declining ocean pH further limiting the food available to monk seals.</p>
11-09. Response	<p>The MMB appreciates the extensive information provided by the commenters on the science of global warming, sea level rise, ocean temperature rise, productivity decrease, El Niño/Southern Oscillation frequency changes, and ocean acidification. We will forward this information to the science team, who will consider it when developing the Natural Resources Science Plan (see Activity MCS-2.1) and when helping focus monitoring efforts to detect the potential impacts of climate change on habitats and species. As noted in Section 1.4, Environmental and Anthropogenic Stressors, climate change has potential short-term and long-term consequences for Monument resources. The MMB is committed to using data from existing monitoring and restoration efforts (see Strategy MCS-1, Continue and expand research, characterization, and monitoring of marine ecosystems, numerous activities in the Threatened and Endangered Species Action Plan [3.2.1], and the Habitat Management and Conservation Action Plan [3.2.3]). The MMB also is committed to directing future research and monitoring to investigate how climate change is impacting individual species, assemblages, habitats, and ecosystems in the Monument.</p> <p>The Monument Management Plan is a general management plan that describes all MMB management activities for the next 15 years. Describing all the specific efforts needed to monitor the direct and indirect effects of climate change on individual species, assemblages, and ecosystems is too detailed for this plan. Many of these activities will be detailed in the Natural Resources Science Plan (Activity MCS-2.1), which will be developed in the first year of implementation. This science plan will include the following thematic areas, all of which relate to climate change: research on ecological processes and connectivity, biodiversity and habitats, human impacts, and ecosystem change, indicators, and monitoring and modeling and forecasting ecosystem change. The Monument Management Plan was modified to clarify that</p>

<b>Comment Category 11 - Global Impacts</b>	
	monitoring the impacts of climate change will be addressed in the Natural Resources Science Plan (MCS-2.1). In addition, in several places in the Monument Management Plan, we inserted supplemental language about the importance of monitoring and understanding climate change.

<b>Comment Category 12 - Habitat Restoration</b>	
<b>Unique Comments</b>	
12-01. Comment	<p>3.2.3 Habitat Management and Conservation Action Plan. Ocean Conservancy strongly supports the stated “Desired Outcome” for the Habitat Management and Conservation Action Plan, “Protect and maintain all the native ecosystems and biological diversity of Papahānaumokuākea Marine National Monument.” The Co-Trustees have done an excellent job of framing this outcome broadly and consistently with Presidential Proclamation #8031 and the Monument’s Vision and Mission. However, Ocean Conservancy recommends that this desired outcome be modified to include restoration, where appropriate, restated as an outcome, and finalized to read as follows: “All of the Papahānaumokuākea Marine National Monument’s native ecosystems and biological diversity are strongly protected, maintained, and, where appropriate and necessary, restored to a fully natural, unimpacted, and highly resilient condition.”</p> <p>The “Current Status and Background &amp; Need for Action” sections of the draft Monument Management Plan are also quite strong, correctly recognizing the “requirements for ecosystem-based management,” “protection of ecosystem structure and function,” and “ensuring the biological integrity, diversity, and environmental health of the Monument.” Although strong, these sections and the Strategies and Activity sections that follow seem somewhat limited and more focused on Fish and Wildlife Service and National Wildlife Refuge responsibilities and terrestrial habitats and ecosystems, than on the marine areas within the Monument. The Action Plan could be strengthened with an expanded and more detailed and equivalent marine focus. For example, the Monument’s Trustees and Managers should adopt and apply the requirement to “restore lost or degraded elements of biological integrity, diversity, and environmental health at all landscape scales” throughout the entire Monument, including to its marine habitats and ecosystems. The “Strategies to Achieve the Desired Outcome” are reasonably strong as well but would benefit generally from some additional development and expansion, including a greater emphasis on marine components and areas. In particular, the strategies should more fully address past and present fishing impacts and restoration opportunities related to them. For example, HMC-1 should include analyses of historical reef fish, lobsters, and crustaceans and bottomfish fishery impacts (in addition to the black-lipped pearl oyster example cited) to shallow water reef populations, communities, and habitats/ecosystems; complete cessation of these fisheries; and a plan for ecosystem monitoring and restoration. These activities should also be examined with our recommendation to examine and monitor the impact of fishing bottomfish</p>

<b>Comment Category 12 - Habitat Restoration</b>	
	<p>and lobster in TES-1 and their relationship with the monk seal decline.</p> <p>The depletion, due at least in part to fishing and the desired restoration of lobsters and other crustaceans in particular probably warrants development of its own strategy. At the very least, this should be addressed in one or more of the existing strategies. There should also be included a strategy similar to HMC-1 but focused on deeper reefs, shoals, pinnacles, and seamounts that emphasizes fishing impacts, their complete elimination, and subsequent monitoring and restoration of depleted species, habitats, and ecosystems. In addition, we recommend inclusion of a strategy in this section to evaluate and better understand, mitigate and adapt, and plan for global climate change impacts, especially to coastal and shallow water habitats and ecosystems. Global climate change is the greatest long-term threat to the ocean's health, and the coastal and nearshore habitats and ecosystems of the NWHI are especially vulnerable to its impacts. Finally, we recommend expanding Strategy HMC-10 to include a Wilderness Review of the entire Monument, rather than limited strictly to the two existing National Wildlife Refuges.</p>
12-01. Response	<p>Resource managers and policy makers need comprehensive information about the ocean and its natural and social environments to make wise decisions. Baseline monitoring data, characterization, and research are essential components to determine normal and abnormal temporal changes and to provide the basis for determining if management activities are effective or need to be modified, based on continually changing conditions. The Monument Management Plan reflects many nationally recognized natural and social science needs for ecosystem-based management, such as the US Commission on Ocean Policy (2005) and the President's Ocean Action Plan.</p> <p>While research is deemed an integral part of the Monument Management Plan, note that great care will be taken to ensure that the research conducted in the Monument is necessary for the continuation and enhancement of resource protection. Management will take great care through the permitting process and future Natural Resource Science Plan that the benefits of data acquisition will greatly outweigh the impacts of conducting these activities. If the impacts of particular research projects ever outweigh the potential benefits, these projects can be halted immediately.</p> <p>In the Priority Management Need, Understanding and Interpreting the NWHI, Marine Conservation Science Activity 2.1 stipulates that the MMB will produce a Natural Resources Science Plan to guide and regulate research activities conducted in the Monument. This step-down plan will define and prioritize research activities based on management needs to protect, conserve, and when possible restore ecosystems within the Monument. Research activities will be prioritized by the necessity of information for management purposes. Due to the remoteness of the NWHI, research will be limited by vessel and research station space, so only those research activities ranking highest in management priority will be accommodated.</p>

<b>Comment Category 12 - Habitat Restoration</b>	
	<p>The MMB agrees to change the desired outcome statement for the Habitat Management and Conservation Action Plan (3.2.3) to better reflect the need and priority to restore species and habitats, when appropriate. This concept is further strengthened by Monument Goal 1 in Table 2.1, 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.</p> <p>The MMB recognizes that many of the restoration activities focus on the terrestrial habitats and ecosystems. This is because the FWS has been monitoring these systems for longer and has a clearer understanding of restoration activities that need to be taken. Such information needs and possible restoration activities for the marine systems will be addressed in The Natural Resources Science Plan (Activity MCS-2.1).</p> <p>Likewise, any attempt to restore lobster stocks in the NWHI would require further research and identification of the stressors, including the further characterization of ecosystem dynamics, which are thought to have contributed to the decline of the species and stocks. Some research is being conducted, and restoration programs that may be considered in the future are generally included in this plan already. Therefore, a separate activity is not required now but may be added later.</p>

<b>Comment Category 13 - Historic Resources</b>	
<b>Summarized Comments</b>	
13-01. Comment	<p>The comments below suggest the Monument’s cultural and historic resources be protected.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) All current historic national and state protections for the Northwestern Hawaiian Islands need to be upheld.</li> <li>2) There should be some protection of the Hawaiian cultural sites.</li> <li>3) The monument's historical record since 1778 contains a rich assortment of maritime and military activities. We strongly encourage ongoing efforts to locate, identify and interpret the maritime history of the monument, so long as these efforts do not adversely impact the ecological integrity of the numerous sensitive areas within the monument. The June 1942 American victory at the Battle of Midway is recognized as the turning point during the Second World War. We believe it is vitally important to preserve and interpret the remaining historic sites dating to this era, and to encourage a better understanding of the way that this particular battle shaped the course of</li> </ol>

<b>Comment Category 13 - Historic Resources</b>	
	American history.
13-01. Response	The MMB strongly supports protecting the cultural and historic resources of the NWHI, and numerous federal and state laws require us to do so. The Native Hawaiian Culture and History and Historic Resources Action Plans commit us to numerous strategies and activities that will enable the long-term protection of these resources.
<b>Unique Comments</b>	
13-02. Comment	Basically, my specific comment, is that I would like specific protection of anything that could be determined as military significance and I do not want FWS governmental employees deciding what they personally think is significant or not.
13-02. Response	Through a 1996 programmatic agreement, the Navy’s Pacific Division, Naval Facilities Engineering Command, the Advisory Council on Historic Preservation, and the FWS made decisions on whether buildings, structures, and objects at Naval Air Facility Midway were eligible for listing on the National Register of Historic Places, or if they were eligible as National Historic Landmarks and thereby historic. This agreement met the Navy’s requirements under the National Historic Preservation Act for consultation during base closure (16 USC 470f). Buildings, structures, and objects not included under the programmatic agreement need not be protected as historic.
13-03. Comment	Section 3.1 (New) Remediation and Restoration Plan All military artifacts deemed of historic value should be “curated” (removed from Monument islands and waters).
13-03. Response	Military artifacts deemed historic are protected under several federal laws. At Midway Atoll, they are managed in accordance with a programmatic agreement among the Advisory Council on Historic Preservation, the Navy, and the FWS. The preferred alternative for maritime heritage resources is to manage them in place, through a low-impact approach.
13-04. Comment	Section 3.1.3 Historic Resources Action Plan Strategy HR-1: HHF concurs with the recommendation to update the Midway Atoll Historic Preservation Plan and would like to be included as a consulting party and/or special interest group.
13-04. Response	We are pleased to include the Historic Hawai’i Foundation as an interested party in updating the Midway Atoll Historic Preservation Plan.
13-05. Comment	I was concerned also about the discussion of the old buildings and what we’re going—what you’re going to try to save. I mean the history there is just overwhelming. I can’t imagine some of these buildings, the Commercial Pacific Cable

<b>Comment Category 13 - Historic Resources</b>	
	<p>Company Building, 1903 it's still standing. They built wonderful things then. But to recreate even one of those and get the money to do that to me would not be a wise use of the money.</p> <p>I would think that in a museum you would have a museum display of one of the buildings. You could recreate the iron work and the style that was used. But to rebuild one of those buildings I would just frown upon it.</p> <p>We don't know what the tides are gonna do. Rising of the tides could be a lot of money. To something like that program use it or lose it. We could talk about the history of the clipper ships, the military, all of this is things. we can do it by displays.</p>
13-05. Response	<p>Historic preservation at Midway Atoll NWR is complicated by the environmental conditions and the extra cost of transporting materials and supplies 1,250 miles from Honolulu. The FWS has made concerted efforts to stabilize and maintain as many of the historic buildings as possible. The primary goal of historic preservation at Midway Atoll NWR is to maintain the original building or structure so that it is available for the public to see in a three-dimensional way, for example to experience what it is like to stand on a battery used in the Battle of Midway, to look inside the hut where the ammunition was stored, to peer through the opening of a pillbox toward the open ocean waiting for an attack, or to stroll through the grounds of the Cable Station—the “Sunday Park” of Midway. Having the physical remains in their original position is unique for most visitors. Our hope is to continue interpreting the various layers of history at Midway with the real example rather than a replication or model. Even with the deterioration of the Cable Station, we would prefer to bring visitors to the location and interpret the site rather than move the interpretation into a museum. The experience of being where it all happened is very important at Midway and is an intangible element that we are trying to preserve. We are attempting to reuse as many of the historic buildings as possible because use and regular maintenance is really the best method for preserving Midway's historic resources. Funding from grants has assisted with some of the expenses. Volunteers have been a major force in preserving the historic batteries, guns, and the ammunition hut. Of course, we are considering the option to move all interpretive displays into a museum setting, and this may be necessary in the next few decades as environmental conditions overcome the remnants of history. As indicated in the Midway Atoll Visitor Services Plan, we plan to restore a historic building to house a museum and library to recognize and honor Midway's—and the Northwestern Hawaiian Islands'—distinguished history.</p>
13-06. Comment	<p>Section 1.3 Status and Condition of Cultural and Historic Resources</p> <p>This section summarizes the history of activities and events that took place within the monument boundaries from the first Polynesian contact through World War II. It sets the framework for understanding the historic and cultural significance of the area and sets the context for decision-making.</p>

<b>Comment Category 13 - Historic Resources</b>	
	<p>However, the physical resources are not identified or evaluated for either Native Hawaiian or post-contact resources. The section lacks an inventory of the known resources or an assessment of their condition, level of significance or level of historic integrity. The title of the section indicates that the intent is to quantify the number, type, location, and condition of the resources, but the narrative does not match the section title. A summary statement about the historic properties on Midway is included (page 53), but lacks detail. Volume III Appendices: Supporting Documents and References neglects to include the Midway Atoll NWR Historic Preservation Plan (1999) or National Register nominations.</p> <p>Where the historic structures and sites are known, they should be listed in inventory format, with site identification number, name, location, historic significance, status and condition. Recommendations for treatment type may be included where known, or may be deferred to a more specific preservation study or plan.</p>
13-06. Response	<p>The primary goal of historic preservation at Midway Atoll NWR is to maintain the original building or structure so that it is available for the public to see in a three-dimensional way, for example to experience what it is like to stand on a battery used in the Battle of Midway, to look inside the ammunition storage hut, to peer through the opening of a pillbox toward the open ocean waiting for an attack, or to stroll through the grounds of the Cable Station—the “Sunday Park” of Midway. Having the physical remains in their original position is unique for most visitors. Our hope is to continue interpreting the various layers of history at Midway with the real example rather than a replication or model. Even with the deterioration of the Cable Station, we would prefer to bring visitors to the location and interpret the site rather than move the interpretation into a museum. The experience of being where it all happened is very important at Midway and is an intangible element that we are trying to preserve.</p>
13-07. Comment	<p>Section 3.1.3 Historic Resources Action Plan</p> <p>Strategy HR-5: Identification of additional historic resources in other parts of the Monument should be addressed sooner than the proposed 15 year timeframe. In addition to the strategy to inventory historic resources, the action plan should also include development of a Monument historic preservation plan for the resources, including a timeframe and responsibilities for conducting surveys, documentation, determination of eligibility for the National Register, preparation of NR documentation and determination of appropriate treatments.</p>
13-07. Response	<p>We will begin assessing historic resources beyond Midway Atoll as soon as funding and personnel are available. Our priorities at this time are assessing and developing preservation plans for the cultural sites and collections at Nihoa and Mokumanamana (NHCH-4.2) and protecting the historic resources of Midway Atoll.</p>
13-08.	Volume III Midway Atoll NWR Conceptual Site Plan

<b>Comment Category 13 - Historic Resources</b>	
Comment	<p>Site Analysis (page 15)</p> <p>The analysis of historic and cultural resources contains good summary data of general types of resources, but lacks the individual inventory to support specific treatment recommendations. An inventory should be created that lists identification number, name, location, type of resource, current treatment, current status, and current condition for each structure, building and site. Lacking this information, later alternatives and recommendations are proposed in a knowledge vacuum.</p>
13-08. Response	<p>We are attempting to reuse as many of the historic buildings as possible because use and regular maintenance is really the best method for preserving Midway's historic resources. Funding from grants has assisted with some of the expenses. Volunteers have been a major force in preserving the historic batteries, guns, and the ammunition hut.</p>
13-09. Comment	<p>Volume III Midway Atoll NWR Conceptual Site Plan Preferred Alternative (page 38)</p> <p>HHF supports the concept of integrated biological, historic and visitor programs. However, the level of proposed demolition is incompatible with the historic preservation value. The adaptive reuse, rehabilitation, restoration and interpretation activities are encouraging and HHF supports them.</p> <p>However, we are concerned about the proposal to demolish four barracks buildings, four Cable Station buildings, and potentially other buildings that are shown on the site plan map, although not listed in the narrative. A complete disclosure of which buildings are proposed for demolition, and why, would help with this analysis. Several existing buildings are labeled as "replace," which appears to be a euphemism for demolition.</p> <p>Absent clear information about both direct and cumulative impacts to the structures proposed for demolition, we can neither concur nor oppose this option. Using the precautionary principle, the "no action" alternative may be more appropriate for those sites. However, HHF concurs with the proposals to rehabilitate and reuse historic buildings and supports those elements of the preferred alternative.</p>
13-09. Response	<p>The Midway Atoll Conceptual Site Plan is an initial planning document only. Proposed changes in treatment of any historic structures managed under the programmatic agreement will necessitate further consultation with the Advisory Council on Historic Preservation. Many other buildings proposed for demolition did not qualify as historic structures. The potential effects of demolition would be analyzed under NEPA regulations. More detailed plans for Midway Atoll will be developed under Activity CFO-1.1.</p>

<b>Comment Category 13 - Historic Resources</b>	
13-10. Comment	Section 3.1.3 Historic Resources Action Plan  Activity HR -1.1.: HHR concurs with the need to reconcile gaps and conflicts between various planning documents. However, it should not be presumed that only the preservation plan will be adjusted; the visitor service plan may also need to be revised to create a seamless management strategy.
13-10. Response	We agree. A variety of plans may need to be adjusted based on the outcome of the consultation with the Advisory Council on Historic Preservation.
13-11. Comment	The first reference to the FWS Historic Preservation Plan needs to include details on what it contains, as well as information on where readers can obtain it in a timely manner. Readers cannot provide informed comments on the inclusion of something they can't see.
13-11. Response	The Historic Preservation Plan can be found on the Internet at <a href="http://www.fws.gov/midway/MidwayHPP.pdf">www.fws.gov/midway/MidwayHPP.pdf</a> .

<b>Comment Category 14 – Infrastructure</b>	
<b>Unique Comments</b>	
14-01. Comment	Then I would like to see more sustainable energy solutions. You're going to a fuel farm there. It was all I could do not to get sunburned. You have plenty of sun up there. Maybe you could get a little bit more solar energy going. Okay.
14-01. Response	We have changed Activity CFO-1.3 and 1.4 regarding energy technology and infrastructure.
14-03. Comment	Coordinated Field Operations Action Plan – Section 3.6.3  MCBI (Marine Conservation Biology Institute) is concerned that there is too much emphasis on infrastructure development and redevelopment throughout the Monument. As part of this concern, we note that an inordinate percentage of funding is for infrastructure, as opposed to protection activities. At the same time, we recognize that some of the infrastructure is aging and needs repairs and upgrades to improve efficiency, reduce waste, and prevent damage to the NWHI ecosystem and cultural resources of the Monument. As in the rest of the plan, prioritization is required. Given likely funding shortfalls, which of these infrastructure projects will be prioritized? We argue that those projects that are most beneficial to research and management, or that prevent damage to wildlife, habitat and Monument cultural resources, should be prioritized over development that facilitate tourism. While we do not oppose tourism in the

<b>Comment Category 14 – Infrastructure</b>	
	Monument, it should not come at the expense of management activities and research needed to protect Monument cultural resources and the unique biodiversity of this island archipelago. We hope that the improved infrastructure will allow for more of a year-round presence and research in the Monument. Research has typically only been conducted during a few months of the year due to difficult weather conditions and limited resources. Our understanding of monk seals and the northwest Hawaiian island ecosystem would be greatly enhanced by more off-season research and monitoring. Additionally, as emergencies arise, e.g., with injured monk seals, there should be more opportunities for rescue and assistance efforts. In all things, conserving Monument wildlife, habitats and cultural resources must come first.
14-03. Response	The remote nature of these places requires infrastructure to base protection activities on. The protection measures and management activities proposed must be completed in a manner that provides a safe working environment for staff and allows successful management.
14-04. Comment	<p>Strategy CFO-3: Maintain and enhance housing and field camp capacity using short-term, medium-term, and long-term approaches across the life of the plan.</p> <p>As we stated earlier, global climate change is one of the greatest threats our ocean ecosystems face today, with a variety of stresses impacting resources at varying scales. One of the greatest impacts that the NWHI will be dealing with this century, in addition to the natural erosion processes of atolls, will be increased sea level rise. Any infrastructure planning and engineering needs to consider these impacts, particularly since the estimates widely accepted by the IPCC are most likely underestimates. Local experts are already examining these issues in the Main Hawaiian Islands, and may be able to assist the Co-Trustees with addressing this issue.</p>
14-04. Response	As noted in Section 1.4, Environmental and Anthropogenic Stressors, climate change has potential short-term and long-term consequences to Monument resources. The MMB is committed to using data from existing monitoring and restoration efforts (see Strategy MCS-1, Continue and expand research, characterization, and monitoring of marine ecosystems, numerous activities in the Threatened and Endangered Species Action Plan (3.2.1), and the Habitat Management and Conservation Action Plan (3.2.3), and directing future research and monitoring efforts to investigate how climate change is impacting individual species, assemblages, habitats, and ecosystems in the Monument. The Monument Management Plan is a general management plan that describes all MMB management activities for the next 15 years. Describing all the specific efforts needed to monitor the direct and indirect effects of climate change on individual species, assemblages and ecosystems are too detailed for this plan. Many of these activities will be detailed in the Natural Resources Science Plan (Activity MCS-2.1), which will be developed in the first year of implementation. In addition, as it pertains to infrastructure needs, the Coordinated Field Operations Action Plan (3.6.3) contains numerous

<b>Comment Category 14 – Infrastructure</b>	
	strategies and activities that include operational requirements alongside environmental factors. Such factors include the challenges of locating facilities in sensitive habitats and the impacts that climate change (for example, sea level rise and shoreline erosion) could have on the placement and operation of structures. The Midway Atoll Conceptual Site Plan contains a general roadmap for infrastructure needs. As the MMB implements individual activities in the plan, it will address climate-related impacts on the structures in more depth in the architectural planning and other NEPA documents.
14-05. Comment	Page 10 Climate: The weather is variable between the NWHI. Yet, why is weather data from FFS presented, but other islands are not, despite that daily weather data is available from Midway Atoll and Laysan Island. This document would be more informative if the variability between islands were shown, instead of only a brief report of Nihoa’s weather and a graph from FFS. El Nino climatic events have dramatic impacts on the flora and fauna of the NWHI, and should be described here.
14-05. Response	In Section 1.1, Monument Setting, within the subsection Overview – Geographic, Geological, and Ecosystem Setting, the somewhat ambiguous effects of the El Niño Southern Oscillation on Monument lands and waters are discussed. The air and sea surface temperature differences between the north and south ends of the chain are provided in Section 1.1, Monument Setting, within the subsection Climate Change. Average rainfall amounts and pattern are fairly consistent throughout the Monument, so we chose to present the data for a site at the center of the latitudinal range.
14-06. Comment	To start on Midway, and you mentioned they’ve already openly it up to visitors. One of my worries was that they’d open it up to visitors before they worried about health and safety. And they’ve already done that, unfortunately.  If you read the plan, there are numerous dumps. They’re toxic dumps. They’re called no-dig areas. There’s supposed to be no dig for into perpetuity because there’s unexploded ordnance. And the people in Waikoloa can tell you what perpetuity means. As their grade school picks up unexploded ordnance in the playground at least once a month. To put people in that atmosphere is just asking for trouble. On top of that, there are the electrical, the water system, and the waste water system, which is from ‘05, ‘06, ‘05 and ‘06 and I think the end of ‘06, maybe ‘07. But all three of those systems are currently at capacity. So any discussion that they’re going to modestly increase the amount of visitor action, and they’ve already done that, means that these critical systems are already over capacity. That’s a health disaster waiting to happen.
14-06. Response	While there are numerous “no dig” sites on Eastern and Sand Island, no future construction or renovation projects will take place within these areas. In July 2008, the Navy conducted its regular five-year review on the no dig sites at Midway. The Navy examined the sites to ensure that there was no environmental contamination taking place and resurveyed the boundaries of the sites using GPS technology. The FWS has spent the last several years adjusting the size

<b>Comment Category 14 – Infrastructure</b>	
	of the electrical and potable water systems on Midway. Before the island population can increase significantly, these systems will have to be expanded, and any expansion will involve the use of renewable energy/energy efficient systems. Reliable septic/wastewater systems will be required to support any future buildup. To reduce the capacity and cost of the system, on-site composting and waste reduction will be considered.
14-07. Comment	And to call it a visitor site is unconscionable. But for my standpoint they’re talking about building new visitor buildings to stay in. And they had plans of actual architectural plans. In the plan, and in the whole book, there isn’t any word about disability access. And it seemed rather obvious from their architectural plans they are not going wheelchair accessible. How? Like it or not, these are our tax dollars. And as far as, although the current administration may like to believe it doesn’t exist, but the Americans With Disabilities Act is the law of the land. And to try to put in new buildings with no access, again, is unconscionable.
14-07. Response	The sketches on pages 64-66 of Volume IV were not an attempt to express the actual architectural character of any future construction projects. All construction and rehabilitation projects on Midway will comply fully with the Americans with Disabilities Act.
14-08. Comment	Page 206, lines 39-42  This discussion of anthropogenic noise does not identify any scientific analysis regarding anthropogenic ship noise or studies unique to the resources of the National Monument. As such, it is unfounded and should be deleted.
14-08. Response	The discussion on human-generated ship noise can be found in Section 1.4, Environmental and Anthropogenic Stressors, in a section called Light and Noise Impacts. The specific section of the document referenced by the comment does not pertain to impacts from ship noise but relates to the many potential impacts from ship traffic, including groundings, hazardous materials spills, and sewage and ballast water discharges. We have modified the text to reflect this threat.

<b>Comment Category 15 - Marine Debris</b>	
<b>Summarized Comments</b>	
15-01. Comment	The comments below express concern that the NWHI are a “growing garbage dump” given that the estimated annual amount of marine debris accumulating in the NWHI exceeds the amount of marine debris being removed through current efforts.  Comments:

**Comment Category 15 - Marine Debris**

- 1) Marine debris is a big problem in the NWHI and has been recognized for many years. It ravages the reef, destroys native species on beaches, and kills many endangered animals and birds who mistakenly digest the plastic debris. In 1996 cleanup started on the estimated 750 to 1000 tons of debris in the NWHI at that time. A good start was made (over 550 tons) but since 2006 removal has slowed down. Now cleanup is less than half the 57 ton expected annual accumulation. So this great pristine monument is a growing garbage dump. It's hard to maintain pride in this vision. Although I encourage any effort to reduce incoming debris, it seems rather futile to find by air and collect floating debris before it reaches the NWHI. It's a big ocean. In any case, cleanup cannot be reduced or eliminated until an alternative is found. The cleanup must continue until the job is done and effort is the highest priority. It must be the first dollar priority.
- 2) For the whole islands, I have a couple of comments. And one is you've talked about how impressive it is that you're taking off marine debris. According to the plan, it's currently accumulating at more than double the rate that it's being taken off. Now, I don't call that a good thing. To me, it's pretty hard to maintain pride over a growing garbage dump. If there is not major effort to, before anything else, remove the marine debris, you can -- all the rest of it will be thrown out the window.
- 3) 3.3.1 Marine Debris Action Plan. As noted in the DMMP, marine debris poses a chronic and significant threat to the PMNM and specifically to marine wildlife including the endangered Hawaiian monk seal and threatened sea turtles. Ocean Conservancy is uniquely aware of the challenges posed by programs to reduce and clean up marine debris. For over two decades, Ocean Conservancy has mobilized volunteers on a global level to help remove trash and debris from coastlines and waterways through the International Coastal Cleanup. To date, 6 million volunteers from around the world have removed over 100 million pounds of marine debris from our ocean, and waterways. Each year, the International Coastal Clean Up attracts more volunteer participants and covers more territory. And each year, it collects more trash. As recognized in the DMMP, Ocean Conservancy—along with the National Marine Fisheries Service, the U.S. Coast Guard, the U.S. Fish and Wildlife Service, and other organizations—has also assisted with the removal of over 100 tons of derelict fishing gear and other marine debris from the NWHI since 1998. We understand how formidable the goal of eliminating marine debris from the NWHI is, and strongly support the Monument's desired outcome of eliminating marine debris, including derelict fishing gear, from the NWHI.

Ocean Conservancy supports Strategies MD-1, MD-2, and MD-3 directed at removing marine debris, cataloging the sources of debris and developing outreach efforts to reduce debris at its source. Regarding MD-1: Remove and prevent marine debris throughout the life of the plan, we agree that marine debris must be viewed as a

<b>Comment Category 15 - Marine Debris</b>	
	<p>chronic problem and not one that will be “solved” in the near term. Based on our experience with this issue, we believe it is important that the Co- Trustees plan (and budget for) ongoing annual debris removal activities in the PMNM. Given it is unlikely that removal will be able to target all debris, we encourage continued prioritization of debris removal in areas and of debris types most likely to pose serious threats to marine wildlife.</p> <p>We also recommend that marine debris activities clearly delineate between removal and prevention of marine debris. Both represent significant yet separate efforts, and require different strategies to be effective. We also recommend that the Co-Trustees emphasize an active role in broadening education and outreach efforts to mitigate and prevent all possible sources of marine debris and derelict fishing gear, including domestic as well as foreign sources. We strongly support MD-1.5: Work with the fishery management councils to address marine debris preventing with U.S. fishing fleets and are particularly supportive of accountability requirements. We urge the Co-Trustees to pursue such efforts on an international basis recognizing that debris and lost fishing gear do not heed jurisdictional boundaries. Regarding Activity MD-3.1: Work with partners to continue to develop and implement an outreach strategy for marine debris, we believe that the NWHI provides an opportunity to demonstrate to the public the pervasive and critical impact of marine debris on ocean ecosystems. While the issue of marine debris and the need for better management of plastics and other disposable items has gained significant worldwide attention over the past few years, the Monument provides a concrete example of the specific and dire threats posed by debris. For example, learning that over the past 20 years, more than 200 monk seals have been observed entangled in fishing gear or other trash is likely to make a bigger impression on members of the public than simply learning that the ocean is polluted with garbage.</p>
15-01. Response	<p>The MMB’s desired outcome is to eliminate marine debris, including derelict fishing gear, from the NWHI. Complete elimination of marine debris in the near future is virtually impossible due to the financial cost, the size of the area, and the continual influx of new debris from areas outside of the Monument. However, removing existing debris, detecting and preventing incoming debris, researching the impacts of marine debris on wildlife, and educating the public to prevent debris are the achievable strategies to reduce the overall impact of debris. Each of these strategies is important in achieving the desired outcome.</p> <p>NOAA has led an 11-year derelict fishing gear removal effort in the NWHI, collecting over 570 metric tons to date. After an intensive removal phase was completed in 2005, subsequent maintenance was expected to keep up with annual debris accumulation. This maintenance phase was intended to target entanglement zones for Hawaiian monk seals, to study accumulation rates at repeated zones, and to provide information on the necessary frequency of future cleanup efforts. In 2007, the deposition rate was revised, indicating that significantly more derelict fishing gear than originally estimated is</p>

<b>Comment Category 15 - Marine Debris</b>	
	<p>becoming entangled in the Monument each year. How to best address this gap remains a challenge. Developing the technologies to detect and remove derelict fishing gear at sea will help offset this imbalance and will provide additional protection to Monument resources than relying on cleanup alone.</p> <p>Under Activity MD-1.1, the MMB would continue to support and participate in the multi-agency cleanup effort that has been highly effective in removing marine debris from shallow water and beaches. Such in-water cleanups are labor intensive, dangerous to the debris divers, and very expensive and, most notably, the environmental damage has already occurred. Additional efforts (Strategy MD-2) are needed to investigate the sources, types, and deposition rates and to remove derelict fishing gear before it has a chance to impact the Monument. Local and international education and outreach (Strategy MD-3) is necessary to ultimately prevent future generations of marine debris.</p>
<b>Unique Comments</b>	
<p>15-02. Comment</p>	<p>Lets set up a list of goals:</p> <ol style="list-style-type: none"> <li>1. Goal #1-- To preserve the coral reefs and all the wildlife in the Monument.</li> <li>2. Goal #2-- THE MONITORING OF GOAL #1.</li> <li>3. Goal #3-- Identifying all of the threats, removing and or reducing all of those threats where ever possible. (ghost nets, oil spills and shipwrecks-- primarily foreign vessels)</li> <li>4. Goal #4-- Find and tag -- mark location with GPS, using floats and GPS senders, to set up removal.</li> <li>5. Goal #5 -- Get industry and government (Coast Guard, DLNR, NOAA etc) to work together.</li> <li>6. Goal #6 -- Create a plan , on a trial basis , to try achieve a balance between scientific information, species and population counts, fish stocks and quotas and of course, coral reef monitoring.</li> </ol> <p>A possible such plan would be to:</p> <ol style="list-style-type: none"> <li>1. Divide the PMNM into 10 distinct areas.</li> <li>2. Permit 10 bottom fishing boats, and assign each one an area.</li> <li>3. Each vessel must scout the fringe reefs in their respected area for the ghost nets. Any nets spotted will be called in to the Coast Guard and marked for removal. (small transponders could be used for the largest most destructive ghost nets)</li> <li>4. In order to cover the WHOLE PMNM, there may need to be some fuel subsidy to reach the more distant areas. The</li> </ol>

<b>Comment Category 15 - Marine Debris</b>	
	<p>State of Hawaii and the Federal Government with the help of the Coast Guard could not monitor this area as THOROUGHLY OR AS ECONOMICALLY as teaming up with industry.</p> <p>5. Each vessel will have quotas system, and will turn in vital fish population reports, while culling out a tiny fragment the current fish stocks.</p> <p>6. These permitted bottom fishing boats could take scientific teams up to, and back from the most isolated NW Islands.</p>
15-02. Response	<p>Derelict fishing gear is not limited to the fringing reef and is frequently subsurface. In fact, the highly successful debris removal efforts to date have targeted nets to a depth of 30 feet, though they have been observed at greater depths. Relying on sightings from surface vessels would not be effective. To date, the most efficient method of locating derelict fishing gear in the NWHI has been during systematic surveys along the reef areas. Using this method, divers are towed behind inflatable boats and carefully cut the nets off the reef.</p>
15-03. Comment	<p>However, I do support NOAA doing cleanups of marine debris. And my feeling is that's one of the appropriate activities we have to do it more frequently. And I like the idea that possibly there is a technology that could prevent that Pacific gyre from allowing that marine debris to accumulate there. However, I would like to see the technology is appropriate and not -- What's the idiom? A cure that's worse than the illness. So I want that point to be very clear.</p>
15-03. Response	<p>The MMB, in partnership with other governmental and nongovernmental entities, will conduct research into mechanisms to locate, track, and remove debris at sea before it reaches the Monument ecosystems (Strategy MD-2). Remote sensing technology (e.g. satellite imagery, light detecting and ranging [LIDAR], and unmanned aircraft systems) will not actually prevent the accumulation of marine debris in the North Pacific Gyre or Subtropical Convergence Zone; rather, the technology may aid in identifying areas of high debris concentration in order to target removal efforts. Such technologies may help direct the cleanup effort to where it will have the greatest effect with limited resources.</p>
15-04. Comment	<p>Why isn't there an international rule saying from now on plastic has to be immediately biodegradable? Why can't we take these nets and say: Oh, this one came from Korea. This one came from China. This one came from Peru. Start fining these people. They want a carbon tax on this and that. Why not a net tax on the -- This will keep their captains cutting their nets when it's easier to disregard them rather than bringing them home and repair them and whatnot. All these things need to be done.</p>
15-04. Response	<p>Activities MD-1.4 and MD-1.5 state that the MMB will work with the Department of State on international marine debris issues and with the US Fisheries Management Councils to address marine debris prevention with US fishing fleets. Approaches may include permanent identification of fishing gear, incentive programs for recovered debris, disposal and</p>

<b>Comment Category 15 - Marine Debris</b>	
	recycling programs, dockside gear accountability, fishing vessel inspections before departure and upon return.
15-05. Comment	Also as for marine debris, I think it's about time that countries start talking about how they, you know, those who fish in international waters or even the manufacturers who supply these countries with these fishing gear, should be encouraged into the incorporating high-tech codes that can be put into their gear, nets, or whatever it is, whereas when it does end up on whoever's shores, it might be -- that it can be identified. And a fine should be issued eventually, you know. Because I don't think -- you know, we stuck with all that opala. And then they bringing 'em back here, and we got to burn 'em, and that adds to the pollution and all of the debris. And with the rising sea levels too, we have to really start thinking. Because there are islands down below us that's -- there's countries that are looking at, Pacific nations are looking at where they going to go now because the waters are inundating already onto their islands.
15-05. Response	A key challenge in reducing marine debris is addressing its sources. Most derelict fishing gear in the Hawaiian archipelago comes from distant sources, an international issue that concerns many Pacific Rim countries. Activities MD-1.4 and MD-1.5 describe how the MMB will work with the US Department of State on international marine debris issues and with the US Fishery Management Councils to address marine debris prevention with US fishing fleets. Permanent identification of fishing gear is one approach that may be explored. Permanent gear marking is a challenging issue because gear may be manufactured in one country but then change hands many times in different fisheries and in different countries. As such, a "fingerprint" for a manufacturer may provide little evidence in terms of the net's last owner. Possible methods of marking should be explored. Other international and domestic approaches to working with fishing fleets include incentive programs for recovered debris, disposal and recycling programs, dockside gear inspections before fishing vessels depart and when they return.
15-06. Comment	Efforts to remove marine debris are important as described in the Management Plan are needed to decrease entanglement of monk seals. While the Management Plan includes the development of a plan to remove and prevent marine debris, the Management Plan should include specific efforts to prevent derelict fishing gear. The Northwest Hawaiian Islands accumulate significant amounts of marine debris because they are situated at the convergence of the North Pacific subtropical gyre. Currents carry plastic materials and derelict fishing gear to the beaches and reefs of the Northwest Hawaiian Islands. Moreover, marine debris poses the biggest entanglement threat in El Niño years when it is more likely to accumulate in the Northwest Hawaiian Islands. These considerations should be taken into account in the Management Plan.
15-06. Response	The MMB recognizes that marine debris, especially derelict fishing gear, is a severe chronic threat to the NWHI. The Marine Debris Action Plan presents strategies and activities for addressing marine debris issues in the Monument as well as the North Pacific Region. In particular, approaches to address marine debris prevention within international and

<b>Comment Category 15 - Marine Debris</b>	
	domestic fishing fleets are described in Activities MD-1.4 and MD-1.5. Under Strategy MD-2, the MMB, in partnership with other governmental and nongovernmental entities, will research mechanisms to locate, track, and remove debris at sea before it reaches the fragile Monument ecosystems. Additionally, outreach products will be developed to reach specific fishing communities and industries (MD-3.1).
15-07. Comment	Activity MD-2.X: The MMB will cooperate with NOAA Fisheries to develop protocols for fishery observer programs to collect data on gear loss and to develop a data management system to compile and analyze that data
15-07. Response	This type of effort would be included under Activity MD-2.1, in which the MMB would work with partners to support studies on marine debris. The NOAA Marine Debris Program is already working with NOAA Fisheries Observers in Hawai‘i’s longline fishery to document and collect data on derelict fishing gear encountered by these boats. The Marine Debris Program manages a database with this information.
15-08. Comment	Activity MD-3.X: MMB will work with government, non-government organizations, industry, researchers, and communities with an interest in marine debris to communicate and share information on the issue, particularly in regard to establishing priority actions and improving coordination of efforts.
15-08. Response	The MMB feels that the intent of the commenter’s suggested activity is already addressed through Activities MD-1.3 and MD-3.1. Using recommendations from national and international marine debris conferences and data from ongoing marine debris removal efforts, and in coordination with partner agencies and organizations, a coordinated strategy for marine debris removal and prevention will be developed for NWHI. To better explain the scope of impacts of marine debris in the NWHI, an outreach strategy will be developed with the multiagency partnership to reach both local and international audiences.
15-09. Comment	I keep bringing it up with all the nets and stuff coming from there. I was suggesting whatever ship to set up a cable and a claw. As they’re going, traversing wherever they’re traversing, just drag the ocean through parts of it. So you snag something in these nets before they come ashore.  Some of these ships, not a cruise ship, but it would be a working ship, could just bring the stuff aboard before they’re appearing off the reef at Midway.
15-09. Response	Under Strategy MD-2, the MMB, in partnership with other governmental and nongovernmental entities, will conduct research into mechanisms and technologies to locate, track, and remove debris at sea before it reaches fragile Monument ecosystems. However, due to the inherent risks to vessels and crew involved in such operations, it is unlikely for the MMB to require every vessel operating within the Monument to drag for nets or attempt their recovery. Trawling

<b>Comment Category 15 - Marine Debris</b>	
	equipment and derelict fishing gear could easily become fouled in the vessel's running gear. The MMB would prefer not to require a practice that could result in a disabled vessel or entangled wildlife. Additionally, most of the vessels permitted to work in the Monument are not designed or equipped to attempt such maneuvers.
15-10. Comment	On the subject of marine debris I think they've done an excellent job. Due to the constraints of having the time and, of course, now the energy of fuel to get out there and clean up, I think we need to get the military more involved, the State of Hawai'i really involved in getting, coordinating efforts and getting more boats and ships out there to remove the debris. Once or twice an year is fantastic. But again it's a hard place to get to. I understand that. But it would be nice to have more trips out there.
15-10. Response	The military continues to be an important partner in the multi-agency effort to address the problem of marine debris in the NWHI. Through dedicated debris removal cruises, the Coast Guard has developed considerable skill and experience in removing derelict nets from reefs. In fact, members of the Coast Guard cutter <i>Walnut</i> , a 225-foot buoy tender, collected more than 28 tons of marine debris from Midway Atoll and Maro Reef in May 2008. The MMB is in discussion with military officials to determine how military assets and technology may continue to assist and expand on ongoing derelict fishing gear salvage efforts. One mechanism being explored to facilitate such additional support is the Innovative Readiness Training Program, which allows military units to be used to assist civilian agencies/organizations when such assistance is incidental to military training. This enhances training to benefit both the unit and the community. Also, of particular interest to the MMB is the possibility of applying advanced technology, developed for military applications, to address needs of the Monument, such as remote sensing to detect marine debris at sea.
15-11. Comment	Section 3.3 Reducing Threats to the Ecosystem Marine Debris Action Plan does not propose interdiction programs and such regulation as lies within Trustees authority to prevent overboard discharge of debris, especially from military and cruise ships. Satellite surveillance of non point debris rack lines from the Pacific Gyre could guide debris collection before entering Monument waters. Plans to collect and burn plastic flotsam include no measures to prevent formation or scrubbing and sequestering of the dioxins produced by combustion. Alternative disposal methods such as Contained Aquatic Disposal are not evaluated.
15-11. Response	Through international agreement, overboard discharge of debris from vessels, including cruise ships, is regulated through the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 MARPOL. MARPOL, Annex V, Prevention of Pollution by Garbage from Ships, limits ocean discharge of solid waste. Plastics may not be discharged into the sea at all. The Navy, by action of Congress, is directed to comply with regulations set forth in MARPOL, Annex V. Discharge within the Monument is further regulated by 50 CFR Part 404.7(e) and

<b>Comment Category 15 - Marine Debris</b>	
	<p>§404.7(f), which implement the provisions of Presidential Proclamation 8031.</p> <p>Strategy MD-2 describes how the MMB, in partnership with other governmental and nongovernmental entities, will research mechanisms to locate, track, and remove debris at sea before entering Monument waters. Mechanisms being evaluated are unmanned aircraft systems, LIDAR, and satellite technology. Remote sensing systems being researched for Monument enforcement may also prove useful for detecting large debris conglomerates.</p>
15-12. Comment	<p>Section 3.6 Achieving Effective Monument Operations</p> <p>10) We suggest that consultation with Algalita Marine Research Foundation would help produce a plan to keep marine debris from entering Monument waters <a href="http://www.algalita.org">www.algalita.org</a></p>
15-12. Response	<p>Under Strategy MD-2, the MMB, in partnership with other governmental and nongovernmental entities, such as the Algalita Marine Research Foundation, will conduct research into mechanisms to locate, track, and remove debris at sea before it reaches fragile Monument ecosystems.</p>
15-13. Comment	<p>The Exempted activities that may or will [in some cases, assuredly so] occur in the monument are: Emergency Response to Threats to Life, Property or the Environment. This can be easily understood, possibly even encouraged if it's severe enough. Or the type of emergency at hand. But again, this ties into the fact that damage may occur and the response may be to an accident, especially if that occurs from an exempted activity. Who will clean up after the emergency is over? Say an exempted group doing an exempted activity causes an emergency. In response from technology because of the rush in whether it's through water or air or on land, great damage or that potential is done in several ways on the natural environment. This can be water, land, oceanic, air or life. Who then cleans up the mess, repairs- if possible, the damage? Since an exempted activity by an exempted group caused the emergency, and the exempted response to the emergency caused more damage thus. It seems it would fall to the co-trustees and others, not those who caused the damage directly. It could in turn lead to, as the United States political and legal system has so eagerly shown often enough, more restrictions that mainly affect those who had no part in it rather than any part of the blame.</p>
15-13. Response	<p>The Emergency Response and Natural Resource Damage Assessment Action Plan describes strategies and activities to plan for and respond to emergencies with the established Area Contingency Plan for the Hawaiian Islands and other events that fall outside the scope of the Area Contingency Plan. The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or Superfund), the Clean Water Act, the Oil Pollution Act, and similar state statutes impose liability not only for cleanup costs but also for natural resource damages. These laws apply whether an incident was due to a permitted or exempted activity. After an oil spill or hazardous substance release, response agencies such as the Environmental Protection Agency or the Coast Guard clean up the substance and eliminate or reduce risks to</p>

<b>Comment Category 15 - Marine Debris</b>	
	human health and the environment. But these efforts may not fully restore injured natural resources or address their lost uses by the public. Through the Natural Resource Damage Assessment (NRDA) process, co-trustees study ways to identify the extent of resource injuries, the best methods for restoring those resources, and the type and amount of restoration required. The NRDA process ensures an objective and cost-effective assessment of injuries, and that the public's resources are fully addressed. The responsible party pays the costs of assessment and restoration and is often a key participant in the restoration. The regulations concerning specifically how this applies to the Armed Forces may be found at 50 CFR §404.9.
15-14. Comment	We would like to comment on the issue of groups wishing to assist with marine debris removal in the Northwestern Hawaiian Islands. Although there are NOAA staff who are working on the problem of ghost nets and fishing gear, there still is a lot of marine debris of all types on the beaches. These beaches could be restored with the efforts of volunteers. Our volunteer organization, Beach Environmental Awareness Campaign Hawai'i has the experience to assist with organizing marine debris clean-ups in the monument which would involve careful removal of the debris as well as an education component. We can also provide equipment and training to long-term volunteers to make removal of marine debris faster and more efficient. We would like to see the draft include provisions for such a beneficial project as well as a streamlined process for short service project permits where the involvement in the monument is to clean up marine debris and make a difference.
15-14. Response	Volunteers provide support to the Monument in a number of locations, including administrative offices, the Mokupāpapa Discovery Center in Hilo, French Frigate Shoals, Laysan Island, Midway Atoll, and Kure Atoll. These volunteers help Monument staff in carrying out their missions to protect the natural, cultural, and historic resources of the Monument (see 3.5.2, Constituency Building and Outreach Action Plan). In fact, a marine debris project (Activity MD-2.2) is using volunteers at Midway Atoll in beach cleanups geared toward developing a scientifically sound and biologically relevant marine debris monitoring protocol for Midway Atoll. This protocol and what is learned from the work on Midway will support the development of a long-term monitoring effort in the Monument and a better understanding of the marine debris types and sources. The MMB also recognizes the need to continue to build and nurture volunteer programs that develop knowledge of, involvement in, and support for Monument programs and resources (Activity CBO-3.4).
15-15. Comment	Marine Debris Action Plan – Section 3.3.1 MCBI applauds efforts to remove and reduce additional debris from entering the Monument, especially in areas where the debris may negatively impact marine life (especially monk seals, sea turtles, and seabirds). Actions to determine the type and source of this debris are important, but of second tier importance. MCBI believes that greater awareness of marine debris is an issue that will require more resources than the Monument has available. Instead, we encourage active

<b>Comment Category 15 - Marine Debris</b>	
	collaboration and partnering to address this issue at the national and global scales. The Monument could be helpful in developing bounty programs to encourage removal of marine debris and possible identification of the sources of discarded fishing gear and other forms of debris.
15-15. Response	Marine debris is certainly a problem larger than any agency alone might resolve. The MMB recognizes that collaborating and partnering to address the issue at the national and international scale is important. The Marine Debris Action Plan presents strategies and activities for addressing marine debris issues in the Monument and the North Pacific Region. In particular, approaches to gain international cooperation and involvement for marine debris issues and to address marine debris prevention within domestic fishing fleets are described in Activities MD-1.4 and MD-1.5, respectively.
15-16. Comment	Marine Debris Action Plan: Although several initiatives are being undertaken worldwide, mostly at the national level, to prevent, reduce and/or remove marine debris of all types, but most importantly derelict fishing gear, we recommend continued and enhanced cooperation and sharing of information at all levels to prevent and remove such debris.
15-16. Response	Continued and enhanced cooperation and information sharing is certainly necessary when addressing the problem of marine debris, a problem much larger than an agency alone might resolve. The multiagency effort launched in 1996 and continuing today is a significant head start in this regard. In close coordination with partner agencies and organizations, the MMB plans to use recommendations from national and international marine debris conferences and data from ongoing marine debris removal efforts to develop a coordinated strategy for marine debris removal and prevention for the NWHI (Activity MD-1.3).  To better explain the scope of impacts of marine debris in the NWHI, an outreach strategy will be developed with the multiagency partnership to reach both local and international audiences (Activity MD-3.1).
15-17. Comment	Marine Debris Action Plan Activity MD-2.X: The RAC recommends that MMB support the NMFS Pacific Islands Fisheries Science Center in the continued development of an inventory or reference collection of net types and other gear that can be used to assist identification or debris collected from the Northwestern Hawaiian Islands and its source. Efforts to prevent and reduce the influx of marine debris into the marine environment at its source, as well continuing the efforts to remove it from the Monument as it accumulates should be the highest priorities.
15-17. Response	The MMB is already working with the NMFS Pacific Islands Fisheries Science Center and other partners on marine debris studies, including efforts to track sources and types of debris, research to quantify resource impacts and to determine accumulation rates, biological and ecological impacts, and documentation of the cost estimates of damage (Activity MD-2.1).

<b>Comment Category 15 - Marine Debris</b>	
15-18. Comment	Page 183 Here and elsewhere in this section reference is made to actions that will “prevent” marine debris. It seems unlikely that anything can be done to completely prevent debris, and therefore it would be better to use a term like “minimize.”“
15-18. Response	Ultimately, the MMB’s desired outcome is the elimination of marine debris, including derelict fishing gear from the NWHI. We recognize that complete elimination of marine debris in the near future is virtually impossible due to the financial cost, the size of the area, and the continual influx of new debris. However, removing existing debris, detecting and preventing incoming debris, and educating the public to prevent future generations of debris are the achievable strategies, described in the Marine Debris Action Plan, to reduce the overall impact of debris.
15-19. Comment	Page 184 Although several initiatives are being undertaken worldwide, mostly at the national level, to prevent, reduce and/or remove derelict fishing gear, regional and international co-operation are of vital significance for the development of a common jurisdiction for the prevention, as well as the eradication of the problem, because of its transboundary nature.
15-19. Response	The MMB recognizes that marine debris is a global problem. In the NWHI, much of the marine debris is in the form of derelict nests, mostly trawl nets, from North Pacific fisheries. Because much of this debris comes from international fisheries, US activities aimed at prevention are complicated. Debris produced from illegal activities, such as the unauthorized deployment of fish aggregation devices and unlicensed fishing throughout the Pacific, makes the problem even more complex and harder to quantify. Under Activity MD-1.4, the MMB will work through the Interagency Marine Debris Coordinating Committee, the US Department of State, and other US agencies to call international attention to marine debris problems in the NWHI and to identify approaches to reducing foreign debris sources.
15-20. Comment	Page 185 Activity MD-2.X: Conduct targeted studies to determine factors (including identification of the socio-economic and technical factors) motivating loss and disposal of fishing gear at sea. These studies will be used as a basis for developing measures to prevent loss and promote appropriate disposal of fishing gear and other waste
15-20. Response	The MMB recognizes that marine debris, especially derelict fishing gear, is a severe chronic threat to the NWHI. The Marine Debris Action Plan presents strategies and activities for addressing marine debris issues in the Monument and the North Pacific Region. Approaches to address marine debris prevention within international and domestic fishing fleets are included under Activities MD-1.4 and MD-1.5. A study to determine factors motivating loss and disposal of fishing gear at sea would be one such approach falling under these more broadly worded international and domestic activities. Activity MD-2.1 describes how the MMB will work with partners on marine debris studies. Note that the NOAA Marine Debris Program is working with NOAA Fisheries observers in Hawai‘i’s longline fishery to document and collect data on

<b>Comment Category 15 - Marine Debris</b>	
	derelict fishing gear encountered by these boats. The purpose of this effort is to not only quantify the location, amount, and type of debris encountered but to quantify the financial impacts on the fishery (in terms of downtime) from fouling by derelict gear.
15-21. Comment	Page 185 An emerging problem is the presence of vast amounts of plastic particulates floating near the ocean surface in the north Pacific central gyre. Whereas the deleterious biological effects of entanglement of marine mammals in derelict fishing gear and ingestion of plastic objects by seabirds are well documented, little is known about the effects of plastic particulates on the marine ecosystem. Small plastic particles have been found to accumulate a wide range of toxic substances. Furthermore, fish and marine invertebrates as well as seabirds have been found to ingest them. The RAC recommends the MMB create an activity in the DMMP which supports studies investigating the distribution, density and rates of accumulation of plastic particulates in the north Pacific central gyre and its short-term and long-term effects on marine flora and fauna.
15-21. Response	The MMB feels that the intention to support marine debris research is already covered under Strategy MD-2. We will investigate the sources, types, and accumulation rates of marine debris. Specifically, we will work with the Marine Debris Program and other partners to support studies on the marine debris issue, including research to quantify resource impact and to determine accumulation rates, biological and ecological impacts, efforts to track sources and types of debris, and documentation of the cost estimates of damage (Activity MD-2.1).
15-22. Comment	Section 1.4 - page 58 - Starting line 12 - Plastic ingestion by Albatross (and other seabirds)  This section should include figure of annual impact of this plastic on island. USFWS biologists have estimated that each year approximately 5 tons of plastic is ‘landfilled’ at Midway brought to the island by adult albatross and fed to their chicks.
15-22. Response	We have made the suggested change to Section 1.4 and modified the text to reflect this comment.
15-23. Comment	Page 186 change to read “Develop and standardize marine debris monitoring protocols for marine and terrestrial habitats.”
15-23. Response	We have made the suggested change to Section 3.3.4 and modified the text to reflect this comment.
15-24. Comment	Page 181 lines 16-20: Include in this sentence the fact that NMFS began annual net/line removal from NWHI beaches in 1982, the multiagency effort to pull nets off reef began in 1996 --- earlier in MP, states 1997!!!

**Comment Category 15 - Marine Debris**

15-24. Response	We have modified the Marine Debris Action Plan (3.3.1) to indicate that NOAA Fisheries began annual net and line removal from the NWHI in 1982 and that the multiagency efforts began in 1996.
--------------------	--

**Comment Category 16 - Midway****Summarized Comments**

16-01. Comment	<p>The comments below expressed concern about the number of people allowed on Midway Atoll, especially in relationship to the number of visitors.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li data-bbox="399 633 1919 738">1) I'd also like to offer a comment on the amount of visitors you allow on island. I read that you are suggesting 50 visitors. From my experience that's too much. Maybe 24-28. For our group of 13 we had the OSE naturalist as well as the FWS Ranger. This is the perfect ratio so that folks don't inadvertently do damage to the wildlife.</li> <li data-bbox="399 755 1919 1315">2) 3.4.3 Midway Atoll Visitor Services Action Plan &amp; Appendix C – Draft visitor services plan. Regarding Strategy VS-1: Implement the Midway Visitor Services Plan, providing visitors opportunities for up to 50 overnight guests at any one time, Ocean Conservancy strongly supports adoption of a total limit on the number of overnight visitors and staff, volunteers and contractors. As noted in the DMMP, the appropriate level of visitors to Midway is limited by the infrastructure available to sustain them, the ability to provide a quality visitor experience, and the need to limit impacts to wildlife. We note that the DMMP actually proposes an increase in the total number of individuals allowed to spend the night at Midway from 130 in the interim plan to 150. The DMMP notes: 58 section VIII at <a href="http://www.gc.noaa.gov/enforce-office3.html">http://www.gc.noaa.gov/enforce-office3.html</a> (Last accessed 23 July 2008) “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.” We urge adoption of both optimum and maximum daytime visitation rates based on a thorough assessment of the atoll's physical capacity and ability to tolerate impact. In the absence of data, a tentative and adaptable estimation should be made and updated over time. Not only terrestrial communities (with impacts on wildlife), but nearshore marine communities (coral and fish) should be taken into account when assessing the visitor capacity of the atoll.</li> <li data-bbox="399 1331 1919 1401">3) The increase of Midway as a tourist center seems especially ill conceived. To call the more than 3-fold increase (from under 1 cruise ship a year to 3) a “moderate” increase is certainly disingenuous. My first concern is health</li> </ol>
-------------------	---

<b>Comment Category 16 - Midway</b>	
	<p>and safety. There is significant toxic “dumps” and ordnance that are not resolved prior to additional tourists. This opening up to tourists has occurred already before any protections or corrections of problems. The areas designated “no dig for perpetuity” are impossible to maintain. These areas are routinely breached. The current (new in October 2005) drinking water system will serve regularly 120 with daily maximum of 200, but a cruise ship expects 800. The wastewater system is already at capacity and overloaded at storms. The new electrical system (October 2005) and distribution (November 2006) is also at capacity. To assume there is no impact on infrastructure since they’re just tourists or not overnight residents is not accurate. This reminds me of Kailua-Kona. When it rains, the toilets on the pier won’t flush and all storm sewers back up. This is a health disaster waiting to happen.</p> <p>4) Midway Atoll Visitor Services Action Plan (pp. 237-241). The plan never mentions the number of visitors that might visit Midway Atoll on any given day. Is there a ceiling on the number of people who can come to Midway Atoll from cruise ships? Is there a possibility that there may be more than one cruise ship anchored off of Midway wishing to land passengers? In this case can there be more 1,000 visitors on Midway at one time? Can this many people be safely accommodated?</p> <p style="padding-left: 40px;">Strategy VS-1: Implement the Midway Atoll Visitor Services Plan, Providing Visitor Opportunities for up to 50 Overnight Guests at any one Time (p.239). Do the overnight college groups mentioned in Activity OEL-1.8 count as part of the 50?</p> <p>5) Midway Atoll Visitor Services Action Plan: We recommend that henceforth no cruise ships or private vessels be permitted to visit Midway Atoll; the threat of transporting additional alien species via hull encrustations and ballast water is just too great. We also recommend that no more than 50 visitors should be permitted to stay overnight at any one time.</p>
16-01. Response	<p>The Draft Midway Atoll Visitor Services Plan set a limit of 50 overnight visitors at any one time. This was based on the limited seating of the 15-person charter aircraft and the housing capacity in Charlie Barracks (24 rooms). This is half the number of visitors that were allowed from 1996 to 2001. During the height of the Cold War, approximately 5,000 people lived on Midway, but that number dropped in the 1980s to about 500 personnel and to even fewer people during the base closure process from 1993 to 1996. When the previous visitor program operated from 1996 to 2001, up to 100 overnight visitors were allowed on-site at any one time, with a maximum overall population of about 250 people. A 15-year plan allowing the 50-person visitor capacity is reasonable, even though in the initial years we are likely to allow fewer visitors. Based on the past two decades of observations, we have assessed that the 50-person cap does not materially interfere with or detract from wildlife and their habitats. If we detect such detraction, we will revise the program</p>

<b>Comment Category 16 - Midway</b>	
	<p>accordingly.</p> <p>We have rewritten the visitor services plan to reflect bringing up to three larger groups (from 50 to 800 visitors) to Midway each year. These groups may arrive via aircraft or passenger vessel. All groups must meet all Monument findings and requirements, as specified in Presidential Proclamation 8031 and its implementing regulations at 50 CFR 404.11. These include obtaining the appropriate Monument permit, usually a Special Ocean Use Permit. In addition, passenger vessels and aircraft must meet specific Refuge requirements. No more than three such permits for large groups will be approved per year, and, as in the past, all will be related to learning about the atoll’s wildlife and historic resources and the Monument’s cultural significance.</p> <p>Unless refuge management has approved a higher number (for example, to participate in a ceremony commemorating the Battle of Midway), no more than 400 visitors will come ashore at any one time. In the past, Midway has hosted numerous groups, numbering from 250 to 1,800 visitors each. Because they are limited to roads and trails, we have not documented any negative impacts from these visits. Visitors remain in areas where albatrosses are already acclimated to human presence, and they are restricted from any area where Hawaiian monk seals or green turtles are present. However, because the largest groups in our view taxed our ability to provide the high quality visitor experience we desire, we are now limiting the size of groups to no more than 800 people. In our experience, these visits have had a very positive impact on our guests, with many expressing their commitment to maintaining such special wildlife habitats, doing their part to reduce threats to wildlife, and appreciating those who so valiantly fought the Battle of Midway.</p> <p>We maintained the 50-person limit on the number of overnight visitors allowed on Midway Atoll at any one time.</p> <p>The preferred alternative in the draft Midway Atoll NWR Conceptual Site Plan has been adopted in the final conceptual site plan, along with its limit of no more than 150 overnight people at any one time. Large groups visiting Midway for daytime only events bring their own food and water and use portable toilets on the island. Additionally, “No dig areas” on Midway are maintained in perpetuity, due to responsible-party considerations.</p> <p>All operators of vessels entering the Monument must comply with the requirements of Presidential Proclamation 8031 and its implementing regulations. These requirements include a mandatory hull inspection and, if necessary, cleaning. No ballast water is allowed to be discharged within the Monument.</p>
16-02. Comment	<p>The comments below question the financial feasibility of getting visitors to Midway.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Section 3.4.3 - page 240 - Line 43 - Visitor program review (financial). Related to the visitor program at Midway</li> </ol>

**Comment Category 16 - Midway**

there are issues that can already be identified as financial concerns based on the previous visitor program and on the small amount (85) of visitors seen so far in 2008. One of the biggest limitations to the availability of Midway to a more diverse group of visitors is the airfare cost (currently more than? the total cost of a 1-week visit to Midway per participant). This high airfare cost makes it difficult to propose student trips, and attract family groups. CFO-7.2 identifies addressing this cost in the long-term but no short-term (less than 5 years) solutions are offered. Also participants have indicated that they are willing to pay a higher fee to visit the Monument but want/expect more opportunity to visit the reefs (snorkel). Currently neither the boats nor manpower (operators) exists to offer visitors the scope of activities they would like to have available to them for the relatively high prices (\$4400/person) they are paying to visit. Additionally unlike in the past visitor program when the bulk of tourists came to Midway to view the albatross and other seabirds, current visitors are placing more emphasis on viewing marine resources as this is highlighted by the Monument designation. More people want to have available opportunities to spend time in the water viewing corals and marine life in addition to the seabirds. It is quite evident by past experience at Midway that any effort to have visitors will be an expensive undertaking, and cannot truly be expected initially to be a profitable or self-sustaining endeavor. This draft management plan in addition to recognizing the value of Midway as a window into the monument should also pledge the commitment of the funds necessary to establish and solidify the long-term stability of a visitor program at Midway. The visitor program cannot be depended on, nor should it initially be required to pay for itself. With those unrealistic expectations a visitor program will be doomed to repeat as a failed enterprise. As outlined in the Draft Plan the value of a successful visitor program to the Monument is too great to have this outcome.

- 2) Section 3.5.2 - page 256 - Line 34 - Activity CBO -3.4. Sentence says that the Monument has plans to ‘incorporate Midway Atoll visitors into volunteer programs’ of various focuses. There needs to be a greater outline of how this will be accomplished. Currently there is no mention of subsidizing costs for visitors to make this idea a goal that can be attained. While there is definitely a large population of individuals willing to participate, and even pay for these volunteer opportunities, at current costs to get to Midway this number would rapidly drop to a limited few. Once again the Monument plan needs to identify this as a priority and acknowledge that funds would be made available to facilitate these opportunities being accessible to visitors of diverse ages and incomes. It is hard to understand how ‘Developing Midway’ is not listed as one of your CBO strategies, with it’s own defined Action Plan. It would seem that this should be at the top of the list.
- 3) Section 3.5.4 - page 271 - Line 38 - Activity OEL-1.8. Sentence 'Developing lower-cost housing and increasing classroom and laboratory space will facilitate these programs' should also include reduction of air transport costs. The groups mentioned will not be able to take advantage of the above actions without cheaper or subsidized ways

<b>Comment Category 16 - Midway</b>	
	to arrive at Midway prior to the realization of CFO-7.1.
16-02. Response	We have seen no indication that the number of people visiting Midway would rapidly drop due to high costs. Although spending a portion of their visit volunteering is not required, most of our visitors welcome the opportunity to help. As stewards of federal tax dollars, the Co-Trustees can provide only limited support for the visitor program on Midway Atoll. As indicated in the Midway Atoll Visitor Services Plan, fees charged are based on actual costs, and we do not believe the average taxpayer would support subsidizing someone else's visit to Midway. We are committed to working with educational groups to seek grants to help cover their costs at Midway and to finding lower cost transportation.
16-03. Comment	<p>The comments below express support for sustenance fishing at Midway.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) We would like to fishing outside fish for clipper house cooking.</li> <li>2) Allow diving and spearfishing in some designated areas. ie Midway: specify a reef.</li> <li>3) We are all Thai's and are midway residents. We would like to resume recreational fishing at Midway for on-island consumption to be eaten at The Clipper House. We will not fish from within the atoll's fringing reef due to the threat of ciguatera poisoning. Hope for your kind and favourable consideration.</li> <li>4) As a resident of Midway Atoll, I believe that sustenance fishing should be allowed, 1) to increase moral of the community, 2) reduce cost in providing fresh fish, 3) reduce cost in transporting supplies (i.e., foodstuff) to the island. Due to the small number of personnel living on Sand Island, the impact to the environment will be negligible.</li> <li>5) As a Midway Resident I would respectfully ask that Sustenance Fishing be allowed for people living and working here at Midway on a permanent basis. This will reduce the cost of flying frozen fish from Honolulu. Also, it would provide a productive recreational activity for island residents.</li> </ol>
16-03. Response	The MMB proposes to allow sustenance fishing at Midway Atoll NWR, as described in the draft Compatibility Determination for Sustenance Fishing in Appendix C of Volume III of the Monument Management Plan. This Determination gives very specific conditions under which fishing would be allowed and strict limits on types and quantities and areas where fish could be taken.
<b>Unique Comments</b>	
16-04.	Section 3.4.3 - page 240 - Line 17 - Visitor Impact. This statement is misleading. As one of the designers and data

<b>Comment Category 16 - Midway</b>	
Comment	<p>recorders for the collection of wildlife disturbance data during the past visitor program on Midway, there was ample wildlife disturbance related to visitors and boat operators observed at Midway. A more accurate reflection of what was recorded and observed in the past, is that with;</p> <ol style="list-style-type: none"> <li>1. Proper staffing (rangers that are actively out patrolling the island at the same times visitors are, and not in their offices, are able to help visitors interpret wildlife viewing rules);</li> <li>2. Thorough orientations;</li> <li>3. An active program of rangers patrolling the island looking for disturbance events (this is critical not in ‘catching visitors’ but rather in helping staff understand where problem areas are and in learning what orientation messages are not being understood by the visitors). wildlife disturbance events related to visitation can be successfully mitigated and adapted to changing numbers or behaviors of both the wildlife and the visitors. However if any one of the above needs is not fully met the potential for visitors to have detrimental impacts to sensitive wildlife is likely.</li> </ol>
16-04. Response	<p>Our experience with the Midway visitor program from 1997 to 2002 and in the short trial period in 2008 supports your conclusions. A law enforcement officer who interacts in the field with visitors and island residents will help prevent disturbance and closed area violations. A good orientation program that educates and informs all visitors to Midway is also needed and sets the tone for a successful visit. Our hope is that the law enforcement officer will help prevent problems before they occur.</p>
16-05. Comment	<p>Since the Midway Atoll will be open to the public, the US Fish and Wildlife is required to conduct a self evaluation of the all the resources, services and programs, to decide which will be open to the public and be in compliance under FWS – 43 CFR 17 Subpart E Section 17.510 and DOI directives. This FWS federal regulation requirement is to make programs, services, operations, and facility provisions for individuals with disabilities who can travel and visit the Monument. Please forward a copy of the current 43 CFR 17 Subpart E self evaluation and the written requirements for concessionaires, cooperating associates, and contractors to the address below. Thank you for providing this opportunity to ask questions and submit public comments.</p>
16-05. Response	<p>A team of Fish and Wildlife Service, Region 1, Division of Diversity and Civil Rights personnel, including a full-time accessibility coordinator, is scheduled to conduct an on-site comprehensive accessibility evaluation of the public programs, activities, and facilities at Midway Atoll National Wildlife Refuge. The data obtained from the accessibility evaluation will be used to develop a transition plan for removing barriers to accessing these programs, activities, and facilities. Persons with disabilities will participate in the evaluation. The accessibility evaluation will be completed within a year of the Monument Management Plan’s approval. The Midway Atoll NWR Accessibility Evaluation Report</p>

<b>Comment Category 16 - Midway</b>	
	<p>and Transition Plan will be available for public inspection within 30 days thereafter, on written request or at the Midway Atoll National Wildlife Refuge Web site (<a href="http://www.fws.gov/Midway">www.fws.gov/Midway</a>) for at least three years. In the Need for Action section in Volume 1, 3.6.3 Coordinated Field Operations Plan, the Monument Management Plan specifically states that facilities and other infrastructure will comply with the Americans with Disabilities Act.</p> <p>To obtain a copy of 43 CFR Part 17, Subpart E, Section 17.510 (Nondiscrimination in Federally Assisted Programs of the Department of the Interior), please write to the Fish and Wildlife Service, Division of Diversity and Civil Rights at 911 NE 11th Avenue, Portland, Oregon 97232 or telephone (503) 736-4785. E-mail requests should be sent to <a href="mailto:angela_butsch@fws.gov">angela_butsch@fws.gov</a>. For further info contact Dana Perez, Chief, DCR at (503) 231-2260</p>
16-06. Comment	Don't provide any other visitor housing other than the Bravo and Charlie barracks.
16-06. Response	Only Charlie Barracks is used for visitors at this time. However, because this is a 15-year plan, Charlie Barracks is expected to need replacing within this period. Any new facility would be designed to be more energy efficient and fully accessible but not necessarily larger. New housing is described in the plan to provide safer better lodging for visitors not to increase capacity. However, note that an increase in housing capacity for residents will be required over time as the on-island Co-Trustee work force expands to meet the increased role of Midway in supporting the monument.
16-07. Comment	Things I would like to see at Midway Atoll as a current resident, 1. On and Off shore fishing, 2. Scuba Diving, 3. Golf Course or Driving Range, 4. Open up all the beaches, 5. Paved Roads, 6. New Housing for the residents, 7. Short Order Grill, 8. Better/faster airplane to get us on and off island, 9. Swimming Pool, and 10. Being able to catch lobster.
16-07. Response	Your ideas cover a wide range of topics, some of which are addressed and proposed in the draft plan, and others that are not. First, you should know that the National Wildlife Refuge System Administration Act of 1966, as amended, requires that any proposed or existing use of a national wildlife refuge must be appropriate and not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of Midway Atoll National Wildlife Refuge. For the most part, approved recreation on a refuge is wildlife dependent. Scuba diving is an example of an idea that can be wildlife dependent and is a proposed future public use at Midway. However, golfing or a driving range is not wildlife dependent and is not planned. Further, sportfishing, including taking lobsters, is prohibited by Presidential Proclamation 8031, which established the Monument. New safer housing for Midway residents is a priority project and is included in all appropriate FWS databases used for budget formulation, but a swimming pool, which is not mission critical, is not. Current beach restrictions were established to protect Hawaiian monk seals and green sea turtles, and they have worked well for those species. No change is proposed to this policy.

<b>Comment Category 16 - Midway</b>	
16-08. Comment	What will happen when a growing population living on Midway (as well as the other neighboring atolls) finds that fresh water has been pumped out too rapidly, has not been replaced by rain, the result being saltwater intrusion?
16-08. Response	The preferred alternative in the Draft Midway Atoll NWR Conceptual Site Plan has been adopted in the final plan, limiting the total population on Midway to approximately 150 people. The rainwater catchment system was designed for a significantly larger military population, and more than a year's worth of water is stored on the island. Midway receives an average of 42 inches of rain annually, more than enough to sustain its population.
16-09. Comment	So I think I'm in favor of having Midway Atoll, which has had a history of human visitation, perhaps be the -- maybe the only atoll that has human visitation. I'm afraid, having read KAHEA's -- several of their newsletters online, there's another fear that if we open the door too wide, we're going to next see cruise ships and we're going to have inappropriate tourism and we're going to see -- again, we're going to see too much interference. So before I get to that article, I'm going to add one more thing, which is, for example -- Let me give you an example. Midway Atoll, since we have the technology -- I'm going to make an analogy here. Koko, the silverback gorilla, who spent years as a diplomat in the world of zoos and was over-visited and over-poked at and over-pointed to has come to Maui or is going to come to Maui for her retirement. And what has been decided is that, yes, the schoolchildren should still be able to communicate with her, but let her have her time of retirement and bring a technology at the foot of this sanctuary where the kids can interact through high technology and not actually poking their faces once again in her face.
16-09. Response	Under Activity CBO-1.5, we will research and implement new technologies and tools to increase public understanding of NWHI ecosystems, including the use of telepresence technologies (communication technology that gives the feeling of being present at a remote location, such as the Monument).
16-10. Comment	I would like to ask for the gymnasium because I read through the book Volume IV. It say about demolish or change for emergency shelter. I recommit to rebuild or relocation for the island residents exercise or get more activity.
16-10. Response	The health and safety of staff will be taken into consideration before any changes to physical fitness facilities are made.
16-11. Comment	Although much has been planned for increased tourist quarters, nothing in the plan mentions disability access. Indeed the building plans included show disability access is NOT considered. The ADA is still the law of the land although the current administration seems to ignore it.
16-11. Response	Although the drawings shown in the Conceptual Site Plan were given only to show the general theme, we inadvertently omitted a reference that all building must comply with federal law regarding accessibility. This has been corrected in the

<b>Comment Category 16 - Midway</b>	
	final plan and most assuredly will be included when full plans for future buildings are developed.
16-12. Comment	<p>Section 3.1 - page 105 - Understanding &amp; Interpreting NWHI</p> <p>This section should better speak to the importance of Midway Atoll to this mission. As the only accessible ‘window’ into the monument for many educators, researchers, native Hawaiians, and other visitors, more thought should be devoted to the important and visible role Midway specifically will play in this goal. Maybe some thought should be given to adding an additional Action Plan outlining the ‘Development of Educational and Wildlife Tourism Opportunities at Midway’ It seems odd to acknowledge Midway’s role in the ‘Historic Resources’ action plan but then not specifically speak to its role in the ‘Marine Conservation’ action plan, as well as its specific potential to directly realize the monuments educational and interpretive goals.</p>
16-12. Response	The Co-Trustees recognize the importance of Midway Atoll for educational and visitor activities. Action plans that address these activities are Midway Atoll Visitor Services and Ocean Ecosystems Literacy. In addition, the Midway Atoll Visitor Services Plan in Volume III, Appendix B describes these activities.
16-13. Comment	<p>Section 3.4.3 - page 238 - Line 34 - Need for action section</p> <p>In the past visitor programs to Midway have also demonstrated not only ‘connection and commitment’ to protecting Monument resources, but more importantly a true understanding of the fragility of the NWHI ecosystem, and support for the limited access and visitor restrictions that must be maintained by the Monument. As there is not a ‘resident’ constituent population on these atolls, it is extremely critical to the long term support of the Monument that a ‘National’ support base be developed and maintained that not only connects with nature but comprehends the challenges and expenses of this remote and very large protected area</p>
16-13. Response	By physically experiencing the NWHI, visitors will return home with a true understanding of the fragility of its ecosystem, a personal connection and commitment to protecting and conserving the Monument’s unique resources, and an understanding of and support for the limited access and visitor restrictions that must be maintained.
16-14. Comment	Midway Atoll is a US Territory and as such the State of Hawaii does not have enforcement authority for environmental or health concerns (i.e., environmental permits). Who will have permitting authority for permits such as National Pollutant Discharge Elimination System (NPDES) and air quality? EPA Region 9 does not list Midway as one of the areas of concern or enforcement. Currently environmental, health and Safety fall under the Fish and Wildlife Services (FWS) which incorporate much of the federal EPA standards, but not all or as stringent. In addition, there is no real oversight authority to ensure compliance. As stated in the monument plan, there will be an increase in personnel

<b>Comment Category 16 - Midway</b>	
	(construction, visitors and residence) all of which will impact the local environment by increasing that amount of solid/hazardous waste generated on island. Current operations require that all waste be separated by type (plastic vs. recyclable metals). Most waste is either incinerated or landfilled on island. Plans need to be developed to manage this increase as landfill space is a premium and the incinerator is not rated to handle a large increase in waste.
16-14. Response	<p>All FWS facilities constructed or operated outside the US, at a minimum, must comply with the environmental laws and regulations of general applicability in the host country or jurisdiction. For those FWS facilities in US territories or possessions not included in the 50 states, we follow the environmental laws and regulations of the US as though they applied.</p> <p>The FWS has requirements for complying with environmental laws and regulations at its facilities. The requirements are in the FWS Manual, specifically Part 560, Pollution at FWS Facilities, Environmental Compliance 560 FW 1. These requirements meet or exceed all applicable federal environmental laws and regulations.</p> <p>Our objective is to comply with all applicable environmental laws and regulations when performing our activities and when designing, constructing, managing, operating, and maintaining our facilities. In addition, it is our policy to implement sustainable management practices that move beyond full compliance with environmental laws and regulations and set an example in environmental leadership.</p> <p>The Division of Engineering, Branch of Environmental Compliance develops policy and provides technical assistance and regulatory guidance to FWS regions and field offices, including managing our national environmental audit and compliance efforts. Regular audits are conducted to ensure compliance with applicable environmental laws and regulations.</p>
16-15. Comment	Page 165: Then environmental impacts section notes that there are occasional bird strikes during take off and landing of aircraft at Sand Island at Midway and Tern Island at French Frigate Shoal. Furthermore, the document states that Midway experiences 45 flights per year and FFS 27 flights per year. As these are National Wildlife Refuges, there should be specific estimates on the number of strikes that occur annually and should be included in the EA. Without a clear estimation on the number of seabird strikes with airplanes per year, it is difficult for the reader to ascertain this apparent impact on seabirds.
16-15. Response	We have added information about bird strikes at Midway.
16-16.	On my first trip to Midway in the 90's I went simply as a visitor – not with any group. I was moved by the beauty of the

<b>Comment Category 16 - Midway</b>	
Comment	Atoll and the vast number of birds. I tagged along with some of the “birders” visiting with an Oceanic Society Expedition but was otherwise on my own. I don’t recommend this for your future visitors. I read in your Plan that you are considering allowing some people to come without being part of an organized educational group like OSE. I think this is a bad idea.
16-16. Response	Due to the large number of requests we have received over the years for independent visits to Midway, we feel it is important to offer a limited number of these opportunities. Some visitors are unable or unwilling to participate in sponsored group tours.
16-17. Comment	My reason for writing is to urge you to continue the visitor plan. It has been an honor to visit Midway. The opportunity to be with and among the wildlife is extraordinary and unprecedented in my experience. In short, my experiences have shown that the educational and advocacy goals of the visitor program are working. I am glad to see that visitor programs are part of the long-range plans.
16-17. Response	The MMB supports visitors to Midway, as described in the Midway Atoll Visitor Services Plan (see Volume III, Appendix B).
16-18. Comment	I believe that the pricing of the Midway trip is likely to lead to an unsustainable market. Section 4.13 on “Fee Programs” emphasizes “reasonable fees.” This reflects a “cost-covering” approach as opposed to a managed image approach. Fees should be used not just to offset costs but managed in order 1) to establish a perceived high value for the product and 2) to support other costs, including subsidized travel for educators, cultural practitioners and others.
16-18. Response	Most commenters felt the proposed cost structure for visiting Midway Atoll was already too high. We continue to encourage groups such as educators and cultural practitioners to seek grants to help cover the cost of visiting Midway.
16-19. Comment	Careful and (ideally) sustainable ecotourism opportunities can resume at Midway using existing infrastructure, upgraded as needed. To minimize impacts, regulations to prevent introduction of pest species should be in place. All food and other rubbish should be removed by tour operators. Energy (for lighting, etc) should be generated using solar, wind or other non-polluting means. Timing of flights should be coordinated with nesting patterns of birds. All tourism, virtual and physical, should include an extensive educational aspect to build understanding and support for protected places and native species.
16-19. Response	We agree, and all of these concepts are included within the Midway visitor program and Conceptual Site Plan.
16-20.	We are surprised and disappointed to see that there is no work underway to address the known lead point poisoning of

<b>Comment Category 16 - Midway</b>	
Comment	birds (including potentially short-tailed albatrosses) on Midway. Managers and scientists have been aware of this reprehensible situation for years and it is fully in the managers' control yet nothing has been done.
16-20. Response	Lead-based paint (LBP) abatement work started on Midway in 2007. By the end of Fiscal Year 2009, 15 buildings will have had their LBP either removed (on concrete houses) or encapsulated (on buildings with asbestos siding). The FWS is evaluating the soil around buildings with LBP to determine the level of cleanup required to make the environment safe for wildlife and people.
16-21. Comment	The Management Plan has generated some controversy regarding the proposed expansion of visitor activities at Midway. I think the proposal for gradual expansion and periodic reassessment is sound. Regrettably, the cost of the trip, the seasonal operation and the necessary limits on visitation will exclude many interested people from enjoying this wonderful place. This will be mitigated, at least in part, by the proposed off site educational opportunities.
16-21. Response	Thank you for your comment.
16-22. Comment	Regarding the Midway Conceptual Plan, the fact that another approach was "preferred" is not adequate justification for not analyzing Alternative C for Midway. Preferences and concerns from the public should be considered before such decisions are made, but they need full information on which to base their comments. Alternative C for Midway should be included in the EA, not summarily dismissed by the plan/EA drafters.
16-22. Response	While the statement that Alternative C is not preferred is true, the section also states that the infrastructure cannot accommodate the number of staff and contractors described. In addition, the restrictions that would be required for visitation are not consistent with the intent for Midway to serve as the only portion of the Monument open to the public. Based on these associated issues, Alternative C is not a reasonable alternative and would not be appropriate for analysis.
16-23. Comment	I understand that over by the hanger where the plane comes in you're going to expand the WW2 display. Create another area that is dedicated to Hawaiian Culture...the creation myths, their voyaging history, the culture, info on the archaeological sites in the Monument, etc. The NWHI are the Kupuna islands...make this come alive for people in words, pictures, song and chant. Have it dedicated and blessed by the Kupuna from each of the Hawaiian islands.
16-23. Response	The Midway Atoll Visitor Services Plan includes a strategy calling for restoring a historic building to house a permanent museum and library that would include exhibits about the importance of the NWHI in Native Hawaiian culture. Detailed plans for the facility will be included within a Midway Atoll Interpretive Plan to be developed in the future.
16-24.	Section 3.4.2 - page 234 - Line 1 - Increase Law Enforcement capacity on Midway. This section infers that an increase in

<b>Comment Category 16 - Midway</b>	
Comment	'recreational activities' at Midway somehow is responsible for needing more law enforcement capabilities. This is not a true statement. Past tourism at much larger numbers did not result in greater law enforcement needs at Midway. In fact the most common source of Law Enforcement needs has been (and continues to be) related to Coast Guard and NOAA boat crews (as well as year round residents) and consumption of alcohol. This distinction is important, if one believes a Law Officer is required for a successful visitor program then the conclusion is that the visitor program should bear the cost of this need. In this case that would not be valid logic. Adding tourism to Midway will not significantly change enforcement needs at Midway and tourism programs should not be looked at as the reason enforcement needs will increase at Midway
16-24. Response	Our experience with visitors to Midway from 1997 to 2002 has shown that a law enforcement officer is needed when visitors are on the island. This officer functions as a source of information for our visitors, as well as an added level of protection from disturbance for our sensitive endangered species. This person will also provide needed enforcement at all times, not only when tour groups are visiting.
16-25. Comment	Midway island - concern about the use of chemicals, would like to see a prohibition of all chemicals.
16-25. Response	Thank you for your comment on the use of chemicals at Midway. We understand and share you concern about the use of chemicals but disagree with the idea of a complete prohibition. We use chemicals in many aspects of facility and equipment maintenance, and those chemicals are necessary to keep Midway operating. It is our responsibility to ensure that those chemicals are used and disposed of properly, which we do in all cases. We also use chemicals to control invasive plants. Without those chemicals, primarily glyphosate, golden crown beard control would not be possible. The continued expansion of golden crown beard is a real threat to the albatross that are so dependent on Midway for rearing their young. Our goal is to reduce these invasive plants to a low level where the amount of chemical used each year for control is minimal. We follow all regulations and the label for use of all chemicals to ensure that their use is safe. Because Midway is a critical bird colony area, many chemicals that are normally used for weed control, for example 2,4-D, are not used due to possible negative impacts on the birds. Those chemicals we do use have been approved for use by the FWS after extensive review.
16-26. Comment	Section 2.2 - page 85 - Starting line 32 - Midway becomes wholly NWR  No mention that since that time (1996) Midway has been open to tourism and that from 1996 - 2001 approximately 500 or more tourists a year visited. Nowhere in this paragraph does it mention that the described refuge purposes were successfully carried out.

<b>Comment Category 16 - Midway</b>	
16-26. Response	This information is included within the Midway Atoll Visitor Services Action Plan, under Current Status and Background. It is more appropriate in this section than in the policy section of the document.
16-27. Comment	<p>I am concerned that the Draft Management Plan does not provide enough detail as to how and when lead contamination will be removed from Midway Atoll. My past work has demonstrated that Laysan albatross chicks nesting near buildings on Midway Atoll are lethally exposed to lead from ingestion of lead-based paint [6]. Furthermore, my current research on the impacts of lead poisoning to Laysan albatross chicks (manuscript in preparation) demonstrates that lead poisoning is indeed having a measurable detrimental effect on the Midway Laysan albatross population. Although the exact number of lead poisoned Laysan albatross chicks per year is unknown, recent surveys (2006) have estimated that up to 10,000 chicks are at risk for lead poisoning each year.</p> <p>Based on my work over the past 9 years on the lead poisoning of Laysan albatross on Midway Atoll, here is a summary of my recommendations for this very serious concern to both wildlife and human health: Currently ~95 structures exist on Sand Island with exterior and interior lead-based paint. Approximately two-thirds of these buildings are unused and/or abandoned. Because many of these buildings contain asbestos in addition to lead-based paint, the proper removal of these buildings is paramount to the safety of human and wildlife health on the island. As the deterioration of these buildings continues, the hazards they represent will increase in terms of structural integrity (e.g., falling plaster) and increased dispersal of lead-based paint chips and asbestos materials. The oldest buildings on Sand Island, the cable company buildings constructed in 1904 [7], are extremely deteriorated; surveys in 2001, 2004 and 2006 reported the highest numbers of droopwing chicks around these structures. Neglecting to properly remove and dispose of the unused and abandoned buildings on Sand Island will result in lead-poisoned Laysan albatross chicks for decades and possibly centuries to come.</p> <p>Midway Atoll NWR is subject to extreme weathering processes and proper containment of deteriorating lead-based paint should be conducted expeditiously in accordance with the U.S. Department of Housing and Urban Development Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing (1997).</p> <p>Extreme caution should be used when removing lead-based paint from buildings in order to prevent additional incidental exposure to chicks; past researchers observed that routine maintenance of a building on Midway without proper containment of paint chips resulted in large numbers of droopwing chicks. The removal of building structures that contain lead-based paint from Sand Island is the most permanent solution for the problem, and is advised to minimize future lead poisoning. Any buildings with lead-based paint that left on the island should be abated and encapsulated by certified contractors and it is imperative that funds are allocated to maintain the encapsulation of these buildings on a</p>

<b>Comment Category 16 - Midway</b>	
	<p>regular basis.</p> <p>Failure to comprehensively remediate the lead-based paint problem will result in continued poisoning of Laysan albatross chicks, a globally listed species. Furthermore, the lead concentrations measured from paint samples on Sand Island, Midway Atoll pose a possible human health risk: Under the Toxic Substances Control Act (TSCA), paint, dust, and soil are sources of lead that constitute lead-based paint hazards if exposure to them “would result” in adverse human health effects.</p>
16-27. Response	<p>We recognize the negative impact of lead, and other contaminants, on the natural resources of Midway Atoll. In 2008 the FWS received \$1.2 million to address health and safety issues on Midway, including issues related to lead-based paint. Work has begun on encapsulating or removing the lead-based paint and the transient housing. We have also begun studies on the soil around all lead-based painted buildings to determine the proper steps needed to mitigate for contaminants in the soil. All personnel working with lead-based paint have received proper training and certification to work with the anticipated level of contaminants.</p>
16-28. Comment	<p>Volume III Midway Atoll NWR Conceptual Site Plan Alternatives Development (page 30)</p> <p>Throughout the narrative and charts for alternatives development, some buildings are recommended for “ruins state.” This is not a recognized treatment for historic structures and is undefined elsewhere in the document. The existing historic preservation plan, still in effect, calls for one or more of six treatments: reuse, secure, leave as-is, fill in, demolish, or relocate. “Ruins” is a new, undefined term and should not be recommended as a treatment option.</p>
16-28. Response	<p>We agree and have modified Volume IV to reflect the actual treatment type proposed. The FWS will address specific changes.</p>
16-29. Comment	<p>3.4.3 Midway Atoll Visitor Services Action Plan &amp; Appendix C – Draft visitor services plan</p> <p>The DMMP recognizes that one of the ways that the overnight visitor limit might be exceeded would be day-visitors by cruise ship. Cruise ship passenger size would be a maximum of 800 visitors. According to the DMMP they would: “...offload their passengers in groups of up to 100 in the ships’ tenders...passengers disembark and are divided into groups for a 2-hour walking tour...each group is accompanied by tour guides from the ship to ensure the passengers remain on the clearly marked guided tour route.” The interim management plan stated that cruise ship guests would be moving around in groups of 50 (twice the size of non-cruise ship groups allowed in the interim plan). We are concerned that such large groups would be difficult to supervise and encourage maintaining group size for all visitors at 25 people.</p>

<b>Comment Category 16 - Midway</b>	
	<p>In the past, 90 people were allowed to disembark at one time with no more than 400 passengers on land at once. Currently, however, the number allowed on land (during cruise ship visits) at one time has not been clearly stated in the draft plan. The DMMP should clearly state how many people will be permitted on land at any one time. The DMMP notes that cruise ship visitors will be briefed before visitors arrive at Midway: “For cruise ships, 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 cruise ship company in coordination with FWS and Monument Co-Trustees. Since all cruise ship visitors are guided in small groups from one site to another along existing roads, these methods of orientation suffice.” Ocean Conservancy appreciates efforts to educate visitors in advance but we strongly caution against relying in any way on such briefings. Cruise ship visitors enjoying their vacations are very unlikely to pay serious attention to such briefings and materials and must be adequately supervised at all times to ensure strict compliance with Monument regulations and protocols. We believe that requiring small group size (not more than 25 people) and authorized guides is the only way to both provide access to cruise ship visitors and ensure adequate protection of Monument resources.</p>
16-29. Response	<p>Because large groups of visitors are limited to roads and trails and are accompanied and monitored by guides during their entire visit, we have not documented any negative impacts from 50-person groups. Visitors remain in areas where albatrosses are already acclimated to human presence, and they are restricted from any area where Hawaiian monk seals or green turtles are present. We have modified the Midway Atoll Visitor Services Plan to clearly state that no more than 400 people may be ashore at Midway at any one time, unless refuge management has approved a larger number to participate in a special event, such as a ceremony commemorating the Battle of Midway.</p>
16-30. Comment	<p>Overnight limits at Midway might also be exceeded if additional visitors arrive by aircraft. The DMMP notes that currently, “The limit of no more than 50 overnight visitors to Midway at any one time reflects the limited capacity of our means of transportation and island infrastructure. 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.” However, one of the stated goals of the plan is: Strategy 1.3 By December 2008, seek larger capacity aircraft to service Midway Atoll on a regular basis. This is clarified further in the DMMP: “Our goal would be to be able to transport 25-30 visitors to and from Midway per flight.” Conceivably, Midway could therefore host 100 residents, 50 overnight guests, 100 cruise ship visitors and up to 30 visitors arriving (and departing same day) by plane for a total of 280 people. Again, we believe that optimal and maximum visitation numbers should be included in the document.</p>
16-30. Response	<p>We note that visitors arriving for weeklong visits versus one-day visits may have different expectations of quality of visitor experience, and we hope to meet those differing expectations by scheduling such groups at different times. Should</p>

<b>Comment Category 16 - Midway</b>	
	50 overnight visitors be on Midway at the time of a large group event, we would still limit the total number of visitors on Midway to no more than 400 at any one time.
16-31. Comment	<p>3.4.3 Midway Atoll Visitor Services Action Plan &amp; Appendix C – Draft visitor services plan</p> <p>Ocean Conservancy strongly supports Activity VS-1.3: Continuously monitor the impacts of visitors and other users on wildlife and historic resources to ensure their protection. We urge inclusion of the visitor impact monitoring methodology referred to in the Draft Visitors Services Plan in the DMMP. Monitoring visitor impact is very important, particularly because while FWS allowed up to 100 overnight visitors from 1996 to 2002, concessions never reached the maximal number. Additionally, only once in 2004 did the number of cruise ships visiting Midway in a calendar year total three; in each of the years 2005-2007, only one cruise ship visited Midway, and in 2008 zero cruise ships visited Midway.<sup>66</sup> It will be important for the Co-Trustees to quickly determine and establish a baseline of current conditions of natural and historic resources from which to measure future impacts, and, if necessary, to change the number of permittees granted access to Midway, based on ecological carrying capacities. Monitoring population and behavioral characteristics of Threatened and Endangered species should also be given preference, and activity adjusted accordingly. As, after the Navy transferred Midway jurisdiction to FWS, from 1995 to 2000 the mean number of seals counted on the beach steadily increased, in the reduction of human disturbance. The population doubled on Midway, and for the first time seals were giving birth on Sand Island. It is imperative to keep disturbances to a minimum because the monk seal population in the NWHI is declining, and other stresses should be minimized to ensure resiliency in the population.</p> <p>On page 16 of Appendix C in the second paragraph of section 3.2 Visitor Capacity and Scheduling, in the sentence discussing visitors by sailboat that starts: “Although visitors arriving by sailboat will not require rooms, they will still be counted toward the total number of visitors...” We recommend that you insert the word “overnight” to read: “the total number of overnight visitors...” [emphasis added] Adding the word “overnight” provides clarification that these visitors will be included with and counted towards the 50-visitor limit instead of those that might occasionally exceed this limit.</p>
16-31. Response	We agree that monitoring the impact of visitors is very important. Refuge management has the authority to immediately alter any aspect of the visitor program deemed to have a negative impact on wildlife or historic resources. You are correct that the number of visitors arriving by sailboat count toward the total number of overnight visitors, and we have modified the text in the Midway Atoll Visitor Services Plan accordingly.
16-32. Comment	<p>Page 15 of the Midway Atoll Conceptual Site Plan states that:</p> <p>“Midway is a predator-dominated marine ecosystem, an anomaly among marine ecosystems...” We recommend phrasing it as “Midway is one of the few remaining predator-dominated marine ecosystems...” [emphasis added]</p>

<b>Comment Category 16 - Midway</b>	
16-32. Response	We have made your suggested change in the document.
16-33. Comment	<p>Conceptual Site Plan – Midway Atoll</p> <p>Ocean Conservancy believes that the capacity of Midway Atoll to accommodate (any) visitors and to tolerate their impact without the loss of ecological integrity or resilience is an important consideration. Therefore, we can not support and strongly oppose implementation of Alternative C – since one of the “cons” identified is: “greater increases in visitor volumes may impact some resources and may exceed Midway’s carrying capacity.” We believe that exceeding the maximum capacity would not be compatible with the purposes of the refuge and the mission of the National Wildlife Refuge System and the Monument declaration.</p> <p>We are supportive of some of the improvements in the preferred alternative, B, in particular the Monk Seal Captive Care Facility and a quarantine facility, which, we believe should be given priority in the development process. However, we question the need to construct and erect a new dock at the seaplane/boat ramp and the need to add three new finger docks. The construction of additional docks would provide for and enable excessive boat traffic and are not justified in the Conceptual Site Plan. Construction of dock and piers could also disturb nearshore marine communities that are sensitive to small changes in water quality, which would be caused by the proposed in-water construction. We question the need for the additional finger piers – that would provide more docking for small and mid-sized boats, while yet still maintaining the tug pier and current finger pier. We recommend instead considering converting the sea plane facility into a landing/dock area. This alternative would concentrate development (and associated impacts) in one area, the west, instead of developing in the north, northeast and northwest portions of the inner harbor.</p>
16-33. Response	We have selected our preferred alternative, Alternative B, in the Midway Conceptual Site Plan. The piers at Midway Atoll are in poor condition, and as the atoll takes on a broader role in Monument operations, we anticipate the need to replace them. We will consider the impacts identified in your comments before locating and constructing the finger piers. Factors to be considered in our decision include water depth, condition of the bulkhead, wind patterns, boat traffic patterns, siltation patterns, opportunities to consolidate uses, conflicts with the fuel farm, and potential impacts on marine and terrestrial habitats and communities. Our goal is to provide a sufficient number and types of docking facilities that are sustainable, functional, and safe for Monument operations, people, and wildlife.
16-34. Comment	For example, it was confusing to me to determine who, under the plan, has responsibility for the water at Midway. And where does that responsibility change as you get farther away from the islands? And how does this Special Management Area at Midway fit into it? Again, I think it’s pretty confusing.

<b>Comment Category 16 - Midway</b>	
16-34. Response	There are a number of Executive Orders, Presidential Proclamations, federal and state laws that deal with jurisdiction of land, water, species, and other resources that are too complicated to describe here. In many cases jurisdictions and responsibilities overlap. Under the new regime of co-management, the co-trustees are able to combine efforts to better manage and protect the Monument."
16-35. Comment	I was concerned because there's gonna be -- even when they start removing the buildings that need to be removed -- there's going to be a huge amount of debris. There's already old trucks, old stuff that's just sitting around in the harbor.  I really think that there needs to be some sort of ship, whatever comes down to pick up that stuff. We need to start removing it. They're having problems because of the cost of the gas. I think Congress can provide in the next couple of years a ship or two a year depending upon whatever management needs, which is over and above their budget what they're working with now.
16-35. Response	We recognize the need to, and the logistical challenges associated with, removing debris from Midway. We are working with the Department of Defense on a program that will bring military salvage vessels into the Monument to remove debris. We are also working with the private sector (specifically Schnitzer Steel) in Hawai'i to find ecologically responsible ways to dispose of the debris once it reaches O'ahu. We will continue to look for ways to use all transport/logistical assets in and around the Monument for debris removal.
16-36. Comment	As part of the Habitat Management and Conservation Plan, the proposed actions should better address the population-level impact of lead-based paint on albatross populations nesting on Midway Island and prioritize the clean-up of all buildings with lead-based paint in order to eliminate this threat. The Draft Management Plan does not adequately acknowledge that ingestion of lead-based paint from buildings on Midway Island leads high mortality of Laysan albatross chicks by causing droopwing (Finkelstein et al. 2003). An estimated 10,000 chicks per year may be exposed to lethal lead levels, which is a significant portion of the population (Finkelstein 2006). Given the importance of Midway in supporting the largest breeding populations of Laysan and Black-footed albatross, sources of lead-contaminated paint should be comprehensively eliminated to prevent lethal or sub-lethal effects on albatross.
16-36. Response	We recognize the negative impact of lead and other contaminants on the natural resources of Midway Atoll. In 2008, the FWS received \$1.2 million to address health and safety issues on Midway, including issues related to lead-based paint. Work has begun on encapsulating or removing the lead-based paint and transient housing. We have also begun studies on the soil around all lead-based painted buildings to determine the proper steps needed to mitigate for contaminants in the soil. All personnel working with lead-based paint have received proper training and certification required to work with the anticipated level of contaminants. We also recognize that the historic Cable Station buildings are in disrepair and

**Comment Category 16 - Midway**

	contribute to the number of “droopwing” albatross chicks. The FWS is consulting with the Hawai’i Historic Preservation Office to remove significant portions of the Cable Station complex and to abate the lead-based paint on the remaining buildings and ruins.
--	---

**Comment Category 17 - Military****Summarized Comments**17-01.  
Comment

The comments below suggest that the military not use the Monument for training. The range of responses was from disbelief to outrage that the military is allowed to use the area for training.

Comments:

- 1) I want to know why the military is practicing in this sacred area and firing weapons with depleted uranium into the waters there ? This news is from someone in the military there who is witnessing this action .. Depleted uranium should be banned ...it is illegal ,deadly and lasts forever !! This needs to be investigated immediately .. Do not hesitate on this matter please ! this is a heads up !..
- 2) Specifically, I disagree with the provisions that would allow...the unrestricted use of the area for military activity.
- 3) Please keep the military and fishing industry OUT OF Papahanaumokuakea. They do not belong there, and their presence there causes irreversible damage.
- 4) No military operations and testing allowed in NWHI
- 5) US military out of Papahanaumokuakea
- 6) Activities and exercises of the Armed Services must stop. These exemptions create much debris
- 7) Don't allow military usage of the Monument.
- 8) There are, of course, tremendous concerns about the military activities. Those are well documented. The threats are well documented. We had, I remember, a fisherman reporting -- a fisherman who was a member of the Reserve Council reporting at a RAC meeting having seen carpet bombing exercises over the protected area. This was a few years back. So again, carpet bombing, these military activities absolutely unacceptable in this protected area. There is no reason for them to do this in this area.
- 9) Oh, one more thing. It just kind of dawned on me. Does the military have plans to do anything in Yosemite or the Alamo or Yellowstone? Because if they're not going to do stuff there then I don't really think they should be doing it on the last coral reef of its kind on the planet.
- 10) Finally, I'm concerned about the implications for humanity as a whole as the U.S. increases it's militaristic presence around the world and the manner in which the use of Hawai'i as training ground facilitates U.S. military presence around the globe with particularly negative impacts on the population of the globe itself.

**Comment Category 17 - Military**

- 11) One, the navy occasionally does some very inappropriate things. And I have been fighting the low, mid and high level range -- frequency range of sonar testing in these waters both on the Hawaiian Islands -- main Hawaiian Islands and our kupuna islands, which are the Papahānaumokuākea. And I adamantly that the navy does not belong in these waters under any circumstances.
- The navy has no business in there unless to add another hand, as the last speaker had said, in surveillance, appropriate surveillance, to help get satellite information on ships that are perhaps still bottom line fishing or whatever illegal activities are undoubtedly going to take place because of the Coast Guard issue, the fact that we don't have enough enforcement ships and personnel out there. The same here thing here in the main Hawaiian Islands, we're understaffed.
- 12) Section 3.1 (New) Remediation and Restoration Plan. Immediately intervene to stop Military use of Monument waters and air space for exercises and practices such as the current Rim Pac exercises threatening marine life with high level sonar and risking exposure to toxicants and military debris. Military usage of Monument can and should be limited to very limited usage of Midway Atoll.
- 13) The intent for the marine Monument was to create a sanctuary, a pu'uhonua. The Na Koa Ikaika supports Hawaiian culture and traditions. Moreover, we believe in the protection of our natural resources. The Navy's proposals turned this sanctuary into a farce, a piece of paper, an entity where the Navy can act with impunity, bomb and destroy, pollute at will. All activities which undermine the integrity of the entire archipelago must stop. Pau. You've already done an excellent job of destroying Hawai'i. Pau with your military assaults, training, missile launches and interception. At least we can perhaps maintain the sanctity and relative purity of the Northwestern Hawaiian Islands.
- 14) And all the stuff, these 1200 pages, all the work the last 10 years trying to protect this place because one missile goes astray and blows up Nihoa. There are four, at least, I've just learned this, four species at least that are found nowhere else but on Nihoa. I want to talk about what kind of mitigation plan the military proposes for minimizing the loss of these four species if something goes wrong. The reality is that the co-managers, you're the only ones who have the authority to ask them for mitigations. That is why we are looking to you to amplify our voice, to express to your brethren agencies why it is so important that we protect this place and they find somewhere else to test sonar, to test ballistic missiles, to not release 6,000 pieces of plastic bags, 6,000 parachutes for sonar buoys that are going to further entangle endangered species.
- 15) must impose mitigations on all proposed military activities possibly affecting the region. Monument regulations

**Comment Category 17 - Military**

require the armed forces to minimize and mitigate activities that could harm Monument resources. Yet, right now, the U.S. Navy is proposing ballistic missile tests with chemical agents over the Northwestern Hawaiian Islands, experiments with hypersonic weapons and vehicles, exercises with high-intensity active sonar, and significant increases in marine debris all near the Monument with absolutely no mitigations.

- 16) No one is talking about military that could drop a bomb on the site. The point of concern for me is that we're not even talking about what it would take to mitigate or to minimize. The assumption's made that the U.S. military can basically do what they want. The last time I checked, national defense, national security could destroy all of this. So I think it will take greater political will from us to monitor the military to fulfill its obligation in order to ensure that national security doesn't result in the destruction of our Monuments. The classic example would be with the 12 TAG missiles that are proposed to be fired over Nihoa. There is no mitigation proposed for what would happen if pieces of those missiles fell on Nihoa destroying the only habitat for several different bird species and plant species the only place on earth. What authority we're giving the U.S. Navy to even attempt that. Much less attempt it 12 times. So I think it's critically important to try to put discussion for us to try to talk if you're going to let the military fire these missiles over the Northwestern Hawaiian Islands and highly laden with chemicals, what would it take to mitigate that? And just having that discussion, I think, would help us all recognize how do you address that? That's part of what needs to change the political will. You can do that. I think that the commanders think the regulations don't empower them to require the military to consider this mitigation. I disagree with that point. I think that we can all work together to push the state use obligation to fulfill the public's expectations on this part.
- 17) We also request that the use of sonar and any live fire during military exercises be moved away from the Monument.
- 18) Military bombing ranges must not intrude on NWHI Monument waters. Currently, the US Navy's Hawaii Range Complex and range W-188 overlap with the southwestern edge of the Monument, including Nihoa. The Navy's range boundaries must be redrawn so as to not overlap and intrude on the Monument boundaries. Additionally, the Navy defines its "Open Ocean" range to include the Monument. This is unacceptable, as the islands and atolls of the NWHI are not open ocean. The boundaries of the Navy's "open ocean" range must be redrawn to not overlap the Monument boundaries.
- 19) RIMPAC and military use is unacceptable. The use of the Northwestern Hawaiian Islands for military, for RIMPAC or other related exercises is against the mission statement of the Marine Monument. Concern for fallout, damage to the environment and contamination of the food chain is unacceptable. According to the

**Comment Category 17 - Military**

memorandum of Department of Defense at a meeting with the Pentagon concerning protocol, it came up the Department of Defense must consult -- there's a consultation protocol memorandum that's been sent out to all agencies in the Department of Defense. So they must consult the Hawaiians. It's the law now. The military must follow consultation protocol in all departments via the Office of Hawaiian Affairs Washington branch. Any use of sonar is banned within or close to the Monument. Retrieval of strategic metals for nodule provinces or crust is banned as stated in the executive order. Contracts with Department of Defense for metal extraction for airplane parts or contracts with Dow Chemical even for military use is forbidden in the Northwestern Hawaiian Islands.

- 20) There must be a ban on all and any military exercises or ballistic tests in and over the Monument. The military must clean up all their old junk they left behind.
- 21) Ecosystems. And I couldn't help but say, "Okay, so there were all these lists of items that are threats to the ecosystem. How come I didn't see the military there? You know if there's anything we on this island know about oy, yoy, yoy. It's the military. And it's like these islands are, you know, a gazillion miles away from here. On this island the average citizen has no clue what's going on between those two mountains. They have no idea of the size of the military operations here. They read things maybe in the paper that say, "Permit this year for the military to have 18 million rounds of ammunition discharged," whatever verb they pick for that. So we know the military's activities. Just they happen far enough away that most people aren't affected by it and don't think it concerns them. God knows we have no monitoring system. Cory mentioned this earlier.

The issue is the military. And my plea is that what we've learned with depleted uranium is that if we have to trust the government with the Department of Health with whoever else they come up with on a state government level, and even a federal level, to quote "monitor" what's going on up at PTA, it's a whole question about trust. So you need third-party independent monitoring of the situation. That's what I think needs to be considered regarding the Monument and the military. Because there may be all these understandings about what is and what isn't allowed and what's right and what isn't right. But when the military just decides they're going to do something without monitoring we have no idea what they're doing. And even if their leaders are telling us wonderful things it's still a question of trust.

So I just want to read to you -- this is the only thing I'm going to read tonight -- it's just one paragraph. And it's the only thing that was available out there specific to the military: So the question is: How are the co-trustees working with the Navy to ensure that Navy activities within the Monument causes no harm?" Cause no harm. Presidential proclamation 8031 specifically exempts lawful activities and exercises of the armed forces including the U.S. Coast Guard from its prohibitions. That was what I was hearing. I asked several people out there: What's

**Comment Category 17 - Military**

the story with the military? They said basically they're exempt. It's a polite way of saying they can do to whatever the hell they feel like doing. The co-trustees have no authority to regulate such activities. The requirement that the armed forces avoid to the extent practicable adverse impacts on Monument resources and qualities is to be addressed by the military agency conducting the operation, not the management co-trustees. There's the answer. I mean you know. All these people who have wonderful resources and good hearts and wonderful intentions are going to be left out there in the lurch if the military just decides, well we've got this 1500 mile long practice range for bombing or whatever else they want to do. "The Navy is the primary DOT agency that periodically conducts activities in the Monument." There's the phrase that can sort of cover everything. "Periodically conducts activities in the Monument and they have expressed their commitment to support the spirit and intent of the proclamation." That's it. So I would say we gotta factor in the military. I was encouraged hearing that other places that you've already been that this issue has come up. It really is important.

- 22) Why is the military exempt from the prohibitions, rules, regulations, ordinances, requirements, restrictions and permits you intend to impose on any and all users?
- 23) Lastly, to echo a lot of the comments tonight. We are very concerned about the military impacts. We understand it to be the position of the co-managers that they do not have jurisdiction over military impacts. We respectfully disagree. We believe that -- sorry. I see the sign. We believe that the language in the Monument proclamation clearly says the military must mitigate their impacts and that you are part of enforcing the need for those mitigations.
- 24) You should also be looking at constraining the military. Most of the bad things that have happened out there, as you're aware, are as a result of the military. They should -- not only sonar and overflights and all that but as an interagency group you can make sure that the military doesn't transgress out in the islands.
- 25) I'm very concerned and opposed to military training in the Monument. Some of the work that I do in my organization is to research, to educate about the military impacts in Hawai'i. We know that the military is arguably the largest polluter in the Hawaiian Islands, if not the world. We have documented over 828 military contamination sites. This is according to their own studies. Many sites are not even listed. When you look at the history of military impacts and the secrecy and deception that's gone on, it would be madness to assume that, to allow and trust that the things will change in a significant way. In the 1960s under the classified Project 112, Project SHAD Agent Orange was developed. Researchers at the University of Hawai'i were involved in developing and testing this without their knowledge. And two workers from UH died after being exposed. There's a toxic site on Kaua'i where that stuff was left behind. Biological agent was released in Pearl Harbor and allowed

**Comment Category 17 - Military**

to drift up towards Wahiawa so they could see what would happen in the jungle environment. Nerve agent Sarin was released in the Waiakea forest. All of this was secret until released much later. Chemical weapons were dumped in our oceans off of Pearl Harbor and Waianae. They're still there. They haven't been cleaned up. This was all secret stuff. Depleted uranium was released in our islands. The military lied to us for many years. When we asked specifically about this very dangerous substance they said they never used it. It turns out it was used in Lihue, near Schofield, Pohakuloa and who knows where else. Allowing the military an exemption from the Management Plan was a tragic assault on the people of Hawai'i and on this very important resource. And I know that maybe you don't have, you don't feel that you have the power to regulate. But I'd like to suggest some things I think can be done. The analysis of the impacts of the military activities should be included in full in this plan. Because it would be impossible to understand what cumulative impacts are occurring in the Monument without that analysis.

It seems that your task is really an impossible one as managers when the major actor that could be affecting this resource is completely exempted. There's a big hole in terms of our knowledge of what those activities they're proposing to do and what impacts might occur from that. I think that you owe it to the public and to your own, your mission as managers of the Monument to include some sort of a determination of whether or not those proposed activities whether exempted or not are acceptable or will violate the spirit and the purpose of the Monument.

Make a determination that will allow the public to also know what's going on and what those impacts will be. And I think that if the military is conducting any activities I'm sure they're communicating with you as managers. That should be made fully public. Whatever -- you should demand to get all that information. And you should also make it available to the public so that we also know what's going on. I know that secrecy is a big part of what they do: Training, sonar, missile defense, whatever else it may be. But I think we're asking you as people empowered to manage this resource to demand those answers from them.

- 26) I'm here to register my objection and the objections of many people that the U.S. military has unimpeded authority to engage in exercises over the Northwestern Hawaiian Islands.

The threat to the fragile ecosystem is grave and largely unknown. And the military is not providing any mitigation. In addition, the use of the air space above the islands and the subsequent threat of toxic debris falling on the area, the use of high intensity sonar and unknown further military activity blatantly disrespects the sacred nature of the area to Native Hawaiian people.

**Comment Category 17 - Military**

- 27) The military is very frightening. I think I agreed, I think it was the first speaker that talked about the military footprint and they're out of control. I don't know what it is with the military. They want to go everywhere there's the most sacred, beautiful places where you've got the most fabulous diversity. They want to play around with their training facilities and such. I don't understand. Does not 2 and 2 not equal 4 on this planet? What are we trying to do here?
- 28) So with that said I am very aware of the military presence there, the Pacific Missile Range, the naval facility on that side of the island which actually we always share with the guests on our boats that it actually -- I don't know a lot of people on Kaua'i aren't aware that technically is the largest naval facility in the nation is what I've heard because it extends 7,000 square miles out into the ocean there. Some of my facts may be wrong but I've heard the Pacific Missile Range, the naval base there they want to extend that another at least half as much. That does include the whole Monument area. It's just I don't -- there's no understanding in how, you know -- I did talk to the gentleman, thank you, on table 3 over here about the military is just completely exempt from, you know, all the research and all the study and all the talk about the fragility of this island, the sacredness of this place. But yet our military is completely exempt from any of this. Now what kind of process or what steps do we take to continue the process in protecting a place when the military is exempt from all of this work and this love and this honor that we're giving to this place? Yet the military can fly their missiles and tests over this area where -- I go to Kaho'olawe also and it's really evident in what the military says and what the military actually does.
- Kaho'olawe, for those who may or may not know, the state is in the process of cleaning up that island. I don't think we really know the destruction that was caused until later we come in and we try to clean it up in the best way possible. I think our kupuna islands, our Northwestern Hawaiian Islands, they're like our elders. They have so much to teach us, so much to leave for our keikis. If there's any way that we can, my generation, can continue to help the process to protect the islands. I'm really concerned about the military what they may be doing up there. And I know that it's kind of -- we're not sure. But please continue to be open and communicate with us letting us know how we can be a part of this relationship and not allowing a military presence up there.
- 29) I don't know if it's testimony, but just inquire about the military activity or proposed military activity that will be in the Northwestern Hawaiian Islands. So I just kind of like to pose that to -- because I would like to be clear as to exactly what's going on.
- Well, I would like not to have military involvement in the Northwestern Hawaiian Islands. I like what's happening now, the preservation and content of that. And so I am not as informed about it. I was hoping that we

**Comment Category 17 - Military**

could get some of that information tonight. That's all.

- 30) I disagree with the military in that area. They are destroying every island all the way up to Hawaii. And I just want to tell you that I don't want to be real mean, but we all have to be mean to somebody. Who is doing that? They need to go to the mainland where there's lots of land up there to blow up. Or to chase all the whales and the shark and everything to the shoreline. They should leave Hawaii alone.
- 31) More difficult to fathom is the military proposal to launch missiles, scuttle ships, and conduct exercises in the Monument, the critical habitat of the Monk seals and other important species. The laws were created to both empower agencies to both establish and enforce maximum protections, not to waffle in uncertainty and to submit to pressure from industry seeking profit. We repeatedly hear the agency officials decrying the difficulty balancing conservation with special interests. These complaints are not reasonable.
- 32) My concern is specifically with 803 F-6 section 1 under armed forces. I'll read that out loud: The prohibitions required by this proclamation shall not apply to activities and exercises of the armed forces, included those carried out by the United States Coast Guard, that are consistent with applicable laws. The plan appears to address many aspects of preservation and use of the monument except military utility. Why is the military exempt from your prohibitions or rules, regulations, ordnances, requirements and restrictions? The military has been, in essence, the human occupiers of the area, and their effects are obvious. Why are they not required to engage in the philosophy and actions to clean up and protect prescribed in the plan?
- 33) And also that there be a ban on all military activities in spite of the fact that the military does have that exemption. This whole military participation really denigrates and contradicts the purpose that you were set up for in the first place. How can you protect this area? You're kidding yourselves. You're being dishonest to us, the community. I mean it is our value system. You have oli's that are written for this monument area. You talk about how much we're going to protect and preserve this area yet you let the military do whatever it is they want to do in that area.

My father used to go from French Frigate Shoals in the Second World War along with Buzzy Agard who's a kupuna that's been a part of this whole process for this whole area. They were close friends ever since -- I'm 64 years old -- ever since I was a little child Buzzy has been a close friend of my family. And I know for a fact that there's still much military opala and munitions at French Frigate Shoals and other areas where there's military shenanigans going on in the Northwestern Hawaiian Islands. I mean we know for a fact what's been going on here. There are over 50 sites left over from the Second World War on this island alone that are contaminated.

**Comment Category 17 - Military**

Kids finding grenades in school yards. Munitions floating up over at Hapuna Beach. This is happening on the islands that we're inhabiting. We have a situation where over in Waikoloa the government is allocating \$10 million a year to clean up munitions they have from the Second World War. That's going to take 60 years. That was a headline newspaper within this past week and a half in our Hawaii Tribune Herald. These are the things that the military has been doing on the islands we live on, not to mention the 25 percent of control over on O'ahu. You're going to allow and call yourselves stewards and trustees, and protectors of this area while you allow the military to do whatever it is they want to do in the Northwestern Hawaiian Islands where nobody is watching them? They definitely have to be monitored. And you should have, you know, there should be monitors onboard their vessels so that we can know what's going on. But really there shouldn't be any military involvement in any of the Monument area.

- 34) Really what I have to say is I echo everyone's sentiment about the military here so far. That's one of my main concerns about this Management Plan. And what's really moved me about this is how people are really standing up and saying "No". The military does seem to feel that they can do whatever they want. Who are you? We're paying for them. They work for us. I think there's a moment that we can seize right now with all of the publicity about this Monument. We can say, "Hey, we're trying to do a good thing here. And if we let the military do this it's counter to everything that we are saying is good and worthy about this place." So I think this is the moment. And I think we should take courage and stand up and say "no" and keep saying "no". And I believe it will make a difference. I believe that we can shame the military into actually backing out of this place. That's what I wanna believe.
- 35) ABSOLUTELY NO MILITARY exercises of any kind in or around these waters EVER.
- 36) Therefore, NO MILITARY activity should ever take place in the monument area. In fact, there should be a buffer zone, so that sonar, exercises with live munitions, chemical drops are unable to 'drift' into the monument area.
- 37) No military presence. The US Military should be given NO exemption from any of the protective measures set up for the Monument. There should be absolutely no sailing into or flying over, no sonar testing or bombing practice or any other military maneuvers within Monument waters.
- 38) And I now learn that this will be a major military training range. This makes me sick to my stomach. According to the 2005, the last report to Congress, the military in Hawaii has eight hundred and twenty-four contaminated sites in Hawaii. This does not include active bases such as Pohakuloa, Schofield, and others contaminated with deadly radiation. I'm furious that this area will now be further contaminated, big time, by the military. For

**Comment Category 17 - Military**

instance, shooting off rockets that releases deadly particulate, and that is showing up in the breast milk in twenty-eight states from the rocket exhaust. Like, for instance, C-17, one mile of a C-17 flying over you or your watershed or your fishing grounds releases eleven gallons of kerosene particulate and exhaust per mile.

- 39) Uphold Monument regulations, discourage military exercises in the Monument. Military exercises are incompatible with and abhorrent to the mission of the Monument. It is incumbent on the Co-Managers to express to the U.S. military the public's overwhelming opposition to the military's presence in the NWHI. The armed forces must always be strongly encouraged to find some other method of fulfilling their perceived training needs in a way that does not impact the health and welfare of the NWHI and Hawaii's people.
- 40) Page 208, line 11, mentions "mandatory hull inspections and cleaning for all vessels accessing the Monument." Military vessels would not be subject to such requirements. However, the Interagency Coordinating Committee could likely facilitate informal arrangements with the Defense agencies to avoid introduction of alien species into the Monument.
- 41) Speaking to enforcement. That will be a very critical part of how successful this project is in the long run. My concern here is the exemption of the restrictions from the military. I see what happens here in our islands. I'm active in a lot of the Neighborhood Boards. People complain about the noise. We get a lot of smiling faces telling us how they understand. They feel for us. And we have stopped about six or seven times to let the military planes fly over. I'm wondering if there's no restrictions in the Monument how that's going to impact on the quality of life for the species that are there. Since the military really doesn't have to answer to anybody I'm wondering what their ships coming in, how that will impact on the alien species, the introduction of alien species. I know we speak very carefully for the cleansing of the visitors and people with permits. But the military is exempt. If they're there as they are in other parts of the Pacific I think they can have a very significant impact.
- I'm wondering, again, how the military is going to enjoy an outside independent source monitoring that area in their operations and, again, what impact that might have on keeping this a pristine area.
- 42) Originally I came from San Diego where there was a big footprint of military. We obviously need the military. But to give carte blanche in an area like this I think is unwise. I don't know how you can change people's feelings on this. I have respect for the people in the military. Don't get me wrong. I'm not against the military. But they are out there to protect and blow things up. And this latest thing with the sonar -- I have worked with animals long enough to respect them in a way that they are living beings that need respect. And a lot of times they need our protection because they can't protect themselves from what's going on. I think these ships -- luckily they haven't

**Comment Category 17 - Military**

said, well, we can bring in the Marine Corps, we can bring in the other services, the army, they haven't said that. But they say the navy can come in. Okay. They're, I guess, according to what I understand, they're still under, they're working with the public trying to get access to the sonar, use areas that are sensitive with marine mammals. Again, I'm a lay person, but I question using this type of military equipment that can harm animals such as the whales. And I'm hoping that there's something that's going to happen during this that might either bring in some sort of regulation. It sounds to me just -- I have to read all this to understand it. It sounds to me like they're -- that it was part of the deal that was done is that the military gets in there. And they have some regulation. But who is going to police the military? Who's going to say, hey, you're making a mistake, or you've done this? Unfortunately a lot of the evidence that I would be concerned with marine mammals and sonar is if the animal was to die and sink. And who can say that it died? So why do you allow that in a sanctuary?

As far as other things, too, all of a sudden there's things that have to be addressed such as dumping. We still have problems up here in Pohakuloa. People are still wondering, well, what about depleted uranium? What's the impact? You come out and you say, okay, we've got endangered plants out here. But we're going to keep, you know, bombing. And so my main concern is loopholes in what you've got going on.

43) First of all, my biggest concern as a resident of Kauai is there does not seem to be any restriction and there's overbroad use of the military powers. There doesn't seem to be any environmental studies done. There doesn't seem to be any measurement of the damage or the lack of damage or the ongoing damage to any of the marine life, and yet that's the same justification for having the monument to begin with. There's also no environmental information or studies being done about the military aircraft or test bombing or intercept testing that I know is done off the coast of Kauai and probably extend into the monument.

44) Furthermore, the Co-Trustees do have a role in ensuring that military activities are consistent with the Proclamation which states: "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." If Military training operations could potentially affect Monument resources and ecological integrity, the Co-Trustees should be actively engaged with DOD to ensure that Monument resources are protected, as mandated by the Proclamation. The NWHI falls within the Hawaii Range Complex of a proposed Department of Defense Navy gaming area. DOD proposes to conduct missile testing that will produce marine debris that could potentially harm seabirds, monk seals, and sea turtles. The DMMP action plan on marine debris (3.3.1) specifically seeks the desired outcome to:

"reduce the adverse effects of marine debris to Papahānaumokuākea Marine National Monument resources and

**Comment Category 17 - Military**

reduce the amount of debris entering the North Pacific Ocean.” The production of additional debris by DOD is in therefore directly in conflict with a desired outcome of the DMMP. Furthermore, the use of high-intensity active sonar and permission to “take” marine mammals is also in direct conflict with the desired outcomes of Strategy 3.2.1 (Threatened and Endangered Species Action Plan) to: “Protect marine mammals and aid in the recovery of threatened and endangered plants and animals...” Given the potential for military activities to significantly affect Monument resources and conflict with the stated goals of the DMMP, Ocean Conservancy urges the Co-Trustees to take an active role in monitoring and managing activities proposed by the military within the Monument and to ensure that activities will not have adverse effects on Monument resources and ecological integrity.

- 45) Activity AC-3.1: Enhance communication and cooperation with the Department of Defense (DOD) and the U.S. Navy Pacific Fleet

This is an important activity for the Monument to implement well with potentially large benefits for Monument resources. Ocean Conservancy is concerned that this Activity is currently somewhat sparse and unclear. Given the tremendous importance of this Activity, it would benefit from some further fleshing out, greater specificity, and inclusion of a purpose. The current language specifies “Minimizing military activities within the Monument”, as one of the potential areas for cooperation, but it should also include the related and even more important issue of “Minimizing the impact of military activities within and outside of the Monument on the resources of the Monument”.

- 46) If the various managing agencies intend to use federal acts to control the military’s actions and impacts, those acts and their controlling language (and applicability to the military) should be clarified in the Plan. We are concerned, based on various statements in the press, that the military is also exempted from such laws as the Endangered Species Act, the National Environmental Policy Act, the Migratory Bird Treaty Act and the Marine Mammal Protection Act.
- 47) p. 220 Monument co-managers shall request and disseminate all information on military activities conducted in the Monument to the public.
- 48) We are very concerned about the Navy's proposed expanded activities in the Hawaiian Islands including the Northwestern Hawaiian Islands. The Navy has left a legacy of destruction, contamination and death in these Hawaiian Islands. We would like to see the military get serious about cleaning up its mess in the Northwestern Hawaiian Islands. If they haven't already -- I'm a few years behind -- what about all that lead paint? What about that seawall that's falling apart into the ocean that monk seals are getting snagged on at French Frigate? Those are

<b>Comment Category 17 - Military</b>	
	<p>all legacy of military training in Hawai'i. I don't think they should be allowed to do anything new until they at least clean up their act in their past actions. Then we can think about if they want to do new stuff. Little of you know that they're proposing major activities at Nohili on Kaua'i at Pacific Range Facility, Makua; Pohakuloa, activities near the Northwestern Hawaiian Islands and in the Monument waters or at least affecting the Monument waters. They're going to be launching missels.They're going to be vehicles and crafts over the waters that are going into the waters that they're not going to retrieve parachutes. We have a major problem with marine debris. And the military is proposing to launch more stuff into Monument waters and not clean up their mess. So we say no more military training until they start cleaning up. No expanded training anyway. We'd like to see them putting in some significant funding for cleaning up the marine debris not only that they have caused up in the northwesterns but that is there from other sources.</p> <p>49) We note that Section 5.5 of the Management Plan Scoping Report (September 25, 2007) states that one issue is no discussion of activities of the Missile Defense Agency (MDA), whose activities may put debris within the Monument boundaries. MDA has provided background material from NEPA studies that described and discussed missile defense activities that would occur in or near the Monument and can provide assistance in drafting specific language for the Monument Management Plan and/or its Environmental Assessment if requested.</p> <p>50) Page 191, lines 20-32. The Plan should clearly articulate how the Coast Guard regulations, IMO guidelines and State DLNR laws fall, or do not fall, within the Presidential Proclamation/regulations and to whom they apply. The current discussion raises significant international law and federal/state Supremacy clause issues.</p> <p>51) Require mitigations on military activities affecting Monument resources. The U.S. Navy proposes to expand its activities in and around the Monument, including ballistic missile tests, chemical warfare exercises, and high-intensity active sonar. Uphold Monument regulations requiring the Navy to minimize and mitigate the harm of its activities.</p>
17-01. Response	<p>Action agencies, including the DoD agencies may be responsible for consultations with individual Co-Trustees. Some of these consultations occur outside the realm of Monument management. Restricting or prohibiting military access to and training activities in the Monument are outside the scope of this management plan and would require Presidential or congressional action. As it pertains to the Armed Forces, including the U.S. Coast Guard, Proclamation 8031 specifically states:</p> <ol style="list-style-type: none"> <li>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.</li> </ol>

<b>Comment Category 17 - Military</b>	
	<p>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.</p> <p>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.</p> <p>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.</p> <p>While the Armed Forces (including the Coast Guard) may be exempt from prohibitions and permits required by the Proclamation, they are still required to adhere to all other all other applicable laws and regulations, including, but not limited to the National Environmental Protection Act; Endangered Species Act; the Marine Mammal Protection Act; the National Wildlife Refuge System Administration Act; Fish and Wildlife Coordination Act; Migratory Bird Treaty Act; Clean Water Act; Comprehensive Environmental Response, Compensation, and Liability Act; Oil Pollution Act; National Historic Preservation Act; and cultural consultation under the Native American Graves Protection and Repatriation Act, to name a few.</p> <p>The individual agencies of the Monument Management Board (MMB) already consult with the Armed Forces agencies to ensure their activities are consistent with these other applicable laws. Through the ICC (AC-2.2) and other interagency venues, the MMB will work with the Armed Forces to ensure their activities "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." The MMB is already starting to implement Strategy AC-3.1 "Enhance communication and cooperation with the Department of Defense" in order to learn more about past, present and future Armed Forces activities in the Monument, and look for opportunities in which resources of the Armed Forces could be used to help implement monument priorities (i.e., marine debris removal, remove stranded vessels, etc.).</p>
17-02. Comment	The Navy and Missile Defense Agency had specific suggestions for locations in the document to re-iterate the exemption for Military activities as identified in the Proclamation. Additionally, the Navy and Missile Defense Agency expressed concern that the requirements and prohibitions throughout the document are portrayed as requirements of all vessels that enter the Monument.

**Comment Category 17 - Military**

## Comments:

- 1) Page 79, lines 1-10 discusses the Presidential Proclamation and implementing regulations for the Monument. There is no mention of the special status of military activities in the Monument. Suggested language: Following the sentence ending the middle of line 7: "The prohibitions required by Proclamation 8031 and the joint implementing regulations do not apply to activities and exercises of the Armed Forces."
- 2) Page 89, lines 2-32 discuss the Monument regulations, prohibitions and permitting requirements. There is no reference to military activities. Suggested language: Following line 32: "The prohibitions required by Proclamation 8031 and the initial Monument regulations do not apply to activities and exercises of the Armed Forces. These activities and exercises are not subject to permitting requirements."
- 3) Page 205, lines 42-48 indicate that "All" activities conducted in the Monument must meet requirements in Proclamation 8031, without distinguishing military activities. Suggested language: In line 42, following "Monument" add "with the exception of activities and exercises of the Armed Forces,"
- 4) Page 218, lines 17-21, give the impression that "all" activities within the Monument would require permits, including military activities. Suggested language: At the end of line 21, add a sentence that states: "The permit program would not apply to activities and exercises of the Armed Forces."
- 5) EA Page 129, first paragraph under the Federal Regulations heading, does not distinguish military vessels from those vessels that need to provide notification before entering and after leaving the Monument. Suggested language: In the second sentence under this heading, after "issuance of permits," add "with the exception of military vessels [and others, as applicable],"
- 6) EA Page 138, first paragraph under Vessel Activity. There is no mention of military vessels. Suggested language: In the third line of the paragraph, after "is made up of" add "DoD vessels conducting training and testing activities," EA Page 157, first sentence under Alien Species Action Plan. See previous comments concerning the requirement for hull inspection and cleaning not being applicable to military vessels. EA Page 158, first sentence under Enforcement Action Plan -- Planning and Administrative Activities. See previous comments concerning the monitoring and ship reporting systems not being applicable to military vessels. EA Page 182-183, last paragraph concerning quarantine protocols and hull inspections and cleaning. See previous comments concerning these requirements not being applicable to military vessels. EA Page 229, first paragraph under Enforcement Action Plan -- Planning and Administrative Activities. See previous comments concerning monitoring and ship reporting

<b>Comment Category 17 - Military</b>	
	<p>systems not being applicable to military vessels.</p> <p>7) Page 218, ln 21. The permitting discussion does not account for activities for which permits are not required, including exercises and activities of the armed forces and emergency/law enforcement activities.</p> <p>8) EA Page 116, second to last paragraph. The discussion concerning permits does not distinguish military activities, etc., that are not included. Suggested language: At the beginning of the second sentence in this paragraph, begin with: "With the exception of armed forces activities, emergencies, law enforcement, and free passage"</p> <p>9) Page 73-74, lns 6-46 and lns 1-10. The discussion of various categories of vessels appears to be focused on several select categories with no background information or explanation as to why these are singled out. It also fails to mention that vessels of all nations' armed forces may transit through waters of the National Monument.</p> <p>10) Page 79, lns 6-7. This description of the regulations should also list "exemptions" after the word "prohibitions" to ensure readers understand the complete scope of the regulations. Page 89, lns 2-32. This description should list the prohibited activities and the exempted activities to ensure readers understand the complete scope of the regulations.</p> <p>11) On page 73, line 1, it states: "The following information summarizes the main types of vessels operating in the Monument." Military vessels are not mentioned. Suggested language: Military Vessels - Navy vessels conduct training and participate in testing activities in the Hawaii Range Complex (which encompasses the Monument), including, in particular, activities in the vicinity of Nihoa and surrounding waters within the Monument. These activities, which include a variety of anti-submarine and surface and air warfare training, are described and analyzed in detail in the Hawaii Range Complex Final Environmental Impact Statement/Overseas Environmental Impact Statement (May 2008). In addition, vessels that support missile defense tests occasionally operate in Monument waters. Missiles are launched from floating platforms and ships within or near Monument waters.</p>
17-02. Response	<p>The Monument Management Plan has been revised to include language that identifies the Armed Forces exemption (see Vol. I, Section 2.3 "Initial Management"). Adding additional language regarding the exemption throughout the document where the regulations are mentioned would be redundant. The EA was modified in section 2.5.2.3 to clarify the DoD vessels conduct training and testing activities in the Monument. Also, sovereign immune vessels are exempt from the ship reporting requirements of the Proclamation and the regulations.</p>
17-03. Comment	<p>The Navy expressed concern that the Monument Management Plan and EA did not accurately portray their activities within the Monument. They suggested that additional language be added to better reflect ongoing activities in and</p>

**Comment Category 17 - Military**

around the Monument.

Comments:

- 1) EA Page 110, bottom and 111 top. The text states: "The military still conducts limited operations and missile tracking in the general area around the Monument." This does not properly reflect the on-going military activities occurring in parts of the Monument. Suggested language: Delete the quoted sentence and substitute the following: "The Navy conducts training and participates in testing activities within the Hawaii Range Complex, which encompasses the Monument. In addition, the Defense Department conducts missile defense testing, including missile intercepts, in and around the Monument.
- 2) EA Page 112, under Current Human Uses and Activities. The text does not accurately reflect the military activities occurring in the Monument. Suggested language: In the second sentence under the heading "Current Human Uses and Activities," add "from Midway Atoll" after "departure of the military." Also, after "research," add "Navy training and testing, missile defense testing." Finally, substitute the following for the first part of the second to the last sentence under this heading: "In addition, activities and exercises of the Armed Forces, emergency response.."
- 3) Page 109, Section 2.4.1.1, second paragraph. The list of activities occurring in the waters of the NWHI should include "Navy and DoD training and testing activities."
- 4) Page 112. The text states in part that "access by the armed forces for emergency response, enforcement, and passage without interruption are allowed without permit." This line does not accurately convey the regulations and should be amended as follows: "In addition, by regulation, the prohibitions of the proclamation do not apply to emergency and law enforcement activities and activities and exercises of the Armed Forces including those carried out by the U.S. Coast Guard."
- 5) DRAFT MONUMENT MANAGEMENT PLAN ENVIRONMENTAL ASSESSMENT. Page 50, Section 1.6.12, Permitting. There is no indication that the permit requirements would not include activities and exercises of the Armed Forces. Suggested language: At the end of the first paragraph in Section 1.6.12, add a sentence that states: "As noted in the Monument Management Plan, the prohibitions in Presidential Proclamation 8031, including permitting requirements, do not apply to activities and exercises of the Armed Forces."
- 6) EA Pages 134-135. With respect to discharges from vessels, different requirements may apply to Navy and DoD vessels, which are not subject to the Monument regulations. EPA has been working with DoD, to develop

<b>Comment Category 17 - Military</b>	
	<p>regulations for discharges of various types from DoD vessels.</p> <p>7) EA Page 137, second paragraph under Section 2.5.2.2 -- Regulatory Environment, does not accurately reflect the requirements for military vessels. Suggested language: At the beginning of the second sentence, add: "With the exceptions noted above,"</p> <p>8) The draft management plan and environmental assessment fail to accurately articulate the ability of the Department of Defense, including the U.S. Navy, to carry out activities and exercises in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on Monument resources and qualities. The volumes repeatedly fail to acknowledge this authority and, to the extent actions of the armed forces are acknowledged, do so in an inaccurate and imprecise manner. We recommend that the drafters review and reference the Hawaii Range Complex Environmental Impact Statement/Overseas Environmental Impact Statement (HRC EIS/OEIS) and its Record of Decision. The HRC EIS/OEIS is the single most comprehensive analysis of military readiness activities throughout the Hawaiian Islands, including the Papahānaumokuākea Marine National Monument.</p> <p>9) While we fully support the Co-Trustees' effort to develop a Monument Management Plan that would serve as a collective guiding framework to enable you to effectively and efficiently achieve the President's overall vision of the Monument, we have concerns that the draft documents are inconsistent with the President's proclamation of June 15, 2006 establishing the Monument as it pertains to Department of Defense activities in the Monument. We feel that the documents must recognize and fully preserve the exemption for Armed Forces action set forth in the President's proclamation, and that neither the Monument Management Plan nor the Environmental Assessment should interpret this exemption as a requirement to minimize Navy or Department of Defense activities in the Monument. The Navy is fully committed to ensuring that its activities 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.</p>
17-03. Response	The Monument Management Plan has been revised to include language that identifies the Armed Forces exemption (see Volume I, Section 2.3 "Initial Management"). Adding additional language regarding the exemption throughout the document where the regulations are mentioned would be redundant. The EA was modified in section 2.4.1.3 to clarify ongoing military activities, including conducting training and testing activities in the Monument.
17-04. Comment	The comments below concern coordination with the military; including requests for more information regarding activities and sonar, and coordination regarding marine debris removal.

<b>Comment Category 17 - Military</b>	
	<p>Comments:</p> <ol style="list-style-type: none"> <li>1) Fund mitigation measures. The US Navy should be obligated to directly support the restoration of the NWHI. This should include: 1. a bond payable to the Co-Managing agencies to cover the expense of remediating the harms of current naval exercises. 2. specific funding towards marine debris removal to offset the several thousand plastic parachutes to be left in the ocean by naval exercises in Hawaii.</li> <li>2) We would like the MMB to work with the Navy and the Department of Defense to develop Best Management Practices and mitigation strategies to minimize impacts of military exercises in the region.</li> <li>3) We request that the military provide the MMB with quarterly/semi annual reports on all activities and impacts occurring in the Monument.</li> <li>4) We request that, through the White House Council on Environmental Quality (CEQ), appropriate military officials are contacted regarding their obligations to the current White House Administration, including providing reports on military activities occurring in the Monument.</li> <li>5) p. 220 Monument co-managers shall request and disseminate all information on military activities conducted in the Monument to the public.</li> </ol>
17-04. Response	<p>As it pertains to the Armed Forces, including the U.S. Coast Guard, Presidential Proclamation 8031 specifically states:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

<b>Comment Category 17 - Military</b>	
	<p>Any required mitigation measures would be funded by the appropriate military entity.</p> <p>Additionally, the Armed Forces are not subject to the IMO adopted access restrictions and reporting requirements in the Monument when they are conducting activities and exercises. Further the Proclamation clearly states that nothing the Proclamation shall be deemed to diminish or enlarge the jurisdiction of the State of Hawaii. Thus all state laws continue to apply in State waters.</p> <p>The individual agencies of the Monument Management Board (MMB) already consult with the Armed Forces agencies to ensure their activities are consistent with these other applicable laws. Through the ICC (AC-2.2) and other interagency venues, the MMB will work with the Armed Forces to ensure their activities “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.” The MMB is already starting to implement Strategy AC-3.1 “Enhance communication and cooperation with the Department of Defense” in order to learn more about past, present and future Armed Forces activities in the Monument, and look for opportunities in which resources of the Armed Forces could be used to help implement monument priorities (i.e., marine debris removal, remove stranded vessels, etc.). In addition, for a response related to DoD assistance in marine debris removal, see Comment 15-10.</p>
17-05. Comment	<p>Comments provided below suggest that the military should assist with clean up of marine debris. In addition, there were several suggestions that the military clean up any unexploded ordnance within the monument along with any remnant debris or contamination from past military activities.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) We ask that the military do its part in restoring and remediating areas in the Northwestern Hawaiian Islands that were previously used for military activities.</li> <li>2) We ask that a Memorandum of Agreement be written between the Co-Trustees and the Department of Defense/Navy regarding coordination on marine debris removal and restoration and remediation of areas previously used for military activities.</li> <li>3) would like to see clean-up of all unexploded ordnance in the ocean</li> <li>4) There should be a clean-up plan in place by the military for portions of the Monument previously impacted by the military.</li> <li>5) And if perhaps due to the military's having a lot of different -- I think they need to mitigate for having contributed</li> </ol>

**Comment Category 17 - Military**

to some of the contamination out there. They still need -- they've done a pretty good job on Midway cleaning up. But they need to, you know, get some resources. They have the large ships. And get out there and get some of this cleaned up.

- 6) There must be a ban on all and any military exercises or ballistic tests in and over the Monument. The military must clean up all their old junk they left behind.
- 7) What you call, about the Midway Island, I know American, you know, like over here, they put lot of chemical on the land. Even our opihi is no good to eat. So we don't like that to happen any other place, even in Midway. First, I like them, before they go any further, you know, let the American Navy, or whatever, let us know what they doing in our water. More so, I like them clean up all the ordnances that they left inside the ocean over there in northwest island.
- 8) We are very concerned about the Navy's proposed expanded activities in the Hawaiian Islands including the Northwestern Hawaiian Islands. The Navy has left a legacy of destruction, contamination and death in these Hawaiian Islands. We would like to see the military get serious about cleaning up its mess in the Northwestern Hawaiian Islands. If they haven't already -- I'm a few years behind -- what about all that lead paint? What about that seawall that's falling apart into the ocean that monk seals are getting snagged on at French Frigate? Those are all legacy of military training in Hawai'i. I don't think they should be allowed to do anything new until they at least clean up their act in their past actions. Then we can think about if they want to do new stuff. Little of you know that they're proposing major activities at Nohili on Kaua'i at Pacific Range Facility, Makua; Pohakuloa, activities near the Northwestern Hawaiian Islands and in the Monument waters or at least affecting the Monument waters. They're going to be launching missels. They're going to be vehicles and crafts over the waters that are going into the waters that they're not going to retrieve parachutes. We have a major problem with marine debris. And the military is proposing to launch more stuff into Monument waters and not clean up their mess. So we say no more military training until they start cleaning up. No expanded training anyway. We'd like to see them putting in some significant funding for cleaning up the marine debris not only that they have caused up in the northwesterns but that is there from other sources.
- 9) The old military sites in the islands, I think the military should clean them up. I'm real tired of them saying, "Hey, that's not our department. That's Army Corps of Engineers and Congress won't give us money." Well, the military, all branches of the military should be concerned about cleaning up their old sites, including in the Northwestern Hawaiian Islands. I notice there's lead clean up. I wonder if some of that's on military bases. They should get in there and get that done. I see that the military is allowed to enter the Monument. The Navy is going

<b>Comment Category 17 - Military</b>	
	<p>to be having missile tests over there, the missile intercepts with debris falling on the islands. I'm horrified by all that. They should not have the missile intercepts anywhere near there. Their plastic debris should not be anywhere near there. Their high intensity active sonar, the shouldn't be going into the Northwestern Hawaiian Islands at all. There should be a place where the whales and dolphins and creatures can get away from that. There should be no hypersonic weapons and vehicles going over there. When we were talking out there Lee Borden said, "Well, the military is set up so they can basically do whatever they want in the Monument. They're exempt." Lee said, "Well, why don't you guys at least watch what they're and doing let us know." Lee, I hope you say more about that. It was a wonderful idea. In the question and answer it says: The requirement for armed forces to minimize impacts is to be addressed by the military agency. And I wrote in the margin, "Yeah, right." We all know how the military regulates themselves. We know about Waiakea Forest Reserve, and how they told us they're doing weather testing and they actually had bacteria and poison gas up there. We know what they've done with depleted uranium. We know their track record. They should be monitored. They are required to minimize and mitigate. And the agencies in charge of the Monument should push that as far as possible.</p>
17-05. Response	<p>For a response related to DoD assistance in marine debris removal, see Comment 15-10. Under Comprehensive Environmental Response, Compensation, and Liability Act [SUPERFUND] (CERCLA), the party responsible (sic., "Responsible Party" (RP)) for contamination is required to insure the contamination is not released to the environment. The FWS has worked with the EPA, NOAA, and the RPs to investigate and respond to the issues on both Midway and Tern. The RPs are the US Navy (Navy) and the US Coast Guard (Coast Guard) respectively. Cost to monitor, remove or otherwise remediate the contamination remains their (RP) financial obligation. The FWS continues to pursue response where needed. one place the FWS continues seeking response is the Coast Guard PCB dump on Tern Island, French Frigate Shoals. FWS worked with EPA, NOAA, and the Coast Guard to bring about removal of this area. As a part of this effort, the FWS signed an agreement designating the PCB cleanup level of 2 ppm in soil. The Coast Guard did remove the major portion of the landfill, then when costs exceeded expectations quit before they reached the agreed upon goal of 2 ppm. The Coast Guard then submitted a Remediation Verification Report (Oct 20,2002) to the EPA. In a letter on July 17, 2003, the EPA did not verify the remediation at Tern was complete, but notified the Coast Guard that additional remediation work is required. Despite this EPA requirement, numerous letters and communications to the Coast Guard by the FWS and cooperators, the Coast Guard has declined to complete this work. The "no-dig" areas, also known as "Land Use Controls" (LUCs), on Midway are mitigation methods allowed by both CERCLA and Base Realignment and Closure [for military bases] (BRAC). At Midway these are former landfills or areas where contamination or solid waste was left in place at or below 4 feet below ground surface, not on the surface. Landfills were covered in 2-4 feet of soil. Restrictions were placed on these sites to avoid future exposure of humans or wildlife to</p>

<b>Comment Category 17 - Military</b>	
	<p>potentially contaminated soil or groundwater. Any activities that could expose contamination in the landfills or buried 4 feet or more below ground surface at the other sites are prohibited. Although the contaminants are expected to degrade through time, the amount and rate of degradation are unknown. Therefore, these land use restrictions will remain in place in perpetuity to protect human and wildlife receptors. LUCs are required to be monitored to insure the contamination remains contained by the control. Under BRAC this review occurs every 5 years. In the review, the LUCs are examined to insure the FWS has not breached the control and to insure the contamination has not otherwise breached the control. The decisions made on the form and placement of these LUCs did go through a public comment period as required. Similar agreements are in place between the US Coast Guard and the State of Hawai‘i at Kure Atoll.</p>
<b>Unique Comments</b>	
17-06. Comment	<p>EA Page 242, the second full sentence states: "Human use is now limited to managers, contractors, researchers, and visitors of the Monument." There is no mention of military activities.</p> <p>Suggested language: After "Human use is now limited to" add "DoD training, testing and missile defense activities."</p>
17-06. Response	<p>We have inserted text in the EA as requested.</p>
17-07. Comment	<p>Page 205, lines 13-29. Marine traffic in the Monument is described without mentioning that vessels of armed forces, including those of other nations, may transit through and conduct activities within the Monument.</p>
17-07. Response	<p>The Monument Management Plan has been revised to include information on military activities in the Monument; see Vol. I, Section 1.4 "Environmental and Anthropogenic Stressors" and the Maritime Transportation and Aviation Action Plan (3.3.3).</p>
17-08. Comment	<p>Page 207, lines 1-9. Discussion of the PSSA designation should include a statement that armed forces vessels are not required to submit to these requirements. Additionally, the PSSA designation and associated documents should be an appendix in Volume IV.</p>
17-08. Response	<p>Activity MTA-1.1 in the Monument Management Plan has been revised to clarify that armed forces vessels are not required to submit IMO requirements. Also, sovereign immune vessels are exempt from the ship reporting requirements of the Proclamation and the regulations. In addition, a new Appendix (H) was added to Volume III to reflect the IMO provisions.</p>
17-09.	<p>This transmits the comments of the Missile Defense Agency on the Papahānaumokuākea Marine National Monument</p>

<b>Comment Category 17 - Military</b>	
Comment	Draft Monument Management Plan and Draft Monument Management Plan Environmental Assessment. As noted in the detailed comments, Section 5.5 of the Management Plan Scoping Report (September 25, 2007) states that one issue that was raised is the lack of a discussion of activities of the Missile Defense Agency, whose activities may put debris within the Monument boundaries. The Missile Defense Agency previously provided background material from NEPA studies that described and discussed missile defense activities that occur or would occur in or near the Monument and can provide assistance in drafting specific language for the Monument Management Plan and/or its Environmental Assessment, if requested.
17-09. Response	Through the ICC (AC-2.2) and other interagency venues, the MMB will work with the Armed Forces to ensure their activities "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." The MMB is already starting to implement Strategy AC-3.1 "Enhance communication and cooperation with the Department of Defense" to learn more about past, present and future Armed Forces activities in the Monument, and look for opportunities in which resources of the Armed Forces could be used to help implement monument priorities (i.e., marine debris removal, remove stranded vessels, etc.).
17-10. Comment	Page 217, lines 20-23, characterize the current activities within the NWHI, without mentioning military activities. Suggested language: In line 20, following "Current activities are limited primarily to" add "Navy training and testing activities, missile defense testing."
17-10. Response	The suggested text has been added to the text in Volume I, Section 3.4 Managing Human Uses.
17-11. Comment	Surface danger zones need to be moved away from the islands, so that any potential debris will not rain down on or in any way negatively affect the emergent and submerged portions of the Monument.
17-11. Response	The MMB does not have influence over the surface danger zones. Moving them is outside of the scope of this Monument Management Plan.
17-12. Comment	In World War II, 10,000 Navy personnel lived on Midway. The following wars stepped up operations. The Navy at present is asking for thousands more missile interception practices, SONAR and "early warning" ability. Midway as a military base will follow particularly since it will be reconstructed into an expensive municipality if your 15-year plan is approved. Are we in reality seeing your plan as an increase in war activity in the Pacific Rim?
17-12. Response	The Naval Air Facility at Midway Atoll was closed under the Base Realignment and Closure Act in 1993. The U.S. Navy has indicated no interest in returning to the atoll.

<b>Comment Category 17 - Military</b>	
17-13. Comment	Page 205, lines 13-29, describing marine traffic, do not mention Navy and other military vessels that operate in the Monument. Suggested language: In line 27, following (Franklin 2008), insert "Navy ships and vessels conduct training and participate in testing activities in the Hawaii Range Complex, which encompasses the Monument, and vessels that support missile defense tests occasionally operate in Monument waters."
17-13. Response	The suggested text has been added to the text in the Current Status and Background section of Volume I, Section 3.3.3 Marine Transportation and Aviation Action Plan.
17-14. Comment	Page 248, lines 10-15. This discussion does not accurately reflect the authorization for activities and exercises of the armed forces. There is no requirement in the Presidential Proclamation that the armed forces minimize activities in the Monument. The proclamation only requires that "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 the Monument resources and qualities." This does not equate to minimizing activities.
17-14. Response	Activity AC-3.1 has been revised to delete reference to minimizing "military activities".
17-15. Comment	EA Page 109, Section 2.4.1.1, second paragraph. The list of activities occurring in the waters of the NWHI does not include military activities. Suggested language: After "research and management" add "Navy and DoD training and testing activities."
17-15. Response	We have inserted text in the EA as requested.
17-16. Comment	I would like to suggest that the primary use and management of this National Monument be put under the auspices of the U.S. Coast Guard, to be used as a training facility and the last outpost of the United States Territory.
17-16. Response	The Presidential Proclamation and the subsequent MOA between the co-trustees outlines the jurisdictions and responsibilities for each agency. While the Coast Guard is a member of the ICC, they are not a resource management agency and have other important search, rescue, National security and enforcement duties to attend to. It would also take a Presidential or Congressional action to make this change. While the military is allowed some use of the area for training, the primary purpose of the area as stated in the Proclamation is protection.
17-17. Comment	Page 70, lines 34-35: The discussion discusses an event that should have occurred before this draft management plan was released. Recommend updating the discussion or deleting it.

<b>Comment Category 17 - Military</b>	
17-17. Response	The Monument Management Board is currently exploring salvage options, including a partnership with the Navy, to remove the sunken vessel from the Kure Atoll lagoon.
17-18. Comment	Page 173, lines 22-32. This description of altitude restrictions is not accurate. There is no minimum altitude above national refuges and national monuments nor does DoD prescribe a minimum altitude.
17-18. Response	OPNAVINST 3710.7T, Section 5.5.1 provides a specific restriction of flying over noise sensitive areas such as national parks, national monuments, and national recreational areas at altitudes of less than 3,000 feet above ground level except when in compliance with an approved traffic or approach pattern, designated VR or IR route, or special use airspace.
17-19. Comment	Page 133. Discussion of the ROI should not be solely focused on the few marine and terrestrial areas as currently depicted. Based on the EA's definition of the ROI at pages 79 and 80 which identifies 13 resource areas or categories, the discussion on page 133 mentions a few apparently unrelated areas of concern. It then mentions "land-based military activities." The previous discussion of the 13 categories is surprisingly vague regarding human activities before mentioning military land based activities. The discussion of the resource areas should also discuss land fills and associated pollution issues, water quality including Honolulu's Consent Decree of the early 1990s, the amount of waste dumped at sea and Honolulu's ongoing dispute with the EPA over its permit, development and associated impacts on marine and terrestrial species and their habitat as well as erosion and non-point source pollution.
17-19. Response	The ROI for water resources primarily includes those islands where specific actions take place. Section 2.5.1.3 of the EA is an overview of water resources, which includes a description of the existing water quality conditions within the ROI. Vessel discharges, spills, shipwrecks, marine debris and land-based military activities have contributed to the contamination of marine water resources in the ROI and therefore is mentioned in this section. A discussion of landfills can found in sections 2.4.2.3 and 2.5.1.3 of the EA. A discussion of past and present human activities within the Monument can be found in previous sections including 2.4.1, 2.4.2 and 2.4.3. While the water resources in the Main Hawaiian Islands are very important, the ROI for water resources in the EA for the Papahānaumokuākea Marine National Monument Management Plan is limited to marine and terrestrial waters and water resources of the Monument. Discussion of water resources in Honolulu specifically has not been included in the EA.
17-20. Comment	Page 248, line 13 indicates areas of cooperation with the Department of Defense and the Navy to include "minimizing" military activities in the Monument. The word "minimizing" should be deleted. The Navy and DoD are committed to being good stewards of areas they use in their testing and training activities and, consistent with Proclamation 8031, will conduct these activities "in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities." However, the remoteness of the area of the Pacific that includes

<b>Comment Category 17 - Military</b>	
	the Monument also makes it ideal for missile testing, and some of this testing will include areas within the Monument. There should not be an expectation that these missile testing activities will be curtailed or reduced in the future.
17-20. Response	Activity AC-3.1 now reads: Through the ICC and other forums, the MMB will maintain open communication with the DOD and the U.S. Navy on potential areas of cooperation, including enforcement; minimizing adverse impacts on Monument resources and qualities; support of zoning, permitting, and tracking programs; and regional and local restoration and wildlife protection efforts.

**Comment Category 18 - Native Hawaiian****Summarized Comments**18-01.  
Comment

The comments below regard the involvement of the Native Hawaiian community and incorporation of their traditional knowledge of the ecology in the management of the Monument.

Comments:

- 1) Strategy NHCI-1: Regularly involve the Native Hawaiian community for the life of the plan. This Strategy mentions that OHA will obtain advice and guidance from the Cultural Working Group “on all Monument actions affecting Native Hawaiians and cultural resources in the Monument.” The Cultural Working Group urges that we should have the status to be consulted prior to any major decisions being made on the Management Plan, and not just be apprised of issues that the MMB considers to be Native Hawaiian or cultural issues. For example, our members have valuable knowledge about a myriad of relevant subjects that could be helpful to the MMB, including baseline data on species in the region. We remind the MMB that it is important that the culture not be eclipsed by Western science.
- 2) “Pacific island nations are far ahead of Hawai‘i in terms of blending traditional ecological knowledge and Western science,” Kosaki said in an interview at the conference. “And I would like to qualify this I’m not anti-science. I work with Liz Foot and Darla White on the herbivore enhancement area. I’ve recently trained in the sanctuary on the pihī monitoring project. I’m pro science. However, I think we have once again forgotten that if you dig hard enough—And the Aha Moku Advisory Council is digging, they found 200 kupuna to come forward. Let’s hear from them. Let’s get together with them. Let’s find out how they would deal with pest management. Okay?”
- 3) Integrating Native Hawaiian cultural knowledge of ecosystem management into the larger management scheme is imperative. Without meaningful participation of cultural practitioners in management and adequate funding, resources, and commitment, the ideas contained within the DMMP amount to little more than lip service and brown-washing. Eleven times more funding is proposed for scientific research than for activities related to cultural perpetuation.
- 4) The one thing, I’m not Native Hawaiian, but I’m very interested in wanting to see this place honored as a species place of a uniquely Hawaiian character. I found as I went through it there was times when you would start, they would start to talk about the importance and then when it got into the detail it would just fall away. And I felt like there’s not enough language in there that’s showing us how we’re going to integrate Native Hawaiian practices and understanding about this place into the management of it. And I think that’s very important that we continue

<b>Comment Category 18 - Native Hawaiian</b>	
	<p>to focus on that as we move towards the final plan as moving forward.</p> <ol style="list-style-type: none"> <li>5) Are there ways to address and to ensure that we keep local people, Hawaiians and others of Hawai‘i that are potentially going to be the long-term stewards, ‘cause this is a problem, we have lots of outside people come in all the time, and they’re here for a while. Plenty stay, but they’re here for a while, and then it’s just a stepping-stone as they’re moving on to some other part of their career.</li> <li>6) So we need continuity, and it’s the local people, it’s the Hawaiians, who have generations of attachment, and it’s the other, more or less, kama‘ina families that are going to be here long after other people are gone. Potentially we might still be stewards, whoever the kakou, whoever the “we” are, yeah?</li> </ol>
18-01. Response	<p>The MMB agrees that Native Hawaiian traditional knowledge is imperative to managing and understanding all of the resources of Papahānaumokuākea, as recognized throughout the Monument Management Plan. Please see, in particular, Activity NHCH-3.4 and Strategy NHCI-3, with its associated activities.</p> <p>The MMB particularly respects the knowledge of the Native Hawaiian Cultural Working Group’s volunteer members and their large commitment to accept responsibility for preserving and perpetuating Papahānaumokuākea and Native Hawaiian cultural connections to this place. Thus, the MMB regularly consults and engages with the Native Hawaiian community and to the formal establishment of the Native Hawaiian Cultural Working Group (See NHCI-1 and 1.1).</p> <p>In response to your questions about financial equity, the MMB agencies are building their capacity and working with communities to indentify cultural research and cultural projects for future funding. We have amended the budget in Table 3.1, partly in response to your comments, to reflect what we plan to see as rapid increases in spending on Native Hawaiian issues in the future of the Monument Management Plan.</p>
18-02. Comment	<p>Comments expressed concerned Native Hawaiians losing access to fishing in the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) The other thing is, that I understand that you do not give—there’s not permits being issued to Native Hawaiians for fishing, and that is my understanding right now. I believe that’s wrong, because research vessels are allowed, in fact, probably invited to go there and to anchor, yet practitioners are not allowed to go there. And the other thing that you say is, that they have to eat the fishes there, their catch there. That makes absolutely no sense at all. What fisherman would go out, catch his fish and eat it all in the boat and not feed his family? So, you need to reconsider that, and if there are traditional practitioners who want to go there, that they need to be given special consideration and my recommendation would be that you make every effort to consult with practitioners. Mahalo</li> </ol>

<b>Comment Category 18 - Native Hawaiian</b>	
	<p>2) My main purpose in coming here tonight is to protest the fact that in this acquisition of the Northwestern Hawaiian Islands there are no provisions in there for Hawaiian fishermen or Hawaiians period. To me the acquisition in itself is the biggest theft of Hawaiian resources ever. I'm just really sorry to have seen some of our political people up there, Dan Inouye, Akaka, OHA, the governor facilitate this thing happening without even including the Hawaiian people in it. I think that if this group of managers is sincere in what they're doing, then one of the first things that they should do is to have an amendment to allow Hawaiian fishermen to come into this area and to fish. It's not just pelagics or some bottom fish that we would be after, but there are also some growout projects that we have been talking about: Lobster, bottom fish. But to exclude us from the very beginning is reprehensible at least. So to me it's just another step towards genocide perpetuated by America on native people. Because as you all probably know America does not recognize native rights, along with Canada, New Zealand and Australia. The other three countries that came, killed the native people and took their resources. Now, I hope that if you are morally obligated to do the good thing in your life, you know, that you will include the Hawaiian people and give them the right that belongs to them to fish up there. But it's not just up there that it's happening. We're also losing our right to fish around the main Hawaiian Islands. Some of you know that the bottom fishing area there's been closures that have come in statewide. This is the federal government that's come into state waters. This is because Peter Young, who was head of the DLNR did such a terrible job in managing the resource. Now, the Feds are here. What happened to Peter Young? He now sits on the council of Westpac, the federal agency for fisheries in the Pacific. Now, it's this kind of corruption that we need to address and get rid of. Because we can't have any kind of just management with this kind of corruption going on. So I urge all of you before things get any worse to put your—try to look at things in the Hawaiian's eyes and don't just look at us as some kind of a spiritual manifestation to justify what's going on. I'm here. My children are here. We're gonna always be here. Let's live together or things are going to get much worse before they get better.</p> <p>3) Native Hawaiian fishermen/practitioners should be allowed to anchor in NWHI, get and return to Hawai'i with their catch. Hawaiians have always fed their families from the oceans and land.</p>
18-02. Response	<p>In accordance with Presidential Proclamation 8031, all commercial fishing will be phased out of the Monument by 2011. Under the proclamation, sustenance fishing is allowed outside of any Special Preservation Area, incidental to a Monument permit. Of the six permit types, only the Native Hawaiian Practices permits allow for gathering, provided that anything harvested in the Monument is consumed there.</p> <p>Everyone, including researchers, may enter Papahānaumokuākea only if permitted. The same applies to anchoring, which must be explicitly permitted.</p>

<b>Comment Category 18 - Native Hawaiian</b>	
	The MMB fully supports and recognizes the importance of Native Hawaiian cultural access to Papahānaumokuākea, which may be provided under the Native Hawaiian Practices permit process. We have amended the title and description of Activity NHCH-2.6 to more clearly reflect our support and recognition.
18-03. Comment	<p>The comments below regard the wish of individuals to continue the practice of the Hawaiian culture within the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) I really believe Auntie Vanda said, that we need to have practitioners to join in on the Management Plan and also to practice. I mean, part of protecting the Hawaiians is allowing us to practice, yeah? And we realize that with practicing come responsibility, so, you know, it's hand in hand, but we need to practice. If we cannot practice, then we become idle. I also believe that in doing so, that place can be better managed.</li> <li>2) It would be—I think it's important that cultural practice, cultural subsistence to ensure that practice is able to continue, should people want to go up there, you know. It's navigational. Even if they're not taking, in some instances, but to be able to step on the land, on those little, you know, na moku manamana, and connect. And I hope that that's something that's being considered to allow for cultural practice, the continuation of cultural practice.</li> <li>3) I am really pleased over the years of watching this to see the extent to which cultural resources have gotten more and more attention and that the Hawaiian community is engaged. I will tell you, forty years ago and probably twenty years ago, there was almost—I suspect there was sincere interest, but not much expression of that interest. And having spent many nights on Nihoa and Necker Island amidst all the resources, it's chicken-skin time. It took me a long time to really appreciate how important it is. And I'm delighted to see so much interest in the Hawaiian community.</li> </ol>
18-03. Response	The MMB fully supports and recognizes the importance of Native Hawaiian cultural access to Papahānaumokuākea, which may be provided under the Native Hawaiian Practices permit process. We have amended the title and description of Activity NHCH-2.6 to more clearly reflect our support and recognition. The MMB will continue to involve the Native Hawaiian community in managing the Monument for the life of the plan (see Strategy NHCI-1).
18-04.	The comments below concern the legality of the jurisdiction of the U.S. of the Monument.

<b>Comment Category 18 - Native Hawaiian</b>	
<b>Comment</b>	<p><b>Comments:</b></p> <ol style="list-style-type: none"> <li>1) As a Kanaka Hawai‘i, I would like to respond to the Papahānaumoku Monument concept usurped by U.S., is illegal under international law.</li> <li>2) The DMMP must acknowledge and address the unique circumstances regarding the legal status of the lands and waters of the Northwestern Hawaiian Islands. This includes the acknowledgement by the United States government that the Newlands Resolution, which annexed the Hawaiian archipelago to the United States, was illegal, and the matter of sovereignty over the lands, including the submerged lands, of the NWHI has yet to be resolved.</li> <li>3) Therefore, as Mandated by Federal Law, theirs no Public Lands in these islands, and therefore the Public has no jurisdiction or input to the use or sale of these Private Lands that belong under the jurisdiction of the Lahui, Kanaka by instrument of claim in the 200 B.C. migration by their Sovereign POO, AU PUNI of the Lahui Kanaka or Kanaka Nation. The Lahui Kanaka Objects to the U.S. Fish and Wildlife Service to be in their jurisdiction, French Frigates Shoal is a long way of, but close to Midway Island where they were planned to be posted, to protect the Monk Seal on Laysan Island from Hunters and Fisherman also to protect the Birds and the Turtles. This area is about 300 or more miles away from their work living on O‘ahu Island.</li> <li>4) It’s already breaking down the Hawaiians. They already break down one hundred seventeen years, and they still breaking it. Why can’t they just let our people live like old Hawai‘i? Why do we have to fight because certain people say this and certain people say that? It’s not so. If you have a genealogy and proof and everything, then you should show your genealogy, your connection of how you’re related to this land, the islands. Because that’s how you can tell who the family is. If you don’t know, cannot say anything.</li> </ol>
<b>18-04. Response</b>	<p>Please see Volume I, Section 1.3 (Native Hawaiian Cultural Foundation and Significance), where we reference the 1993 Apology Resolution (US Public Law 103-15), which states, in part, that “The Congress... apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the Unites States, and the deprivation of the rights of Native Hawaiians to self-determination;...” While we acknowledge that this remains a legal issue, it does not impact the management needs for this special area.</p> <p>Also, please note that Presidential Proclamation 8031 states, “Nothing in this proclamation shall be deemed to diminish</p>

<b>Comment Category 18 - Native Hawaiian</b>	
	<p>or enlarge the jurisdiction of the State of Hawai‘i,” which includes ceded lands and Native Hawaiian cultural and traditional access and gathering rights.</p> <p>Part of the permit review process for Native Hawaiian Practices permit applications includes assessing the intent of the applicant and the applicant’s connection to the place and/or to the activity, among other things.</p>
18-05. Comment	<p>The comments below request that Native Hawaiian practitioners and those with traditional knowledge be involved in management of the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Native Hawaiian Practices, a reasonable acceptance. Though, it seems to me that the authorities of the western mindset want to control so much that even this permitted or allowed activity would become hard to do. With further implied threats or base implications. As the details further explain when they are presented in the Hawaiian history or cultural portions of the MMP.</li> <li>2) We recommend stronger support for cultural research activities undertaken by Native Hawaiian cultural scholars and practitioners, purposeful access and the ability to collect both marine and terrestrial resources within Monument boundaries for cultural purposes and to perpetuate cultural practices.</li> <li>3) So my concern is, what is being, you know, considered in this process for identifying the needs, the possible practices and input from the community, when, from the top down, it appears as though they have destined—they have predestined us to fail. And so my concern is this: Where are the people who know and have the ‘ike, although, you know, I got information that there is a panel that’s been selected, which is wonderful, but there’s nobody from Moloka‘i. And so we would like to have that kind of consideration. There are many people on Moloka‘i, young and old, that have ‘ike...So all of this information we need to have considered because in order to get a good mo`olelo of that historical and cultural significance of these places, we agree that it should be protected. In order to make decisions for cultural, educational and other purposes, we need to have people involved on every level. And there was an interesting question from this young man, and he said we’re preserving everything, the federal government, the state is preserving everything, but who’s preserving the Hawaiian? This is a significant question. So, in order to do this, we need to look at the people and help this concept of self-governance in the moku system. They know best how to take care of their sources, rather than the DLNR. I’m sorry, you know, I don’t have anything against DLNR, but they just don’t have enough manpower. They just can’t do it. They need to work with people of the district. That’s just some of it, but that’s enough for now. We need to read it through and then get some more.</li> </ol>

**Comment Category 18 - Native Hawaiian**

- 4) Because of the nature of decisions about anything having unintended consequences, please focus on protection. Please talk to the Hawaiians. These are people of the ocean who have the kuleana for such things. Their knowledge and experience and reverence for and of the ocean will help all of us to take care. Educate us about this wonderful place without letting us overwhelm it or degrade it.
- 5) And my concern as I listen to, you know, you folks are part of the federal government, and this always seems to be the problem, and even within the task that is given to us, according to Act 212, to look for the best practices, model of managing, protecting, and preserving our resources, and those would be marine, land, natural and cultural resources, and it is very place-based specific to each ahupua'a. But my concern is whether or not you have looked to practitioners. You have gone out to the communities, but have you spoken with those practitioners? We're not talking recreational or commercial. We're talking practitioners who have generational, as well as genealogical knowledge of fishing, and of their lands, and of the currents, of the winds, the oceans. Have you been able to reach out to those practitioners? And I hear you talking about recreational and commercial, but that's a different target group that we're looking at. And in order to get good policies, you need to talk with people who have the knowledge.
- 6) I think that we should respect what is there. The people who have been there, the Hawaiians. I believe that we should involve Hawaiian cultural practitioners, Hawaiian people in the whole process. And I believe we should involve all people in the whole process because it's a legacy for all of us as part of this planet. We should take that responsibility.
- 7) Lastly, we applaud inclusion of Native Hawaiians in a variety of issues including cultural and history and archaeology. There is a depth of Native Hawaiians' expertise and knowledge. And we hope that Native Hawaiian appointed to roles of input will be those with the specialty and the area they're appointed to.
- 8) The Native Hawaiian Cultural Resources Working Group must be empowered to review and modify any management decisions. We also echo the concerns raised by some members of the Working Group regarding the quality and quantity of consultation with cultural practitioners. Without an advisory council and stated policies empowering consultation with the Working Group, we fear that this extremely important community of experts with kuleana (responsibility) to protect the NWHI will become marginalized.
- 9) We also support the recommendation of the Native Hawaiian Cultural Resources Working Group to identify a Native Hawaiian Co-Trustee of the Monument. This person could be appointed by the Office of Hawaiian Affairs, until a Native Hawaiian governing entity is re-established. This would involve amending the Memorandum of

<b>Comment Category 18 - Native Hawaiian</b>	
	<p>Agreement to include the signature of the Native Hawaiian Co-Trustee, as well as identify membership to the Senior Executive and Monument Management Boards.</p> <p>10) The Friends of Midway Atoll National Wildlife Refuge also recognizes the cultural and historic significant of the monument. Because it is widely recognized that prior to European contact the indigenous Hawaiian population made forays into this area, we support any collaborative effort which promotes a better understanding between the Hawaiian community and the Papahānaumokuākea Marine National Monument.</p> <p>11) Empower Native Hawaiian decision-making by integrating Native Hawaiian cultural knowledge of indigenous traditions and ecosystem management into the larger management scheme. For example, the Native Hawaiian Cultural Resources Working Group must have the authority to review any management decisions. Without meaningful participation of cultural practitioners in management and adequate funding, resources, and commitment to empowering Native Hawaiian decision-making, the ideas contained within the DMMP are simply empty promises. Currently, eleven times more funding is proposed in the DMMP for scientific research than for activities related to cultural perpetuation, this is unacceptable.</p> <p>12) Of particular concern to me is how Hawaiian culture and traditions will be involved. It is not just what I brought up previously. Namely: it's grafted onto a structure which may, or may not, accept it. And if it doesn't it gets either diluted or out right rejected, politely. The 'current' status, as when this plan was released, in part, "required that Native Hawaiians, among others (-which others? And are any of these 'others' Hawaiian in any way?), provide advice regarding management of the Reserve and ensuring the continuance of Native Hawaiian Practices." That also asks which in the Hawaiian community or population will you ask? Just those who cooperate with you; who will bend beliefs and applications until you can twist a theoretically Hawaiian practice or view into a preconceived {not that flexible, either} structure?</p>
18-05. Response	<p>The MMB commits to regular consultation and engagement with Native Hawaiians and to the formal establishment of the Native Hawaiian Cultural Working Group (see NHCI-1 and 1.1), which was convened originally as part of the Reserve Advisory Council. OHA now convenes the Working Group, which provides input on permit applications and other issues. OHA will continue to formally consult with the Working Group (see NHCI-1 and 1.1). This provides one of many methods of involvement for Native Hawaiians. Those volunteer members of the Working Group have already made a large commitment to accept responsibility for protecting and perpetuating Papahānaumokuākea and Native Hawaiian cultural connections to this place. At least two members on that Working Group are from Moloka'i. Also, OHA occupies one of the seven MMB seats to help ensure that Native Hawaiian perspectives and rights are integral components of the management of Papahānaumokuākea. As you may guess, not all of the Native Hawaiian Cultural Working Group's</p>

<b>Comment Category 18 - Native Hawaiian</b>	
	<p>members agree with each other or with the MMB on any given day.</p> <p>The MMB agrees that Native Hawaiian traditional knowledge is imperative to the management and understanding of all of the resources of Papahānaumokuākea, as recognized throughout the Monument Management Plan. Please see in particular Activity NHCH-3.4 and Strategy NHCI-3, with its associated activities.</p> <p>The MMB fully supports and recognizes the importance of Native Hawaiian cultural access to Papahānaumokuākea, which may be provided for under the Native Hawaiian Practices permit process. The title and description of Activity NHCH-2.6 has been modified to more clearly reflect this support and recognition.</p> <p>The MMB has neither the intent nor the ability to try to mold Native Hawaiians or any other members of the public to conform to anything or to agree with anyone. That is part of why consultation is so important—so that the agencies can learn from varying perspectives.</p> <p>We concur that education can be the best form of access, and it is our intent to “bring the place to the people, not the people to the place.”</p> <p>In response to public comment, we have amended Strategy AC-2 to include exploring the potential of developing new agreements, including the possibility of amending the 2006 MOA to increase Native Hawaiian involvement in the management of the Monument. We have added an activity under that strategy to include that exploration.</p> <p>In response to your questions about financial equity, the MMB notes that our agencies are building their capacity and working with communities to identify cultural research and cultural projects that we will fund in the future. The budget in Table 3.1 has been amended, in part in response to your comments, to reflect what we plan to see as increases in spending on Native Hawaiian issues in the future for the Monument Management Plan.</p>
18-06. Comment	<p>Commenters provided comments regarding their desire to have Native Hawaiian students educated and involved with the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) first of all, I want to see more Hawaiians on the chairs, controlling our natural resources, I hate to say it, but more Hawaiians on your chairs. Kids like that, in the background, educate ‘em, get ‘em on these chairs, ‘cause this is Hawai‘i, this is our natural resource, and we need more Hawaiians on these chairs. I gotta see that before I die, gotta see these Hawaiians out there. You know, you guys controlling our resources, you guys fighting for everything that is ours, natural resources, and we’re losing it every day. Every single day, we’re losing it. And we</li> </ol>

<b>Comment Category 18 - Native Hawaiian</b>	
	<p>need more education for Hawaiians on your seats, I want to see that.</p> <p>2) If we're going to make all our kupuna and aumakua multiply there, somebody's gotta come and aloha them. They need their mo'opuna to come. So hopefully that's going to be incorporated somehow in the future, more means of interaction, education, and teaching our next generation stewardship and respect. Sometimes we work so hard on preserving traditions, but people don't understand the respect or the kuleana that goes along with it. So that it can be sustainable in case one day the federal government decides that it's no longer a good idea or they no longer can afford to support this, the people are trained, the people are aware, the people are enlightened enough that they can do it for themselves without anybody else's help, and, to me, that's the true bar of success that we should reach and strive for.</p> <p>3) Internship, educational, and student research opportunity that brings together both modern science and traditional knowledge would be the most relevant for future stewardship of Papahānaumokuākea.</p>
18-06. Response	<p>The MMB agrees with the importance of educating and cross-training our youth, and we make specific mention of this in the Monument Management Plan. Please see, for example, Activity NHCH-2.3, which calls for facilitating cultural research and education in Papahānaumokuākea for “students, teachers, and cultural specialists during every field season.” MMB agencies also have internship opportunities for Native Hawaiian youth to help build capacity, to increase understanding of the work we do and opportunities within our agencies. Also, Strategy NHCH-5 speaks directly to “Provid[ing] cultural outreach and educational opportunities to the Native Hawaiian community and the general public for the life of the plan.”</p>
18-07. Comment	<p>These comments concern the request that fishermen be included in the Management process for the Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) But I would say, I would recommend that you include the fishers because the fishers are not only fishers, their konohiki. They're modern konohiki. They have to be included.</li> <li>2) You (Fed go'vt) need to communicate/get input from Native Hawaiian fishermen who learned their practice from ancestor knowledge.</li> </ol>
18-07. Response	<p>The MMB will continue to consult with Native Hawaiian fishers, especially those who have lived and worked in the NWHI. Also some Native Hawaiian cultural practitioners and customary resource managers who have already been permitted to access the area as cultural researchers (post-Monument designation) were fishers. Such access has become an excellent example of how Native Hawaiians can continue to educate all of us in better resource management skills,</p>

<b>Comment Category 18 - Native Hawaiian</b>	
	while further representing the importance of experiential learning within that living culture (see Strategy NHCH-2 and associated activities).
18-08. Comment	<p>The comments below express concern for a lack of consultation with Native Hawaiians for the cultural impact statement.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) The Office of Hawaiian Affairs (OHA) acknowledges that consultation within the context of a cultural impact assessment is not an easy task. Traditional knowledge is not shared with strangers via letter or email. In order for meaningful consultation to occur, a relationship between the interviewer and interviewee must be established.</li> </ol> <p>While the cultural impact assessment for Papahānaumokuākea does indicate detailed documentary research, meaningful consultation with knowledgeable cultural practitioners is absent. This consultation will provide a critical connection between the written word and the real life experiences of cultural practitioners who will place the importance of events associated with and resources found within Papahānaumokuākea into the appropriate context.</p> <p>The archaeological background section of the cultural assessment details that archaeological surveys on Nihoa and Mokumanamana have documented numerous cultural sites on both islands which are listed on the National Register of Historic Places. These cultural sites cannot only be viewed as archaeological resources. Cultural practitioners and knowledgeable individuals will be able to discuss the true importance of these cultural sites to contemporary Hawaiians.</p> <p>OHA respectfully requests that the services of an individual with experience in conducting consultation for cultural impact assessments be retained and that consultation with individuals with knowledge of the cultural significance of Papahānaumokuākea occur. There are also archival video interviews which may be a valuable contribution to the cultural impact assessment which should be reviewed to gain a larger understanding of the many cultural aspects of Papahānaumokuākea. This additional work will not only bring the cultural impact assessment within the recommended Environmental Council guidelines, it will provide a greater understanding of potential impact activities within Papahānaumokuākea Marine National Monument will have on cultural resources and traditional practices.</p> <ol style="list-style-type: none"> <li>2) Appendix A: Cultural Impact Assessment. Members of the CWG note that it was difficult to engage in the consultation process during the development of the Draft Cultural Impact Assessment (CIA). There should have been person-to-person consultation and interviews, as well as group consultations as with the CWG. There needs</li> </ol>

**Comment Category 18 - Native Hawaiian**

to be time built into the drafting of a CIA – especially for such a culturally significant place – that would allow for interviews that tell the stories and are the Hawaiian knowledge of the place. Without those oral histories, there can be no real assessment.

Such is the case here; the Draft CIA is merely a series of quotations of the Draft Management Plan without any assessment of impacts. We urge that the research and drafting of this important document be subcontracted so that it can be done well and in a timely fashion. We also agree to assist the subcontractor, who we have heard to be Kehaulani Souza, in her work.

Content components should include, among other things, contacts and informants, and Native Hawaiian methods of managing natural and cultural resources. The latter should incorporate why Hawaiians feel disenfranchised about managing their own resources. The author should conduct interviews with kūpuna, makua, lineal descendants and others with strong connections to the place. There should be extensive historic information, such as old maps; identification of traditional Hawaiian activities; physical and spiritual aspects of Papahānaumokuākea; and review of what Bishop Museum and the University of Hawai'i, for example, have in their collections. References should be made to the State Constitution's protections of cultural and traditional rights, the Apology Bill, the recent Hawai'i State Supreme Court ruling referencing ceded lands and the Apology Bill, and PASH rights. Cultural interviews should be incorporated into the project, with the permission of the interviewees, and review of previously collected oral histories should also occur so that kūpuna do not have to be disturbed again and again.

Several meetings of genealogical descendants have occurred, and those notes should be secured both for this project and for perpetual archiving. These meetings include one that was held at the Honolulu International Airport meeting rooms, primary workshops for the establishment of the proposed Sanctuary, and interviews done by and for the Polynesian Voyaging Society, and by Kepa Maly.

In the actual assessment, the author should note that culture is determined by access to the resources and active knowledge of those resources. The assessment should also include how federal and state laws and regulations impact upon the culture, as do past and present military and management activities, the current permitting process, and the vast array of pollutants and dump sites remaining within Papahānaumokuākea.

- 3) The Cultural Impact Assessment (DCIA) fails to meet the requirements set out Hawaii Revised Statutes Chapter 343 for a detailed and complete recording of the “significant effects” on “cultural practices.” Although the CIA does outline a series of strategies that are contained throughout the DMMP that speak to increased access,

<b>Comment Category 18 - Native Hawaiian</b>	
	<p>education and integration of Native Hawaiian practices in the management of the Monument, there is simply not enough examples of how the co-managing agencies plan to implement and develop these strategies, and not enough budgetary support to see the strategies actualized.</p> <p>We strongly recommend a more complete and exhaustive process in consulting and documenting contacts with a broad range of Native Hawaiian cultural practitioners and organizations, thereby deepening the understanding of what the true cultural impacts of proposed actions, plans and strategies within Papahānaumokuākea will be and further integrating the Native Hawaiian community into the leadership decisions and management of this sacred Wao Akua.</p>
18-08. Response	<p>These changes were made to better meet the intent of Chapter 343 of the Hawaii Revised Statutes and the directions provided by the State Office of Environmental Quality Control. Please note that we have revised the cultural impact assessment to include the results of several oral interviews, more document and personal research, and analysis of actual potential impacts and possible mitigations.</p>
<b>Unique Comments</b>	
18-09. Comment	<p>Activity NHCH-1.1: Identify research needs that can be accomplished through anthropological, archaeological, historical, and Hawaiian cultural methods. One research need includes the ability to access cultural resources currently curated at various institutions, including Bishop Museum and the University of Hawai‘i. These resources need to be properly archived, maintained, accounted for, and kept in Hawai‘i.</p> <p>Researchers need to be able to access and study these resources to ensure that the limited resources of Papahānaumokuākea are respected and that any future requests for research do not need to include taking unnecessary, additional samples from the islands and atolls.</p>
18-09. Response	<p>We have amended Activities NHCH-2.7 and 4.2 to help address these concerns.</p>
18-10. Comment	<p>Activity NHCI-1.1: Formalize, expand, and convene the Native Hawaiian Cultural Working Group. We also request a seat at the management table to represent the Native Hawaiian community’s interest. To be at this level, the CWG will require funding to pay for staff to conduct permit reviews, analyze cultural and environmental impacts, provide cultural monitoring, and other necessary functions. This co-management also would allow for the CWG to convene on Neighbor Islands to gather input from Hawaiians on their home islands who may not feel comfortable sharing their ideas in a more sterile, agency setting. Furthermore, the CWG suggests that the MMB seek youth who have an interest in carrying</p>

<b>Comment Category 18 - Native Hawaiian</b>	
	forward this kuleana and integrate them into the CWG so that they will continue to gather and help transmit the knowledge of older members.
18-10. Response	See NHCH 3.2, which describes the broad scope of possible engagement of the Native Hawaiian community in general and the Native Hawaiian Cultural Working Group in particular “in the development and implementation of the Monument’s management activities.”
18-11. Comment	<p>Perpetuate Native Hawaiian culture: Since the designation of the Monument, the Native Hawaiian community has not been directly involved in the management of the Monument. The Native Hawaiian Cultural Working Group has not yet been convened to participate in the development of the DMMP. Neither the Native Hawaiian Cultural Working Group or the Office of Hawaiian Affairs were consulted about the serious, foreseeable risks of the Navy’s proposed ballistic missile tests directly over the sacred islands of Nihoa.</p> <p>The vision statement for the Monument in the DMMP must integrate perpetuation of Hawaiian cultural practice on equal ground as wildlife protection. The significance of the Northwestern Hawaiian Islands to Native Hawaiian cultural practice and history is part of the foundation of the overwhelming public support for protect this immensely important region.</p> <p>The final management plan for the Monument must have a vision statement that equally embraces the cultural and ecological significance of the region, such as: “that the health, diversity and resources of the vast NWHI - its unique wildlife and cultural significance - be protected forever.”</p>
18-11. Response	The Native Hawaiian Cultural Working Group has been convened since Monument designation to consult initially on the Monument Management Plan. The Working Group is being facilitated by the Office of Hawaiian Affairs, which the Navy consulted on the proposed ballistic missile tests via the Navy’s Hawai‘i Range Complex Draft Environmental Impact Statement, which OHA commented on with serious concerns. We amended the vision statement, in part, based on your suggestions.
18-12. Comment	Advocate for a true Pu‘uhonua in the Northwest Hawaiian Islands through U.S. Congressional action that permanently and completely prohibits all commercial activities and protects Native Hawaiian cultural, religious and subsistence practices, and allows only appropriate scientific and educational access to the NWHI archipelagoes that would only benefit the cultural and ecological resources.
18-12. Response	Presidential Proclamation 8031 requires that any access to or extraction from the Monument be prohibited unless explicitly allowed by permit. Permits may be granted only if the applications meet all the restrictive findings included in

<b>Comment Category 18 - Native Hawaiian</b>	
	the proclamation and Monument regulations. The proclamation notes in the first paragraph the “great cultural significance to Native Hawaiians and a connection to early Polynesian culture worthy of protection and understanding.” Advocacy for a congressional action is outside the scope of this management plan.
18-13. Comment	The lands, submerged land, waters, oceans, airspace, territories, natural resources of Ka Pae ‘Aina Hawai‘i and associated Kanaka Maoli traditional knowledge are, by our inherent birth right, the kuleana and property of Kanaka Maoli and the inheritance of future generation of our peoples. As such, the standards and criteria for consumption, development and utilization of these resources shall be there for Kanaka Maoli to promote our culture through principles of pono, aloha ‘aina and malama ‘aina.”
18-13. Response	Please note that Presidential Proclamation 8031 states, “Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the State of Hawai‘i,” which includes ceded lands and Native Hawaiian cultural and traditional access and gathering rights. The MMB fully supports and recognizes the importance of Native Hawaiian cultural access to Papahānaumokuākea, which may be provided for under the Native Hawaiian Practices permit process. We have amended the title and description of Activity NHCH-2.6 to more clearly reflect our support and recognition.
18-14. Comment	<p>Strategy NHCI-3: Identify and integrate Native Hawaiian traditional ecological knowledge and management concepts into Monument management annually for the life of the plan. Although we agree with the intent of this strategy, we do not see how it can be fully implemented given the present funding, permitting strategy and management methods. One way to assure that cultural research has equal standing to Western scientific research is to assure that it has equal funding. The Monument cannot serve the purpose of cultural enrichment and perpetuation if very few to no Hawaiians ever get to see or use the resources for cultural purposes.</p> <p>To ensure the success of this strategy, the MMB must increase the number of visits by Native Hawaiians to Papahānaumokuākea, particularly those who have cultural and lineal connections via their ancestors’ regular access from Kaua‘i and Ni‘ihau. We must identify and restore access to Native Hawaiian families that can demonstrate traditional and customary practices in this region. This used to be in the Management Plan, but was left out of this draft. Please return the original language, which included a better Native Hawaiian definition. (We suggest that it would best be reinserted either as part of Activity NHCH-2.6., or as a new Activity after NHCH- 2.6.)</p> <p>In prior years, traditional practitioners were on research or educational trips to perpetuate cultural and traditional knowledge. Main Hawaiian Island practitioners would visit the NWHI, utilizing traditional and customary practices, engage in resource observation for consumption, and give information from the results of those visits to Kaua‘i and Ni‘ihau. These demonstrations were successful in teaching and perpetuating navigation and other traditional knowledge.</p>

<b>Comment Category 18 - Native Hawaiian</b>	
	<p>Community-based management models work; they allow practitioners to take information to their communities, and not just leave that information with managers on Oahu.</p> <p>Native Hawaiians with experience in natural resource management in the main Hawaiian Islands who are allowed access to Papahānaumokuākea may be more likely to rediscover Hawaiian knowledge through experience, provided that their traditional, day-to-day, sustained observations are not limited, as they are by current permitting guidelines. For example, as the islands and atolls become submerged because of global warming, we will have to keep track of changes in environmental conditions to keep up with those changes. Animals who rely on existing emergent lands will need new resting and nesting grounds, and managers will need Native Hawaiians to consider the cultural contributions of those animals and how best to potentially relocate them. Native Hawaiians who are experienced and respected must advocate for these animals, monitor resources and make observations on changing environmental conditions.</p> <p>In 1936, several Native Hawaiian students were selected to live in the NWHI and were trained to help monitor natural resources. They were able to utilize both Western and traditional natural resources monitoring and management skills. Such a program should be reinstated by the Monument.</p>
18-14. Response	<p>In response to your questions about financial equity, the MMB notes that our agencies are building their capacity and working with communities to indentify cultural research and cultural projects that we will fund in the future. We have amended the budget in Table 3.1, in part in response to your comments, to reflect what we plan to see as increases in spending on Native Hawaiian issues in the future in the Monument Management Plan.</p> <p>We have amended Activity NHCH-1.2 to reflect your concerns about archipelagic connections, particularly for the people of Ni‘ihau and Kaua‘i with the NWHI.</p> <p>The MMB strives to integrate the Science Plan and Cultural Research Plan.</p> <p>The MMB agrees that Native Hawaiian traditional knowledge is imperative to managing and understanding all of the resources of Papahānaumokuākea, as recognized throughout the Monument Management Plan. Please see in particular Activity NHCH-3.4 and Strategy NHCI-3, with its associated activities.</p> <p>Those who wish to attempt long-term observational and experiential learning should apply for a Native Hawaiian Practices Permit.</p>
18-15. Comment	<p>I would ask that the management plan include or not prohibit the gathering of some resources, limited amount of resources. Of course, this is not meant to be a crack in the door for commercial fishing, but that the management plan allow for or not prohibit those families who can demonstrate that. I would also like to see in the management plan, there</p>

<b>Comment Category 18 - Native Hawaiian</b>	
	are things like feathers, and which you do not eat. But the ability to collect feathers and resources from the monument that can be brought out of the monument for educational purposes; for example, to rehabilitate some of the kahili that are in the Bishop Museum and other instances that I am not aware of, at this point, that could arise. So I would just ask that management would take those things into consideration and perhaps they can make their way into the final document.
18-15. Response	Please note that we have amended Activity NHCH-2.6 to address these concerns by the Native Hawaiian community. We have reinserted language from the Northwestern Hawaiian Islands Proposed National Marine Sanctuary Draft Management Plan (2005). Note in particular number 3 in the list of possible access needs.
18-16. Comment	Activity NHCH-1.2: Develop cultural research priorities alongside associated management challenges and opportunities. Who will do this prioritization? The CWG should assist the MMB in this determining these priorities.  One priority should be further study into the history of Nihoa and Mokumanamana's previous inhabitants and of the human made structures on those islands. We should not presume any particular origin – be it Hawaiian, Tahitian or Marquesan, for example –without adequate, thorough study of remaining cultural features.
18-16. Response	The MMB agrees with your comments and has amended Activity NHCH-1.2 to better reflect your concerns.
18-17. Comment	But sea monks is my family. That's part of a beach. I respect them. That's their beach. They eat, I eat. The turtle, I gotta eat turtle again. You guys put that law back, where the Native Hawaiians, we eat turtle. That's why get too much turtle, get too much tiger sharks or too much disease. We gotta get a limit, at least one a year, give us one turtle meat, because we live off turtle. That's our tradition. Unless that's your aumakua. Like the shirt you're wearing, first thing I look at it, the mano, you know, that's aumakua to the Hawaiian people.
18-17. Response	Monk seals and sea turtles are protected under the state and federal endangered species laws. Authorizing Native Hawaiian take of sea turtles is outside the scope of this Monument Management Plan. The MMB respects that natural resources are cultural resources from a Native Hawaiian perspective, and as such, we review all permit applications and management activities with this in mind.
18-18. Comment	Activity NHCH-2.1: Continue to compile information and conduct new cultural and historical research about the NWHI. This database of information should include scientific information that supports traditional and cultural knowledge.
18-18. Response	The MMB agencies are working to integrate western scientific information fields with traditional knowledge fields in the forthcoming Monument Information Management System.

<b>Comment Category 18 - Native Hawaiian</b>	
18-19. Comment	And I'd like to see a possible designated area at Midway for a, what we're calling for now, a cultural live-in center where it will be quite similar to what might be proposed for Kaloko Honokohau. And if that can be done where instead of making plans after plans after plans of what is a cultural live-in center, it should be one plan. And it can be used like every island or ahupua'a or whatever, again, the people wanted to do. It's one of those kinds of things where you can go and practice cultural practices and wear your malo or your kihei or whatever. It can always—it'll be an option. But I'd like to see that it be all uniform, one plan set for just the cultural live-in center.
18-19. Response	Because Midway Atoll is a National Wildlife Refuge, no activity can take place there that would detract from any wildlife habitat. Thus, the potential for a cultural live-in center would have to meet standards required by the Department of the Interior and would likely have to be specific to that location. In the near-term, such access may have to be based on potential Native Hawaiian Practices permit applications for long-term observational and experiential work.
18-20. Comment	Consider the recommendations of the group that gave Monument managers a lot of information earlier on the draft kind of definition of cultural collection of resources.
18-20. Response	Please note that we have amended Activity NHCH-2.6 to address these concerns by the Native Hawaiian community. We have reinserted language from the Northwestern Hawaiian Islands Proposed National Marine Sanctuary Draft Management Plan (2005). Note in particular number 3 in the list of possible access needs.
18-21. Comment	As the draft management plan states on page 47, "Cultural practices like these continue to remind and teach Native Hawaiians of the connections and relationships their ancestors have passed down from generation to generation." Securing ready access to the islands without having to navigate restrictive bureaucratic hurdles eliminates long start up and planning processes that grassroots programs cannot endure. Further, the bureaucratic permitting process may infringe upon Native Hawaiian rights and traditional practices as well as stand in contrast to the management plan's stated mission. Therefore, we urge that access for Native Hawaiians under all types of permitting programs be considered and that the permitting process not be overly burdensome for the applicant, as listed on page 221.  Additionally, this serves as a good example of why Native Hawaiians not only must be consulted with during the drafting of this management plan and various implementing documents, but why we should also have a meaningful management role to better address these types of concerns.
18-21. Response	Please see the Native Hawaiian Practices, Section of 3.4.1, the Permitting Action Plan, which states, "Permit conditions and protocols will continue to be developed by the Co-Trustees and the Office of Hawaiian Affairs through consultation with the Native Hawaiian Cultural Working Group and the Native Hawaiian community, as appropriate."

<b>Comment Category 18 - Native Hawaiian</b>	
	<p>Native Hawaiians played a large role in drafting the Monument Management Plan and in creating the Monument. Furthermore, both the Native Hawaiian Culture and History Plan and the Native Hawaiian Community Involvement Plan describe comprehensive processes to ensure the continued involvement of and respect for Native Hawaiians, communities, and culture.</p> <p>The MMB commits to continuing our regular consultation and engagement with the Native Hawaiian community and to the formal establishment of the Native Hawaiian Cultural Working Group (see NHCI-1 and 1.1), which provides one of many methods of involvement for Native Hawaiians.</p>
18-22. Comment	<p>3.1.2 Native Hawaiian Culture and History Action Plan. Strategy NHCH-1: Identify and prioritize scientific and Native Hawaiian cultural research needs within 18 months. The Native Hawaiian science behind this strategy is missing. How Native Hawaiians saw things and valued the contributions of every entity is missing from the Management Plan in general. Hawaiians were observing their surroundings and making decisions based on those observations long before Western scientists even knew about the area. Only now are those scientists making observations, and their baseline will be skewed if the knowledge of our ancestors is not included. Cultural research must include natural science components, and those environmental observations must be given the same weight as Western science research; there must be an even balance between Western science and traditional knowledge. Just because there are not archaeological sites involved does not mean that there is no cultural significance. The entire Management Plan is too dismissive of Hawaiian observations and research. Thus, cultural research should be included in the science research plan so that there is a constant partnership and potential for cross-education and training of cultural and scientific experts. That same balanced opportunity for cross-education and training should be offered to Native Hawaiian youth.</p>
18-22. Response	<p>We have amended Strategy NHCH 1, Activity NHCH 1.2, Strategy NHCH 2, Activity NHCH 2.2, Activity NHCH 2.3, Activity NHCH 2.6, Strategy MCS 2, and Activity MSC 2.1 to reflect your comment.</p>
18-23. Comment	<p>Activity NHCH-2.4: Convene a Native Hawaiian nomenclature working group. This should be a sub-committee of the CWG. Processes should be created to establish membership, contact agencies and organizations currently making both maps and discoveries of geologic features and biological species, follow proper naming protocols for new and previously known features and species, and ensure that the Native Hawaiian names are given appropriate authority and recognition through the correct avenues.</p>
18-23. Response	<p>Clear processes and protocols need to be developed and followed to ensure the appropriate naming of features and species of Papahānaumokuākea. We have amended Activity NHCH-2.4 to further clarify our intent. Within a year, the MMB will convene a variety of experts, including the Native Hawaiian Cultural Working Group, on the history and</p>

<b>Comment Category 18 - Native Hawaiian</b>	
	meaning of Hawaiian names for known and undiscovered regions, islands, geographical and oceanic features, sites, and plant and animal species. We will include and regularly update these names and their histories and meanings in the forthcoming Monument Information Management System. This is to ensure that such names continue to reflect Hawaiian knowledge and experience, and processes will be established to ensure that the Native Hawaiian names are imbued with appropriate authority and recognition.
18-24. Comment	Activity NHCH-2.5: Incorporate cultural resources information into the Monument Information Management System. Because much of this information includes our intellectual property, we need to control access to that information. People who want access to it must show a valid purpose to be allowed access. By the same token, OHA should make the information on its Wahi Pana Database, a database for protocols of sacred places, available to the CWG. However, it is unclear from the current writing who has access, and when, to the information within “a security layer for the protection of proprietary cultural information.” We need some kind of cultural copyright.
18-24. Response	The writing in Activity NHCH-2.5 is unclear because the issues are still being researched. Intellectual property law, as it now stands, does not offer protection for traditional knowledge, but some federal and state laws do protect culturally proprietary information. The MMB is striving to provide appropriate access and protection and will continue to consult with the Native Hawaiian community throughout the process.
18-25. Comment	Activity NHCH-2.6: Support Native Hawaiian cultural accesses to ensure cultural research needs are met. We would like some clarity on the meaning behind “consistent access to Mokumanamana” and “regular access for Polynesian voyaging canoes,” so that those accesses are expanded instead of limited, but never at the detriment to Native Hawaiians.  Further, until more archaeological and cultural research has been done, religious practices should not be limited to “Hawaiian religious practices.” Requests should be evaluated on a case-by-case basis, because the traditional religious practices of the place may have been Tahitian or Marquesan, or at least have had other Polynesian origins. Nonetheless, because preferential treatment and funding for access to Papahānaumokuākea is often given to Western scientific research and not to Hawaiian observation, Hawaiians need to be given preference and priority for funds and, therefore, access. This should be part of the scientific and cultural research process.  Please note that this may be the best location for reinsertion of an originally drafted activity that included the importance of allotting appropriate accesses for people with genealogical ties to the islands (see p. 3, above). This section should also clarify that Native Hawaiians can gather resources from the Monument during accesses for cultural purposes. For example, we should be able to take feathers from dead birds or fallen feathers for kahili restoration, among other things.
18-25.	The language in Activity NHCH-2.6 is purposefully vague to ensure that, as you wrote, “those accesses are expanded

<b>Comment Category 18 - Native Hawaiian</b>	
Response	<p>instead of limited, but never at the detriment to Native Hawaiians.”</p> <p>In response to your concerns about Hawaiian religious practices, we have changed the language to “Hawaiian ceremonial purposes and religious practices.”</p> <p>We also added some language to Activity NHCH-1.2 to reflect interest in specific genealogical ties to the NWHI and some language to Activity NHCH-2.6 to address the potential for Native Hawaiian gathering.</p>
18-26. Comment	While we appreciate that this CWG still meets about Monument management issues, we do not think that OHA should bear all the costs for Native Hawaiians to meet. The federal agencies that assist in managing the Monument should also help pay for these meetings.
18-26. Response	At the end of each action plan is a summary table, listing which agency has the lead for coordinating each activity. The lead agency is responsible for providing much of the staff and other resources (such as funding, volunteers, infrastructure, vessels, and aircraft) to implement the activity. The lead agency also is responsible for coordinating with other agencies to monitor and report the progress of the projects. Note that other MMB agencies may participate in shared decision making and implementation of the activity, depending on their respective mandates and agency resources.
18-27. Comment	p. 261 Clarify quote on 21 from the EO. Possibly switch “subsistence uses” with “religious uses”.
18-27. Response	We have corrected the error.
18-28. Comment	P. 261 Change to “Ensure that the Native Hawaiian community is actively and meaningfully engaged in PMNM management.”
18-28. Response	The original language has been kept because it is more active than passive.
18-29. Comment	P. 262 In 13 Add: “...in 1993, which justifies creating a co-trustee seat for Native Hawaiians.”
18-29. Response	Please see the amendments made to AC-Strategy 2 and the new Activity AC-2.1

<b>Comment Category 18 - Native Hawaiian</b>	
18-30. Comment	p. 263 On line 22 add “quasi-State...”
18-30 Response	OHA is a state agency, but it is unique from any other kind in Hawaii, mandated to advocate for Native Hawaiians and to assess the policies and practices of other agencies’ impacts on Native Hawaiians.
18-31. Comment	p. 264 ln 2 change to read “Activity NHCI-1.3: Establish an annual cultural resources information exchange.”
18-31. Response	We do not agree that this language change would clarify our intent because not just information will be exchanged in a cultural sense.
18-32. Comment	Also, Monument management should set up its own Advisory Board, similar to the RAC, but for the whole Monument, not just the Reserve. The Antiquities Act, under which the Monument was established, should be amended, or an exemption should be made to allow for an Advisory Council for Papahānaumokuākea .
18-32. Response	As stated in CBO-3.5, the Co-Trustees are committed to establish a Monument Alliance within 1 year, composed of individuals who represent communities and stakeholders interested in the Monument’s stewardship responsibilities. The Alliance will provide individual advice and recommendations to the Monument management agencies regarding the management of Monument resources over which the Co-Trustees have responsibilities. It will serve as a community-based forum to exchange information; provide community input and individual recommendations on Monument policies, activities, and management; advocate for Monument conservation; and enhance broader community and public understanding. Within 2 years after the release of the Monument Management Plan, the Co-Trustees will charter the Alliance as an advisory committee under the Federal Advisory Committee Act (FACA), or as a FACA-exempt advisory body, in order to allow the Alliance to provide consensus advice to the Co-Trustees, per the amended Memorandum of Agreement. Meetings of the Monument Alliance will be convened on a regular basis, with specific topics identified for each meeting. The meetings will be well publicized and open to the public, and will be held at various locations to facilitate participation by a broad range of constituents. Amending the Antiquities Act to establish the Alliance is outside the jurisdictional scope of the Co-Trustee agencies, however, the group will look for other authorities to accomplish establish a consensus based advisory group.
18-33. Comment	Protect the ancient Hawaiian cultural sites.
18-33.	We agree that this is a priority and have incorporated protection for cultural sites into the MMB through the creation

<b>Comment Category 18 - Native Hawaiian</b>	
Response	Strategy NHCH-4, Plan, develop, and implement a Monument Cultural Resources Program over the life of the plan and its associated activities.
18-34. Comment	Would like to see the incorporation of ahupua'a based management
18-34. Response	Native Hawaiian traditional ahupua'a-based management is laudable and has been implemented with great success throughout the main Hawaiian Islands. It was not implemented in the NWHI, but other traditional resource management skills were implemented and will continue to be implemented. The MMB agrees that Native Hawaiian traditional knowledge is imperative to the management and understanding of all of the resources of Papahānaumokuākea, as recognized throughout the management plan. Please see, in particular, Activity NHCH-3.4 and Strategy NHCI-3, with its associated activities.
18-35. Comment	No. 2. A federal undertaking equals consultations with Native Hawaiian organizations and Hawai'i Pono I is the law. Within this document that I'm submitting actually shows what a federal undertaking is. But it's basically, it means "A project, activity, or program funded in whole or part under direct or indirect jurisdiction of the federal government. "Any assistance; permit, license or approval renders is a federal undertaking and therefore the Section 106 does apply." Which means by law that anything that's done within the Hawaiian Islands the Native Hawaiians must be consulted. Also what is lacking in the Management Plan is the fact that the federal government has now commenced a federal undertaking by way of the use of federal monies. Therefore the Section 106 is hereby invoked and the Native Hawaiian organizations, ohana, and Kupuna Council and other organizations and interim interface for Hawai'i Pono I must be consulted. No one Native Hawaiian organization, Kupuna Council, Mo'i or anyone of good standing has signed a memorandum of agreement that allows the misuse of authority in the archipelago of Hawai'i Pono I. Therefore, the Kupuna Council and all the Native Hawaiian organizations involved or concerned due hereby state our concern and desire to be a consultant, mandatory compliance required. A list of contacts can be provided upon request. The fledgling Hawaiian Historic Preservation Officer program is underway as provided for in Section 800.2(c)(2). The Hawaiians are entitled to and meet the criteria for the equivalent of THPO, Tribal Historic Preservation Officers. They are not a tribe and they have to go through a congressional name change. And that is in the works through OHA with the preservation liaison and also discussion of landbase. The Hawaiians do meet the criteria and the volunteer Marine duty officers for the entire archipelago of Hawai'i Pono I is headed by the volunteer Isaac Harp. And shoreline resources will be managed by Tami Harp, his wife, because traditionally women were the ones who did the gathering on the shoreline. So for the Marine duty officers we're asking that they are contacted, they are made part of the plan. I understand he's going to a RAC meeting, so

<b>Comment Category 18 - Native Hawaiian</b>	
	that's good.
18-35. Response	As you are aware, under the National Historic Preservation Act, if a federal undertaking may impact properties that either already are National Historic Properties or those that may become so, a Section 106 consultation must be conducted. Until a programmatic agreement is executed for Monument management, each proposed activity within the Monument that may impact such properties has undergone and will continue to undergo Section 106 consultation. For example, both the FWS and the National Marine Fisheries Service have fulfilled Section 106 consultation requirements for management and conservation proposed on Nihoa and Mokumanamana. Until and unless a Tribal Historic Preservation Office can be established in Hawai'i, the State Historic Preservation Division continues to operate as Hawai'i's State Historic Preservation Office, and the Office of Hawaiian Affairs is listed in the NHPA as a Native Hawaiian organization that must be consulted during any Section 106 process in Hawai'i. Both of these agencies, as well as other Native Hawaiian organizations and individuals, have been consulted during the Section 106 processes mentioned above.
18-36. Comment	Page 86 line 8 states: Ceded lands are currently held in trust by the State of Hawai'i as part of the public land trust and continue to hold a considerable amount of legal, historical, and sentimental significance to Native Hawaiians.  Comment: Native Hawaiians have a deep spiritual relationship with the land and oceans, not just ceded lands in the Northwestern Hawaiian Islands. We recommend this sentence be revised to read: "Ceded lands are currently held in trust by the State of Hawai'i as part of the public land trust and continue to hold a considerable amount of legal, historical, and spiritual significance to Native Hawaiians ..."
18-36. Response	We have made an editorial change based, in part, upon your comment.
18-37. Comment	The mandate, history, composition and processes of the Native Hawaiian Cultural Working Group need to be fully disclosed (what is its mandate, when was it formed, how many members are there, when does it meet, are the meetings open to the public, how are members selected, is there a requirement for members to be Hawaiians, how long do they serve, what happens to their recommendations, etc.). Although the identity of group members has not been disclosed to date, this has been a controversial group and the public needs to be fully informed as to its origins, composition and activities.
18-37. Response	The existing Cultural Working Group was established under the Reserve Advisory Council. Under the implementation of the Monument Management Plan, the MMB has committed to regular consultation and engagement with the Native Hawaiian community and to the formal establishment of the Native Hawaiian Cultural Working Group (see NHCI-1 and

<b>Comment Category 18 - Native Hawaiian</b>	
	1.1), which provides one of many methods of involvement for Native Hawaiians. Those volunteers in the Working Group have already accepted responsibility for preserving and perpetuating Papahānaumokuākea and Native Hawaiian cultural connections to this place.
18-38. Comment	3.1.2 Native Hawaiian Culture & History Action Plan & 3.1.3 Historic Resources Action Plan. The DMMP includes Action Plans that call for collecting information about the historic and cultural significance of place and daily life, in general, from interviews with military personnel (Strategy HR-5 and HR-6.1) and the Native Hawaiian community and other cultural experts (Activity NHCH-3.4). In addition to documenting culturally important practices, the Co- Trustees should also ensure that information about the marine environment and any information that might provide clues about the status of natural resources are included and inquired about in these interviews. Characterization of the ecological setting and environment of the NWHI is intricately related to cultural practices, and would provide valuable information about the status and health of the natural environment in the past.
18-38. Response	We agree and will ensure such information is gathered during any oral interviews.
18-39. Comment	Anyway, for one reason I appreciate George Bush, for proclaiming the national monument under the Antiquities Act. And I would like for everybody to support an amendment to the Antiquities Act to provide for representatives of Native Hawaiians and the public to participate in management at a meaningful level and not at an advisory. I've been in advisory panels and councils with state and federal agencies for a long time. And although a lot of good input is provided the advisory councils, the agencies don't always go along with what the majority considers the right thing to do.
18-39. Response	Amending the Antiquities Act is outside the scope of the Monument Management Plan. The NHCI and CBO Action Plans outline strategies and activities to involve Native Hawaiians and the public in management.
18-40. Comment	You know, we're very, very concerned that there be a native Hawaiian fisher rights for subsistence fishing and that they also be a part of the process. And we're also concerned that there be a community advisory committee made up of Hawaiians and others in the community who can monitor and be an integral part of this whole process. Because without community input, you know, if there's a feeling that it's just going to be regular rubber stamp brigade that's going to be going on.
18-40. Response	Under the proclamation, sustenance fishing is allowed outside of any Special Preservation Area, incidental to a Monument permit. Of the six permit types, only the Native Hawaiian Practices permits allow for subsistence gathering.

<b>Comment Category 18 - Native Hawaiian</b>	
	The MMB commits to regular consultation and engagement with Native Hawaiians and to the formal establishment of the Native Hawaiian Cultural Working Group, which was convened originally as part of the Reserve Advisory Council. OHA now convenes the Working Group, which provides input on permit applications and other issues. OHA will continue to formally consult with the Working Group (see NHCI-1 and 1.1). This provides one of many methods of involvement for Native Hawaiians. Those volunteers in the Working Group have already accepted responsibility for preserving and perpetuating Papahānaumokuākea and Native Hawaiian cultural connections to this place.
18-41. Comment	p. 121 Add on Line 15 “a variety of experts, including the Native Hawaiian Cultural Working Group,…”
18-41. Response	We have made your change.
18-42. Comment	<p>And there was mention of world heritage site. I’m very concerned with the management partners looking towards trying to get a world heritage site designation for the area. Because I’ve seen many areas around the world that has received this designation attract huge attention, and people demand access. They want to see the place. It creates so much demand for access that they start destroying the world heritage sites. So I expressed that concern, and I requested the management partners suspend their efforts until a settlement is achieved with Native Hawaiians over the so-called ceded-lands issue. It’s documented in history and it proves without a doubt that these lands were unlawfully transferred from the Hawaiian Kingdom government to the federal government to unlawfully transfer those lands back to the state of Hawai‘i.</p> <p>And I think we need to come to some kind of settlement on that before anything else is done as far as allowing more access or anything else or creating more designations.</p>
18-42. Response	Should a World Heritage Site nomination go forward and should designation be granted, the strict permit process for the Monument could not be bypassed, and the site would continue to be managed through this management plan. Please also note that World Heritage designation would have no impact on jurisdiction, thereby in no way holding back potential changes to the status of jurisdiction over ceded lands.
18-43. Comment	<p>And I don’t mind having some of our people joining them on what they doing on the management, especially.</p> <p>Because we don’t know what they doing. All we getting is pile of net coming on our shore over here, especially that long-line fishing. No. Please don’t bring it here. Go to China or Japan if they like use that line, long-line, what you calling, fishing—not here in Hawai‘i. Everything we get here, you know, is most usually for our consumption. But</p>

<b>Comment Category 18 - Native Hawaiian</b>	
	actually that we don't have the priority. So I like that be our first priority instead of someone else.
18-43. Response	<p>The MMB agrees that Native Hawaiian traditional knowledge is imperative to managing and understanding all of the resources of Papahānaumokuākea, as recognized throughout the Monument Management Plan. Please see in particular Activity NHCH-3.4 and Strategy NHCI-3, with its associated activities.</p> <p>An entire Action Plan is dedicated to “[r]educ[ing] the adverse effects of marine debris.” See 3.3.1., Marine Debris Action Plan.</p> <p>Under Presidential Proclamation 8031, all commercial fishing will be phased out of the Monument by 2011. Under the proclamation, fishing is allowed outside of any Special Preservation Area, incidental to a Monument permit. Of the six permit types, only the Native Hawaiian Practices permits allow for gathering.</p>
18-44. Comment	p. 117 Add: “Integrate traditional Native Hawaiian knowledge and practice in the effective management and stewardship of Monument Resources.”
18-44. Response	While we agree with the words that you suggest as a management principle, we continue to support our original language describing the “Desired Outcome” for 3.1.2, Native Hawaiian Culture and History Plan. This is because it more accurately represents the text and intentions of this particular plan. Please note that one of the Monument Guiding Principles in Table 2.1 also includes this statement.
18-45. Comment	<p>Native Hawaiian Culture and History Action Plan – Section 3.1.2. MCBI concurs with the Draft Plan that Native Hawaiian history in the NWHI is of highest priority. We agree that the Native Hawaiian archeological sites and artifacts on Nekker and Mokumanana are highly significant, should be preserved, and need the highest quality care. These sites are important to developing a deeper public understanding of Native Hawaiian history. We look forward to the completion of the Cultural Resources Program Plan, and expect it to fill in the details for management of these landmarks, and allow for historic research and education that will help to preserve these sites.</p> <p>The Native Hawaiian Community is a diverse community with regional and philosophical differences. Given this, it is important for the Native Hawaiian Working Group to have open public meetings and reach out to rural Native Hawaiians and those who reside on the mainland. It is also imperative that the Native Hawaiian Working Group reach out to Native Hawaiian leaders who have not been following the development of the NWHI Monument. Finally, the Native Hawaiian Working Group should cooperate and coordinate with archeologists and other social and natural scientists in the preservation of history in the NWHI.</p>

<b>Comment Category 18 - Native Hawaiian</b>	
18-45. Response	<p>The MMB also looks forward to the Cultural Resources Program Plan’s drafting and completion. Please note that the Native Hawaiian Cultural Working Group will assist with its development (see Activity NHCI-2.1).</p> <p>The MMB will continue to consult not only with the Native Hawaiian Cultural Working Group but also with other Native Hawaiian organizations, institutions, communities, and individuals (see, for example, NHCH 3.2). Also, please note that the volunteer members of the Native Hawaiian Cultural Working Group have accepted responsibility for preserving and perpetuating Papahānaumokuākea and Native Hawaiian cultural connections to this place. It is not their responsibility to provide outreach, but the MMB takes its outreach responsibilities seriously (see Action Plan 3.5.2, Constituency Building and Outreach).</p>
18-46. Comment	Commit to fully fund the participation of Native Hawaiian cultural practitioners in decision making and requiring permit review by the Native Hawaiian Cultural Working Group.
18-46. Response	Because of budgetary and legal restrictions, none of the members of the Monument Management Board can commit to any funding for any specific project or group of people. However, we do commit to regular consultation and engagement with the Native Hawaiian community and to the formal establishment of the Native Hawaiian Cultural Working Group (see NHCI-1 and 1.1), which provides one of many methods of involvement for Native Hawaiians. Those volunteers in the Working Group have already accepted responsibility for preserving and perpetuating Papahānaumokuākea and Native Hawaiian cultural connections to this place. Some examples of that responsibility include reviewing permit applications and advising the MMB through the Office of Hawaiian Affairs.
18-47. Comment	Changing the pace. Speaking for my mo’opuna, this place does not carry many of the names you give it in your introduction. I noticed when you were introducing the tables that we got to table 5 before any of those introduced used the word “Hawaiian.” Nobody said “native.” Nobody said “indigenous.” This place does not belong to NOAA or any other entity. Doesn’t belong to me. It belongs to us all. And all must have a say, the indigenous voice must lead. I criticize the process because it is not my kuleana to comment on the content. I do not have this knowledge. But I know process. I carry this message on behalf of my husband’s ‘ohana, the name I proudly share, Ka‘aumoana. Literally meaning deep sea navigator. Comes from this place that is now described in a created name for contemporary purposes. I believe what began as an inclusive open conversation in planning has in the draft plan devolved into government as usual. This is a public trust. All process must be public.
18-47. Response	Public involvement began in the late 1990s when the Navy turned over Midway Atoll to the FWS. Increased interest in protecting the coral reefs and waters surrounding the NWHI led to the establishment of the NWHI Coral Reef Ecosystem Reserve in 2000. Public scoping meetings for the sanctuary designation process began in 2002 with a broad spectrum of

<b>Comment Category 18 - Native Hawaiian</b>	
	<p>stakeholders. Nearly 52,000 comments were received during that process, with another 6,300 comments received on the draft Interim Visitor Services Plan for Midway Atoll. This public input was the foundation for the draft Monument Management Plan, for which there was a 90-day comment period and 10 public meetings.</p> <p>The Monument Management Board commits to regular consultation and engagement with Native Hawaiians and to the formal establishment of the Native Hawaiian Cultural Working Group, which was convened originally as part of the Reserve Advisory Council. OHA now convenes the Working Group, which provides input on permit applications and other issues. OHA will continue to formally consult with the Working Group (see NHCI-1 and 1.1). This provides one of many methods of involvement for Native Hawaiians. Those volunteers in the Working Group have already accepted responsibility for preserving and perpetuating Papahānaumokuākea and Native Hawaiian cultural connections to this place.</p> <p>The Monument Management Board agrees that Native Hawaiian traditional knowledge is imperative to managing and understanding all of the resources of Papahānaumokuākea, as recognized throughout the Monument Management Plan. Please see in particular Activity NHCH-3.4 and Strategy NHCI-3, with its associated activities.</p>
18-48. Comment	Activity NHCI-1.3: Establish an annual cultural resources exchange. These cultural resource exchanges should include reports on research and cultural resources that have been and will be rediscovered in such places as Bishop Museum and the University of Hawai‘i. It should not be limited to what has been learned by recent accesses, but should broadly incorporate all on-going research on Papahānaumokuākea to keep all of us up to date on current information and allow for the potential return of presently curated cultural resources.
18-48. Response	Thank you for your suggestion. We have amended Activity NHCI-1.3.
18-49. Comment	The Hawaiian culture very effectively and sustainably managed all the islands for thousands of years. The final management plan for the Monument must have a vision statement that equally embraces the cultural and ecological significance of the region, such as: “that the health, diversity, and resources of the vast NWHI - its unique wildlife and cultural significance - be protected forever.” Hawaiian cultural practitioners must be part of the management authorities of the NM.
18-49. Response	The Monument’s Vision Statement has been amended, in part, on your suggestions. The MMB agrees that Native Hawaiian traditional knowledge is imperative to the management and understanding of all of the resources of Papahānaumokuākea, as recognized throughout the management plan. Please see in particular Activity NHCH-3.4 and

<b>Comment Category 18 - Native Hawaiian</b>	
	Strategy NHCI-3, with its associated activities.
18-50. Comment	I think that there's really not a good amount of representation of Native Hawaiian culture in the Monument, in any of the action plans, in this in general. The budget is kind of symbolic of that being the lowest ticket item I think, on the whole budget in the Native Hawaiian culture, involvement in decision-making as well as research and education. One example of a good thing you guys could do bring the place to the Native Hawaiian people is a curriculum, in 'olelo Hawai'i, having the website pages in 'olelo Hawai'i, having materials in 'olelo Hawai'i. We have—it is state language. Yeah? So meet people where they are. And a lot of people are speaking 'olelo Hawai'i. Also having kind of boosted education about the plastic and the military activities that are adversely affecting the Monument, not just the beautiful fish and the beautiful place and the monk seals and whatnot but the things that are threatening them.
18-50. Response	<p>Both the Native Hawaiian Cultural and History Action Plan and the Native Hawaiian Community Involvement Action Plan describe comprehensive processes to ensure the involvement of and respect for Native Hawaiians, their communities, and culture.</p> <p>In response to your questions about financial equity, the MMB notes that our agencies are building their capacity and working with communities to identify cultural research and cultural projects that we will fund in the future. We have amended the budget in Table 3.1, in part in response to your comments, to reflect what we see as rapid increases in spending on Native Hawaiian issues during future of the Monument Management Plan.</p> <p>We agree with your comment about using 'olelo Hawai'i more regularly, as can be seen by the example in Strategy NHCH-5, "making Hawaiian language tours available at Mokupapapa Discovery Center [to] increase the center's value and accessibility to Hawaiian language immersion school groups as a culturally relevant learning tool." We also added the following sentence to Strategy CBO-2: "Continue to develop and disseminate materials and improve and update tools that help inform Monument constituencies about the Monument over the life of the plan." This strategy incorporates your concerns that we educate people about both the beauty and fragility of Papahānaumokuākea.</p>
18-51. Comment	And in the ultimate chutzpah looking at with Native Hawaiians and you heard last night one of them spoke to you on Kaua'i to say that the purpose, the action plan for Hawaiian heritage is to educate Hawaiians about this? That's absurd. You should be listening carefully to the kupuna and what, how they managed for a thousand years to, in fact, have a pristine archipelago out there.
18-51. Response	The MMB will continue to consult with Native Hawaiian kūpuna, especially those who have lived and worked in the NWHI. Through Strategy NHCH-5 ("Provide cultural outreach and educational opportunities to the Native Hawaiian community and the general public over the life of the plan"), we seek to provide a bridge between such knowledgeable

<b>Comment Category 18 - Native Hawaiian</b>	
	and experienced kupuna and upcoming generations that may not have had access to this valuable information. As you are likely aware, there is a broad spectrum of knowledge and experience within the Native Hawaiian community, and we hope to provide an opportunity for inclusiveness and a holistic approach to education and management.
18-52. Comment	Activity NHCH-4.2: Develop and implement specific preservation plans, as appropriate, to protect cultural sites and collections at Nihoa and Mokumanamana. This activity should be re-titled "...specific preservation and use plans," because Native Hawaiians need to be able to access these places. Just knowing that such places exist is not enough for the living Hawaiian culture.
18-52. Response	We have amended Activity NHCH-4.2 to further clarify the intent, which reflects your interests.
18-53. Comment	OHA sees in the Note to Reviewers in the draft management plan that: Through this Agreement and as described in the Monument Management Plan, the Co-Trustees will undertake coordinated, integrated management to achieve strong, long-term protection and perpetuation of Northwestern Hawaiian Island (NWHI) ecosystems, Native Hawaiian traditional and customary cultural and religious practices, and heritage resources for current and future generations.
18-53. Response	As a member of the Monument Management Board, OHA already is significantly involved in managing Papahānaumokuākea. We have amended Strategy AC-2 to include exploring the potential of developing new agreements, including the possibility of amending the 2006 MOA to increase Native Hawaiian involvement in the management of the Monument.. We have added an activity under that strategy to include that exploration. Also, we have amended the title and description of Activity NHCH-2.6 to more clearly reflect our support and recognition.
18-54. Comment	<p>3.5.3 Native Hawaiian Community Involvement Action Plan. In "Desired Outcome," lines 3 – 9, the DMMP states that the Native Hawaiian community should be engaged in "active and meaningful involvement in Papahānaumokuākea Marine National Monument Management." We urge that this means Native Hawaiians should have an equal partnership in managing the Monument. Native Hawaiians have a unique political status and relationship with the State of Hawai‘i, the United States, and the world. They should have equal footing with all the other management entities in the Monument.</p> <p>Thus, there should be four co-Trustees instead of three. As an interim measure, until a Native Hawaiian government is established, OHA should be the fourth co-Trustee and hold the spot for the future Native Hawaiian government representative. Under "Current Status and Background," lines 11 – 29, the DMMP lists a history of management consultation with Native Hawaiians, particularly via the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve</p>

<b>Comment Category 18 - Native Hawaiian</b>	
	Advisory Council (RAC), which had included three voting seats for Native Hawaiians. The RAC also had a Native Hawaiian Cultural Working Group, which is the origin of our current CWG, although it is no longer officially linked to the RAC.
18-54. Response	We have amended Strategy AC-2 to include exploring the potential of developing new agreements, including the possibility of amending the 2006 MOA to increase Native Hawaiian involvement in the management of the Monument. We have added an activity under that strategy to include that exploration.

**Comment Category 19 - Open Process****Summarized Comments**

19-01.  
Comment

The comments below suggest an open process to allow public input in Monument management decisions.

Comments:

- 1) Specifically, the MOA calls for a Senior Executive Board (SEB) made up of high level agency representatives and a Monument Management Board (MMB) charged with day to day management of the monument. Given the complexity of this management arrangement, and the widely acknowledged difficulties associated with the co-management of the Monument, it is particularly important that the Co-Trustees establish a clear and transparent decision-making process that allows the public to easily determine who is responsible for what and how to participate effectively in Monument management decisions. Ocean Conservancy urges the Co-Trustees to ensure transparent decision-making by providing access to all significant documents for public review and comment and by having meetings of the SEB and MMB be open to the public with ample opportunities for public comment.
- 2) Ocean Conservancy is concerned that neither the DMMP nor the MOA between the Co-Trustees explicitly discusses an overall process for public input to the SEB or MMB. Again, we believe that an open public process is important to ensure accountability and transparency and that the public should have an opportunity to participate in decision-making by reviewing and commenting on the full range of Monument management actions and decisions. We are particularly concerned that the DMMP does not appear to contain an adequate opportunity for meaningful public input during the permit application process. Under the “Monument Permit Application Unified Public Notification Policy” (adopted February 1, 2008); all permit applications must be posted on an agency website for a minimum 30 day public viewing period. The “Unified Public Notification Policy” also notes which permits (Special Ocean Use, regulatory and environmental reviews, and state permits) require opportunity for public comment. Given the fact that all permits are already open to public review, we believe it would not present an undue administrative burden on the Co-Trustees to also ensure that all permits are open to public comment. This simple action would ensure that public input is meaningful. We strongly recommend that all Monument permits be available for public comment for a period of no less than ten working days.
- 3) And another speaker tonight talked about the fact that the initial plan seems to have the people in charge are going to be -- have closed meetings instead of opened to the public. This goes against all American rights and other government entities that as a democratic society hold open meetings and forums and televise how their representatives are voting and speaking and so forth.

<b>Comment Category 19 - Open Process</b>	
	<p>4) You had a lot of, I think perhaps one of the things that's most important is the idea of transparency and oversight. One of the things that happens that certainly it's going to be part of my comments that mostly look at the inconsistency between the intent and what you end up with action plans. If you had an open process that doesn't happen. And the two years that went by between when the plan was supposed to be looked at and with the exception of one crack meeting there was no public input at all.</p> <p>5) All decision making about this NM must be made in the open will full public involvement. The current planning and permitting process under the BLNR must be open and transparent and managed to give the public adequate time to be noticed and respond. The six day notice period is intended to limit real public input.</p> <p>6) The one thing that really struck me is the management board meetings being closed, totally closed. It's -- when you close a meeting like that that's managing a public resource it gives an air that something's being done behind closed doors that you don't want everyone to know about. So while I can understand that you don't want to have the public at the meeting interfering with the meeting, I think the meetings really do need to be either taped and be made available so the public can see what positions are being taken, who's taking the positions, what discussion is being done. So that -- because it's our monument. It's the people's monument. So the decisions that are made really should be -- the discussion of those decisions should be open to the public. So that's one of the major things.</p> <p>The meetings that you guys have to make the decisions on how the Monument is managed really deserves to be public so that people know what's being done, who's standing for what position, who's supporting that. Are there special interests? If it's behind closed doors all you're going to have is people wondering what's going on; if you're trying to hide something. So please make them -- either have the meetings televised or recorded so that people can go back and see who, who is standing for what.</p> <p>7) And you really, really need to open the process back up so the public has a chance to see some daylight in here. What you have when you operate behind closed doors to come up with a plan is when you come out with it everybody's a critic "not made here." How many people have you heard standing up here defending your plan? I haven't heard any. It's top down.</p> <p>8) Also, Monument Management Board meetings are closed to the public: they need to be open.</p>
19-01. Response	As stated in the MOA signed by the Co-Trustees for promoting coordinated management of the Monument (Volume III, Appendix F), the SEB provides policy guidance to the MMB staff assigned to manage the Monument. The day-to-day management and decision making of the Monument is the responsibility of the MMB, but the SEB provides a means to resolve any conflicts or disagreements. As the primary purpose of this group is to resolve internal agency

<b>Comment Category 19 - Open Process</b>	
	<p>policy issues and disputes, meetings are scheduled only as needed. These are not public meetings because they are not meant for conveying information to the public or to get public input or comment. The Co-Trustees are committed to establish a Monument Alliance within 1 year, composed of individuals who represent communities and stakeholders interested in the Monument’s stewardship. The Alliance will provide individual advice and recommendations to the Monument management agencies regarding management of Monument resources over which the Co-Trustees have responsibilities. It will serve as a community-based forum to exchange information; provide community input and individual recommendations on Monument policies, activities, and management; advocate for Monument conservation; and enhance broader community and public understanding. Within 2 years after the release of the Monument Management Plan, the Co-Trustees will charter the Alliance as an advisory committee under the Federal Advisory Committee Act (FACA), or as a FACA-exempt advisory body to allow the Alliance to provide consensus advice to the Co-Trustees, per the amended Memorandum of Agreement.. Meetings of the Monument Alliance will be convened on a regular basis, with specific topics identified for each meeting. The meetings will be well publicized and open to the public, and will be held at various locations to facilitate participation by a broad range of constituents..</p> <p>As far as public input on permits, all Monument permit applications are posted to the Monument Web site for a minimum of 30 days before the MMB and the State Land Board make any decisions. The public can also review and comment on all permit-related environmental assessments that are posted to the Monument Web site for a minimum of 15 days. In addition, there is an opportunity to provide public testimony at State Land Board meetings for all activities proposed in the Hawai’i State Marine Refuge. The Permitting Action Plan in the Draft Monument Management Plan contains an activity for regularly updating the public on proposed and permitted activities (Activity P-3.5).</p>
<b>Unique Comments</b>	
19-02. Comment	<p><b>3.6.2 Information Management Action Plan</b></p> <p>Ocean Conservancy encourages the Co-Trustees to facilitate public access to data and information about the Monument. For example, all permittees could be required to make data available in standard format on a publically accessible website as a condition of their permit.</p>
19-02. Response	<p>The MMB is committed to making it easy for the public to access data and information about the Monument. The Constituency Building and Outreach Action Plan (3.5.2) contains numerous activities to facilitate public awareness and involvement in Monument activities. In addition, the Information Management Action Plan (3.6.2) calls for creating a new Monument Information Management System and facilitating appropriate public access and use of this system. As it pertains to permits, all Monument permit applications are posted to the Monument Web site for a minimum of 30 days before the MMB and the State Land Board make any decisions. The public can also review and comment on all</p>

<b>Comment Category 19 - Open Process</b>	
	permit-related environmental assessments that are posted to the Monument Web site for a minimum of 15 days. In addition, there is an opportunity to provide public testimony at State Land Board meetings for all activities proposed in the Hawai'i State Marine Refuge. The Permitting Action Plan in the Monument Management Plan contains an activity centered around regularly updating the public on proposed and permitted activities (Activity P-3.5).
19-03. Comment	The intent of the Proclamation, if it is more protective than comes across in the current Draft Management Plan, needs to be upfront in any response document to the public and in the Final Management Plan.
19-03. Response	Proclamation 8031 was included as an appendix to the Draft MMP and as Appendix D. The protections and provisions outlined in the Proclamation for the basis of the MMP,
19-04. Comment	We strongly advise the Co-Managers to establish a very simple, interim information collection and distribution system that in the short-term can help managers minimize impacts to the Monument and keep the public informed about research activities in the Monument.
19-04. Response	<p>A Natural Resources Science Plan (Activity MCS-2.1) will be developed in the first year of implementation. This science plan will include the following thematic areas: 1) research on ecological processes and connectivity, 2) research on biodiversity and habitats, 3) research on human impacts, 4) research on ecosystem change, indicators, and monitoring, and 5) modeling and forecasting ecosystem change.</p> <p>In addition all research that occurs within the Monument will require a permit. All Monument permit applications are posted to the Monument Web site for a minimum of 30 days before the MMB and the State Land Board make decisions (<a href="http://hawaiiireef.noaa.gov/resource/permit_sum.html">http://hawaiiireef.noaa.gov/resource/permit_sum.html</a>). The public can also review and comment on all permit-related environmental assessments that are posted to the Monument Web site for a minimum of 15 days. In addition, there is an opportunity to provide public testimony at State Land Board meetings for all activities proposed in the Hawai'i State Marine Refuge. The Permitting Action Plan in the Monument Management Plan contains an activity centered around regularly updating the public on proposed and permitted activities (Activity P-3.5).</p>

<b>Comment Category 20 - Other</b>	
<b>Unique Comments</b>	
20-01. Comment	Page 7-27, Description of No Action Alternative: These sections need to provide much more details and specificity. There is not enough information here to allow readers to provide meaningful comments, or for decision-makers to use as

<b>Comment Category 20 - Other</b>	
	<p>a basis for their decisions. Some details (but not all) are in the monument plan however many readers will only read the EA and will not go back to the monument plan to search for additional information.</p> <p>An EA needs to provide complete information to readers and decision-makers. If some activities are to be fleshed out in the future, the EA needs to note that they will be analyzed in future EAs and made available for public comment. This EA cannot claim to provide NEPA coverage for activities that have not been fully determined much less described and analyzed.</p> <p>The No Action alternative is the baseline to which other alternatives are to be compared and it needs to be fully described. In addition readers and decision-makers need to clearly understand which activities in each action alternative would be new and which would continue under the No Action alternative.</p>
20-01. Response	As noted in the Note to Readers, to reduce repetition, the Monument Management Plan and EA are inextricably linked. While this may be somewhat harder to follow, the two documents must be viewed together. These lengthy documents would have been even longer if all of the information had been presented in both volumes. The No Action alternative is fully described in the Monument Management Plan.
20-02. Comment	Page 17 Line 24 Laysan Lake: the area of the lake reported here as 100 acres, varies enormously with season. This range of variability should be reported or else the area of mudflat or lake basin could be described since this is more constant.
20-02. Response	This sentence has been edited: The island's ring of sandy dunes surrounds a shallow depression of about 200 acres (0.8 square kilometer). This basin is a mix of hypersaline water and mudflats, which is a feature unique within the Hawaiian archipelago and rare within the Pacific as a whole. The basin's size changes seasonally and annually, depending on variations in rainfall.
20-03. Comment	Page 174, lines 3-7. This description incorrectly describes FWS policy and federal regulation. The regulation and policies cited do not require that the Hawaiian Islands NWR proposed for designation in 1974 be managed as a Wilderness area. In fact, because Congress did not do so in 1974 indicated that it is not a wilderness area and the Wilderness Act is wholly inapplicable.
20-03. Response	The descriptions in this section have been modified.
20-04. Comment	Page 17 Laysan Island: Is the area of Laysan correct? The literature reports island area closer to 415 ha.
20-04.	The size of the lake on Laysan is variable through time, and the reported lake size varies somewhat among sources, based

<b>Comment Category 20 - Other</b>	
Response	on the timing methods used to measure it. To reconcile the discrepancy between the Monument Management Plan and the EA, we have made edits to best reflect the most recent source of information. While the Monument Management Plan describes the Laysan Lake area in general terms, the EA description focuses on the saline lake itself.
20-05. Comment	Page 18 Lisianski: the wetland(s) of Lisianski were destroyed after the devegetation by introduced mammals. The accidental introduction of mice is not mentioned (Olsen and Ziegler 1996). This occurred prior to the rabbits, and was described as a major negative impact. Since wetland restoration has been proposed on Lisianski, this ecosystem loss should be included. Also, Lisianski lost a breeding population of land birds, the Laysan ducks historically (known from about 150 years ago). This should be mentioned.
20-05. Response	We have modified the text to reflect your information.
20-06. Comment	I find it incredible that the more than 700 page State of Hawaii Comprehensive Wildlife Conservation Strategy (2005) was not reviewed or utilized in the DMMP or EA development. It has many items that need to be incorporated and rectified in the DMMP and EA – so many of the same species, and species issues, etc., etc., are specifically identified and treated in the CWCS.
20-06. Response	The statewide Comprehensive Wildlife Conservation Strategy is an initiative led by the Department of Land and Natural Resources. This Monument Management Plan is consistent with the requirements of the NWHI Marine Refuge and the State Seabird Sanctuary at Kure Atoll set forth in the Hawai'i Administrative Rules Title 13. The Monument Management Plan was developed in close coordination with the State of Hawai'i, Department of Land and Natural Resources staff to ensure consistency with state requirements. Many of the specific strategies and activities are fully consistent with the provisions of this wildlife conservation strategy. Further, the State of Hawai'i is and will remain an integral partner and participant in implementing many of the strategies and activities listed in the Monument Management Plan. The State will ensure that Monument activities are complementary to the plan, as appropriate.  The Comprehensive Wildlife Conservation Strategy was specifically considered throughout the development of the Monument Management Plan, as noted in Section 3.2 of the Monument Management Plan.
20-07. Comment	Page 78. The ROI should be depicted through a chart or visual. As drafted, the reader does not understand the size and scope of the ROI being discussed. This is particularly important because the description of impacts does not accurately identify all human activities within the ROI.
20-07. Response	Language was added in the introduction to Chapter 2 of the EA to clarify the region of influence (ROI). Additionally, Figure 2.1 was added to depict the ROI.

<b>Comment Category 20 - Other</b>	
20-08. Comment	OHA notes on page 251 of the draft management plan that business/industry entities are listed as prospective users in Papahānaumokuākea and we inquire as to what/who these may be.
20-08. Response	The language in 3.5.1 Agency Coordination Action Plan that specifically mentions business/industry entities is contained within a section that generally lists broad categories of constituents. At this time, the only business/industry constituents are related to those businesses that may bring visitors to and from Midway and that are involved in ongoing FWS operations and maintenance at Midway. However, in the future, there could be other business or industries related to communications and technology that could help the MMB bring the Monument to the People.
20-09. Comment	Strategy HMC-10: Fulfill Wilderness Stewardship Responsibilities in the Monument within 5 Years (pp. 173-174) The DMMP states that a wilderness review is underway for the area. How would a wilderness designation impact the Monument and operations within the Monument?
20-09. Response	The descriptions in this section have been modified.
20-10. Comment	I think the Hawaiian name it has been given is too big, and too hard to pronounce.
20-10. Response	Members of the Native Hawaiian Cultural Working Group discussed several names, their meaning, and purpose. In January 2007, the group selected Papahānaumokuākea (pronounced Pa-pa-ha-now-mo-ku-ah-kay-uh). The name comes from an ancient Hawaiian tradition concerning the genealogy and formation of the Hawaiian Islands. This name strengthens the Monument's Hawaiian cultural foundation and grounds the public to an important part of the areas historical past. Help in pronouncing the name and its meaning can be found on the Monument's Web site.
20-11. Comment	Volume I, page 110, line 28: was this supposed to be autonomous underwater vehicle??
20-11. Response	The use of Aerial Unmanned Vehicles has been deleted from the Monument Management Plan. Submersibles are generally thought of as two- to four-person research submarines launched from a oceanographic research vessel. Many university programs may have a number of these vessels. The remotely operated vehicles and the autonomous underwater vehicles are used to study the ocean below 300 feet, or whatever is the maximum depth of scuba diving allowed by the sponsoring agency or university.
20-12.	All protective language that was in earlier drafts of the Plan should be reinserted, including language describing the

<b>Comment Category 20 - Other</b>	
Comment	Precautionary Principle.
20-12. Response	<p>The MMB revised the vision statement to say “To forever protect and perpetuate ecosystem health and diversity and Native Hawaiian cultural significance of Papahānaumokuākea.” The MMB also revised the mission statement to say “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.” These changes were made to more clearly convey that the protection of ecosystem integrity, health, and diversity is an underlying and primary purpose of the Monument. The MMB also revised goals 1, 2, and 3 to reflect a stronger resource protection language (see Table 2.1).</p> <p>In terms of the precautionary principle, the MMB has identified eleven guiding principles for managing the Monument. The seventh guiding principle is as follows: “Errs on the side of resource protection when there is uncertainty in available information on the impacts of an activity” honors the approach of “do no harm” consistent with the precautionary principle in which historic, cultural and natural resource protection and integrity is favored.</p>
20-13. Comment	I have not been informed of an EIS being prepared or 106 process being started. I am requesting to be notified when these processes start.
20-13. Response	Efforts to develop an interagency Memorandum of Agreement for a Section 106 consultation under the National Historic Preservation Act will not be completed before the final Monument Management Plan is published. The MMB will ensure that all relevant and interested parties are notified when the process begins.
20-14. Comment	P. 179 Line 23 should be rewritten to say “Action plans to reduce existing and potential threats and prevent impacts...” Desired outcomes should include, but not be limited to...”
20-14. Response	We agree with the comment and have made the change.
20-15. Comment	<p>Page 1, lines 1 - 4 states: Presidential Proclamation 8031, issued by George W. Bush on June 15, 2006, set aside the Northwestern Hawaiian Islands (NWHI) as the Papahānaumokuākea Marine National Monument (Monument), thereby creating the largest fully protected marine conservation area in the world.</p> <p>Comment: Describing this area as “fully protected” appears to be misleading as commercial fishing for bottomfish and pelagic species will be allowed to continue pursuant to specific annual catch limits (e.g. 350,000 lbs. for bottomfish species 180,000 lbs. for pelagic species) until June 2011. Additionally, under this draft Monument management plan, non-commercial extraction of Monument resources for subsistence, sustenance and scientific research will be allowed in</p>

<b>Comment Category 20 - Other</b>	
	<p>perpetuity, with no specified limits on the level or amount of extraction that may occur. Furthermore, even carefully planned non-extractive research and management activities may unintentionally and adversely impact Monument resources such vessel grounding and introduction of alien species or diseases into marine and terrestrial environments of the NWHI.</p> <p>While this management plan contains plans to prevent and minimize human impacts such as vessel groundings and unintentional introduction of alien species into the Monument such impacts cannot be fully prevented and thus the Monument cannot be considered fully protected. We recommend this sentence be revised to read: “Presidential Proclamation 8031, issued by George W. Bush on June 15, 2006, set aside the Northwestern Hawaiian Islands (NWHI) as the Papahānaumokuākea Marine National Monument (Monument), thereby creating one of the world’s largest marine protected areas.</p>
20-15. Response	The text has been changed to read, “Presidential Proclamation 8031, issued by George W. Bush on June 15, 2006, set aside the Northwestern Hawaiian Islands (NWHI) as the Papahānaumokuākea Marine National Monument (Monument), thereby creating one of the world’s largest marine protected areas.”
20-16. Comment	Although Volume II is a continuation of Volume I, the term “Co-Trustees” should be defined for those who don’t read Volume 1.
20-16. Response	“Co-Trustees” is defined in Volume II, Section 1.1 of the EA.
20-17. Comment	Statements such as “beneficial effect” and “short-term minor negative effect” appear throughout the document. However these terms lack definitions and are without adequate analysis to determine their significance. Furthermore CEQ regulations (40 CFR § 1508.2) state that “Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.”
20-17. Response	The terminology is listed in Section 3.1. Based on our analysis, we concluded that there are no significant impacts.
20-18. Comment	Without preparation of an EIS and no discussion of significance in the EA, the reader is left with assuming that the implementation of the Monument Management Plan will result in a Finding of No Significant Impact by the agency. Is it NOAA’s position that the implementation of the Monument Management Plan will have no significant benefits?
20-18. Response	Although it is expected that plan implementation will result in overall beneficial effects to the human environment, these beneficial effects do not represent a significant impact. This is because the magnitude of benefits expected to result from

<b>Comment Category 20 - Other</b>	
	plan implementation will be incrementally modest within in the context of the essentially uninhabited pristine lands and waters of the Monument.
20-19. Comment	<p>Volume II The third paragraph under the header: Note to Readers needs to inform readers of the additional authority and regulations under the Council’s fishery management plans that have been approved by the Secretary of Commerce, NOAA and in place since long before 2006. Readers and decision-makers need to be fully informed as to the authority, history, management and status of NWHI fishing before providing comments or making decisions regarding this large and important area.</p> <p>Additionally, the three agency statements under paragraphs 6 - 8 are disjointed and virtually indecipherable. They need to be written more clearly so that readers and decision makers can understand exactly what this EA covers and what it doesn’t. It is also confusing to have three separate and semi-conflicting statements, how can each agency have a different idea of what is covered or not covered. The three statements should be combined into one coordinated statement, without agency headers. In addition, the cumulative impacts of all the existing actions already underway need to be analyzed in the EA so that readers understand the full scope of activities the NWHI will be subject to.</p>
20-19. Response	<p>The Note to Readers in Volume II is intended to give the reader a general overview of the project and the EA. We have revised the Note to Readers to include a brief description of the analysis performed in the EA. The existing actions already underway were analyzed under the No Action Alternative (see Volume II, Chapter 3, Environmental Effects) and the analysis of any new or expanded activities listed in the Proposed Action are analyzed as appropriate under NEPA and HRS 343.</p>
20-20. Comment	<p>Volume II Page 1: The monument mission is stated as “the strong long-term protection and perpetuation of the NWHI ecosystems”.</p> <p>Comment: This does not appear to be fully consistent with the President’s Proclamation and the EO establishing the monument and should be revised accordingly so that the President’s overall intent for the monument can be realized.</p> <p>In addition Executive Orders 13178 and 13196 should be included as additional appendices so that readers and decision makers can ascertain how well the draft plan meets all of the objectives contained in those guiding documents. If the monument plan is going to modify the motivations contained in the proclamation and EO, such modifications must be clearly identified as items for public comment. Otherwise this section establishes an objective with no legal basis to which readers and decision-makers will compare the monument plan and EA.</p> <p>The introduction should also explain the rationale behind preparing an EA instead of an EIS for this major and controversial federal action.</p>

<b>Comment Category 20 - Other</b>	
20-20. Response	<p>We disagree. The Monument mission is consistent with the provisions of the Proclamation. Because Proclamations 8031 and 8112 deal specifically with Papahānaumokuākea and direct the agencies to complete the management plan, they were included as an appendix. There are a host of other Executive Orders, laws, and regulations that pertain to the Monument, and they are all available online. Including them all as appendices would be unwieldy.</p> <p>Because an EA is the first step in the NEPA process to determine whether the action would result in significant impacts, the resulting documentation would either be a FONSI or a finding that the action is likely to result in a significant impact (beneficial or negative), which would be followed with an EIS. In this case, we have prepared a FONSI, which is included with the final document.</p>
20-21. Comment	<p>Volume II Page 2: The EA states that the Monument is the largest fully protected marine conservation area in the world. Comment: Describing this area as “fully protected” appears to be misleading as commercial fishing for bottomfish and pelagic species will be allowed to continue pursuant to specific annual catch limits (e.g. 350,000 lbs. for bottomfish species 180,000 lbs. for pelagic species) until June 2011. Additionally, under this draft Monument management plan, non-commercial extraction of Monument resources for subsistence, sustenance and scientific research will be allowed, with no specified take limits on the level of extraction that may occur. Furthermore, even authorized nonextractive research and management activities may adversely impact Monument resources such as the grounding of the chartered marine debris clean up vessel Casitas, which resulted in acute damaged to the coral reef ecosystem at Pearl and Hermes.</p> <p>While this management plan contains plans to prevent and minimize human impacts such as vessel groundings and unintentional introduction of alien species into the Monument, because human access-to the Monument for multiple purposes will be allowed to continue, such impacts cannot be fully prevented and thus the Monument cannot be considered fully protected. We recommend this sentence be revised to read: “Presidential Proclamation 8031, issued by George W. Bush on June 15, 2006, set aside the Northwestern Hawaiian Islands (NWHI) as the Papahiinaumokuikea Marine National Monument (Monument), thereby creating one of the world’s largest marine protected areas.</p>
20-21. Response	<p>The text has been changed to read “Presidential Proclamation 8031, issued by George W. Bush on June 15, 2006, set aside the Northwestern Hawaiian Islands (NWHI) as the Papahānaumokuākea Marine National Monument (Monument), thereby creating one of the world’s largest marine protected areas.”</p>
20-22. Comment	<p>Volume II Page 6, Scope of Analysis: It is virtually impossible to tell what is covered by this document and what is not. The introduction should provide readers with a clear understanding of what the EA does and does not cover from a NEP A prospective. A table would be useful here for that purpose. In addition, the cumulative impacts of all the existing actions already underway need to be analyzed in the EA so that readers understand the full scope of activities the NWHI</p>

<b>Comment Category 20 - Other</b>	
	<p>will be subject to. Such disclosure is at the heart of any NEPA analysis. This cumulative impacts analysis should be referenced here.</p> <p>This section also needs to discuss the decision to analyze only one action alternative as there would appear to be a myriad of ways to achieve the objectives of the monument. Limiting the document to two alternatives (implement the plan or no action) establishes a false dichotomy for readers and decision-makers and implies that the plan must either be adopted or abandoned. We suggest that the document include a range of reasonable alternatives, as required by NEPA.</p>
20-22. Response	This section has been changed to better reflect the scope of the EA.
20-23. Comment	One commenter was concerned about the size of the document and suggested splitting the electronic files into smaller pieces to facilitate the public review
20-23. Response	We agree and will provide an option for downloading smaller sections of the plan to make it easier to review.
20-24. Comment	Text referencing the MMB continuing to conduct ESA consultations should be modified to accurately indicate the statutory requirements for these consultations. For example NMFS (alone) is responsible for consultations on marine species and FWS (alone) is responsible for consultations on terrestrial species. The state of Hawaii does not appear to have any authority or responsibility for any ESA consultations; if they do it should be described here.
20-24. Response	For various activities outlined in the plan, ESA consultation will need to occur. The lead agency for each of the activities will consult with the appropriate agency, as required under the ESA. If the State of Hawai'i is the lead agency for an activity, it may indeed be required to consult with either NOAA or FWS, as appropriate.
20-25. Comment	References throughout this section to activities that would be "expanded under the Proposed Action alternative" are confusing as this is the No Action alternative. The document needs to clarify what "Proposed Action alternative" is being referenced.
20-25. Response	As noted in the Note to Readers, to reduce repetition, the Monument Management Plan and EA are inextricably linked. While this may be somewhat harder to follow, the two documents must be viewed together. These lengthy documents would have been even longer if all of the information had been presented in both volumes. The No Action alternative is fully described in the Monument Management Plan.
20-26. Comment	Throughout this section statements on scientific data and analyses that are "being provided" (e.g. data on migratory birds and non-migratory birds, bathymetric data, native Hawaiian ecological knowledge and management concepts,

<b>Comment Category 20 - Other</b>	
	educational curricula, impacts of marine debris on cetaceans, protocols for safe aircraft and vessel operations etc.) need to include pointers for readers to find these data and analyses as in many cases we have been unable to locate them. If they are not to be made available to the public, that should be noted as it may influence public comments as well as the actions of decision-makers.
20-26. Response	Data collection and use is an important component of resource management. Each action plan and strategy incorporates data collection, as appropriate. The data referenced throughout the plan is developed, collected, and catalogued by MMB staff, permitted researchers, or sources outside the Monument. MMB staff will share data with the public through publications and educational materials.
20-27. Comment	Volume II Page 90: The section on pelagic environment appears to be language taken direct from the 2001 Final EIS on the Pelagics FMP of the Western Pacific Region. This should be noted.
20-27. Response	We have referenced the Final EIS Fishery Management Plan Pelagic Fisheries of the Western Pacific Region in the Pelagic and Deep Water Habitat discussion in Section 2.2 and have also added it to the reference section.
20-28. Comment	An EA needs to provide complete information to readers and decision-makers. If some activities are to be fleshed out in the future, the EA needs to note that they will be analyzed in future EAs and made available for public comment. This EA cannot claim to provide NEPA coverage for activities that have not been fully determined much less described and analyzed.
20-28. Response	We have clarified in section 1.8 of the EA that many of the activities outlined in the Monument Management Plan are planning activities, which will be analyzed under NEPA when they are implemented.

<b>Comment Category 21 - Outreach</b>	
<b>Summarized Comments</b>	
21-01. Comment	<p>The comments below offer valuable suggestions for measuring and evaluating current perceptions, identifying target audiences, evaluating messages, and developing outreach products in support of Papahānaumokuākea Marine National Monument.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) A baseline study or content analysis should be done of current perceptions, attitudes and literature in media relating to the Monument and/or the Northwestern Hawaiian Islands.</li> </ol>

**Comment Category 21 - Outreach**

	<p>2) Designate a national day devoted to the Monument to aid in recognition.</p> <p>3) Also as far as outreach is concerned I'd like to suggest that some efforts be directed, if they haven't already been, towards other environmental groups in other countries that would certainly benefit. This is our planet. Put down I'm speaking for humanity in general here, the organization of humanity. Essentially on this planet this magnificent Monument will impact the quality of the ecology over our planet. I think other entities, World Bank, other environmental charitable groups, environmental groups, nonprofits may have a very distinct interest in helping. I think we would be remiss in not pursuing that.</p> <p>4) In my opinion outreach is go outside the bubble of your own constituency that you already have so we know that people that love coral reefs or people that love snorkeling are going to care about this issue. But I think the challenge is to make everybody care about this issue, this place. And meet people where they're at is what is absolutely necessary to do that. You can't really expect a student to want to learn something that they don't know about.</p> <p>So I have some ideas, you know, like maybe -- this would have to be reflected in the budget clearly because I don't think it's going to cover it. I think that so much money going for science should be equaling out with education and conservation or else for what purpose is the science if not to change things. How about a weekly TV show about what's happening in the Monument. There's all kind of interesting stuff going on up there. National Geographic is good friends with this place. Maybe they would want to participate. Who knows? But I don't see why not. Engaged activities besides just having like booths or something, but actually having people participate in understanding more about how research is conducted or how cultural activities are conducted but really having meaningful activities. Having something like sign-up sheets at booths so people can find out more information more easily without having to go to a website but actually kinda bringing the website to them. We have had a lot of success with that. That's how we have gotten a lot of people to come to these meetings. A live streaming web cam. I think that's great. It's in the plans or something. I think that really should cover not just sea birds but military activities and scientific research activities too so people can see what it is they're doing to bring the place to the people. So then you can have -- that will go to the constituency so people can know what it is they should be concerned about.</p> <p>5) Add outreach and constituency objectives for an international audience to broaden recognition, (i.e.) the Monument should eventually have global recognition like the great barrier reef</p>
<p>21-01. Response</p>	<p>Activity CBO-1.1 requires development of an integrated communications strategy, based on an assessment of ongoing activities and future needs. This strategy will identify target audiences, messages, means of communications, and a means</p>

<b>Comment Category 21 - Outreach</b>	
	to evaluate our effectiveness.
21-02. Comment	<p>The comments below encourage the use "cutting edge" technologies such as web cams and virtual tours to bring the place to the people rather than the people to the place.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Visiting this precious area can be sustained with care. Virtual tours and webcams (with sound) can offer millions the opportunity to learn about, love and support the protection of the archipelago. Physical visits should be limited to Midway where the price tag should include a contribution towards neutralizing the visitors' impacts and carbon footprints.</li> <li>2) Education and Outreach: The RAC strongly believes that enhancement of public appreciation of the unique character and environment of the NWHI should as much as possible be accomplished by establishing programs that bring the place to the people, rather than the people to the place.</li> <li>3) I would like to see the management plan limit all human impact in the national marine monument, and instead apply "cutting edge" technologies to create a "virtual" museum that could be used by everyone. Web cams could be discretely placed at many locations on the islands and atolls to observe the birds and monk seals. Satellite and radio transmitters, as well as critter cams could be also be used to track migratory species. Underwater cameras could be placed on the reefs to observe marine animal behavior. Resident scientists and Hawaiian cultural practitioners could hold video sessions with those of us back in the main Hawaiian islands. Databases and video libraries could be placed on the internet for use by local students.</li> </ol>
21-02. Response	Under Activity CBO-1.5, we will research and implement new technologies and tools to increase public understanding of NWHI ecosystems, including the use of telepresence technologies.
<b>Unique Comments</b>	
21-03. Comment	<p>Ocean Ecosystem Literacy is focused on near the end of the basic plan. Strategy OEL-1 states to develop/implement educational programs in Hawaii to increase awareness and stewardship of ocean resources. So long as people are using it as a commodity, as the State of Hawaii does for tourism purposes, even if such literacy existed it would be limited to maintaining altered systems in the majority of views. And even if a virtually untouched area still existed, from near or far, something will always affect it. Like Marine Debris for the NWHI, the very seas and currents about them draw the debris in. It expands on what can be done to increase awareness. The best way is to make sure people know before they affect anything. But in general Strategy OEL-1 seems to be doing what was done before with voting concerns, influence the kids to push or encourage the parents that voting is important. You need to vote, said by people unaware of what that</p>

<b>Comment Category 21 - Outreach</b>	
	actually means no less.
21-03. Response	<p>The MMB is committed to developing and implementing educational programs in Hawai'i to increase ocean ecosystems literacy. These curriculum-based efforts are designed to educate our youth and, in essence, to develop the next generation of environmental leaders who will be responsible for ensuring the protection of the Monument. Other strategies to reach out to other audiences are incorporated in to the Constituency Building and Outreach Action Plan.</p> <p>Under Activity CBO-2.2, we will develop and update printed materials to aid Monument constituencies in understanding key aspects of the Monument. Under Activity CBO-4.3, we envision traveling exhibits and educational materials, through which we will work with public and private partners to expand our outreach efforts throughout the islands and on to other states and the international community.</p>
21-04. Comment	Creation of a science exhibit at the Mokupapa Discovery Center
21-04. Response	Additional exhibits at Mokupapapa will be addressed in the overarching Monument interpretive strategy to be developed under Strategy CBO-4.
21-05. Comment	Is there an opportunity for us to perhaps get some exhibit panels on the islands and the fisheries, and conservation programs are going there, they can become a part of our educational outreach programs with the Heritage Center here, on Lanai. So that's a request, if it's possible for us to get some interpretive educational material that can be brought into our collection, potentially, even in just some rotating exhibits like that.
21-05. Response	We envision developing traveling exhibits and educational materials under Activity CBO-4.3. We will work with public and private partners to expand our outreach efforts throughout the islands and to other states and the international community.
21-06. Comment	Include an annual magazine publishing related to new discoveries, management breakthroughs and related research findings, this can be different then the already published newsletters, it could be used as an accompanying study guide in schools
21-06. Response	Under Activity CBO-2.2, we will develop and update printed materials to aid Monument constituencies in understanding key aspects of the Monument. Although this could include an annual magazine, the agencies also develop numerous annual reports that may serve the same purpose.
21-07. Comment	P. 124 Add on line 7"...general public, and with an emphasis on bringing the place to the people not the people to the place."

<b>Comment Category 21 - Outreach</b>	
21-07. Response	While we agree with your statement that the emphasis on outreach should be “bringing the place to the people, not the people to the place,” and have made such changes in the document, it is not appropriate in this specific activity.

<b>Comment Category 22 - Permitting</b>	
<b>Summarized Comments</b>	
22-01. Comment	<p>The comments below recommend restricting permitted activities in the Monument and updating the public on proposed and permitted activities.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) The DMMP should articulate a process, which is impartial, public, transparent, and accountable at every step -- from permit application and evaluation, through the completion of the permitted activity. The DMMP should assign strict priorities to guide the granting of permits, rather than allow the permitting process to be driven by the ability of applicants to obtain funding for their proposed activities. Prevention and minimization is best achieved by restricting permitted activities to those absolutely necessary for protecting endangered and threatened species and their habitats.</li> <li>2) There is no requirement for public comment on permits. There needs to be public comment on all permits to access the public trust resources of Papahanumokuakea.</li> </ol>
22-01. Response	<p>By policy, all Monument permit applications are posted to the Monument Web site (<a href="http://hawaiiireef.noaa.gov/resource/permit_sum.html">http://hawaiiireef.noaa.gov/resource/permit_sum.html</a>) for a minimum of 30 days before the MMB and the State Land Board make a decision. The public can also review and comment on all permit-related environmental assessments that are posted to the Monument Web site for a minimum of 15 days. In addition, there is an opportunity to provide public testimony at State Land Board meetings for all activities proposed in the Hawai‘i State Marine Refuge. The Permitting Action Plan in the Monument Management Plan contains an activity centered around regularly updating the public on proposed and permitted activities (Activity P-3.5).</p> <p>All permits granted by the Co-Trustees must meet the findings in Presidential Proclamation 8031, which also make up the Monument’s permitting criteria. All permitted activities must also comply with NEPA, the Endangered Species Act, and all other applicable federal and state regulations. In addition, the Proclamation states that research permits must be designed to further understanding of Monument resources and qualities.</p>
22-02.	The comments below suggest tracking and monitoring permitted activities in the Monument.

<b>Comment Category 22 - Permitting</b>	
<b>Comment</b>	<p>Comments:</p> <ol style="list-style-type: none"> <li>1) We recommend that the MMB track and monitor all permitted activities. We also request that the RAC/MAC be allowed to review permits and research activities periodically for trends, patterns, and management effectiveness. Summary reports should contain, inter alia, basic data on the nature, location, and level of permitted activities and the potential and observed impacts of activities.</li> <li>2) It logically follows that to permit consumptive use of Monument resources before a Plan has been adopted only serves to guarantee the Plan will be obsolete by the time it has finally been approved. Planners have found (6) and mainland experience has shown (7) that a moratorium on Permits for all activities must be in place until the planks in an approved plan have been adopted. This is the only way to assure that the Plan will be in effect and de facto implemented at the time it is approved. The current Permit Process is obviously out of control and worsening because, contrary to Proclamation 8031, it's out of public sight and lacks any effective enforcement mechanism. Cavalier disregard of Permit Conditions and protocols may have already resulted in the introduction of alien pathogens and invasive species.</li> </ol>
22-02. Response	<p>Presidential Proclamation 8031 created the Monument and also established the permitting procedures and criteria. The Monument permit program allows for a comprehensive review of proposed activities and will be administered to ensure compliance with the proclamation, as well as with other applicable federal and state laws and regulations.</p> <p>The process is further developed in Appendix A of the Monument Management Plan. Through the permitting process, we will be closely monitoring activities (such as those operational protocols included in Appendix G), the Papahānaumokuākea Information Management System, and the Monument evaluation process.</p> <p>A general term and condition of all permits states that a violation of the proclamation, its implementing regulations, or any term or condition of the permit may result in permit suspension, modification, nonrenewal, or revocation. In addition, failure to fulfill permit requirements may affect consideration of future permit applications.</p> <p>Strategy P-2 in the Monument Management Plan is to track and monitor permitted activities and their impacts. In addition, Activity P-3.5 describes activities centered around regularly updating the public on proposed and permitted activities, including permit reports.</p>
22-03. Comment	<p>The comments below suggest allowing the MAC to review permits and research activities.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Page 225 line 42, add the MAC - to the sentence beginning with the, “Monument staff will bring all permits and permit-related issues before the MMB and MAC on a regular basis for discussion and decision-making.</li> </ol>

<b>Comment Category 22 - Permitting</b>	
	2) Allow the MAC to review permits and research activities for trends, patterns, and management effectiveness.
22-03. Response	As stated in CBO-3.5, the Co-Trustees are committed to establish a Monument Alliance within 1 year, composed of individuals who represent communities and stakeholders interested in the Monument’s stewardship responsibilities. The Alliance will provide individual advice and recommendations to the Monument management agencies regarding the management of Monument resources over which the Co-Trustees have responsibilities. It will serve as a community-based forum to exchange information; provide community input and individual recommendations on Monument policies, activities, and management; advocate for Monument conservation; and enhance broader community and public understanding. Within 2 years after the release of the Monument Management Plan, the Co-Trustees will charter the Alliance as an advisory committee under the Federal Advisory Committee Act (FACA), or as a FACA-exempt advisory body, in order to allow the Alliance to provide consensus advice to the Co-Trustees, per the amended Memorandum of Agreement. Meetings of the Monument Alliance will be convened on a regular basis, with specific topics identified for each meeting. The meetings will be well publicized and open to the public, and will be held at various locations to facilitate participation by a broad range of constituents. As the MMB moves toward implementing the alliance, , they will take into consideration how this group may be informed by and involved in the permit review process.
22-04. Comment	<p>The comments below suggest disclosing the permit process to the public including the criteria used to determine if a permit will be issued.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) 3.4.1 Permitting Action Plan. Ocean Conservancy applauds the development of the “Monument Permit Application Unified Public Notification Policy” as an important first step in improving coordination and public accessibility of the Monument permitting process and we are generally supportive of the Strategies and Activities listed under the Permitting Action Plan. However, we urge the Co- Trustees to ensure that the process for permit application, evaluation and granting be as thorough, rigorous, science-based, and transparent as possible and subject to public review and comment. <ul style="list-style-type: none"> <li>• Permit applicants should be provided with clear and thorough rules and guidelines for the development of applications that are fully compatible with the goals, objectives and regulations of the Monument.</li> <li>• Applicants must demonstrate that any and all proposed activities will not cause significant harm to the Monument (see comment regarding use of the precautionary principle above).</li> <li>• The evaluation and assessment of all proposed activities and applications must be based on the best available scientific information and knowledge. In the absence of sufficient scientific information and understanding to assess the potential impacts of proposed activities those activities should not be</li> </ul> </li> </ol>

**Comment Category 22 - Permitting**

permitted.

- The evaluation and assessment of all permit applications must be subject to independent, formal public review and comment.
- All stages and aspects of the process must be completely open to the public and all interested stakeholders.
- The process must include the opportunity for comment by all interested parties and the evaluation of permits must take such comment into account in the process of coming to a decision regarding the granting of a permit.

Specifically, we strongly suggest revision of Activity P-1.4 Engage outside experts in review of permit applications to make clear that the Co-Trustees will establish a standing technical advisory committee to provide independent permit review of all permit requests rather than simply pursuing expert review on an ad hoc basis.

- 2) The process and basis for approving/disapproving permit applications needs to be fully disclosed. How were criteria developed? What exactly are the criteria and how are permit applications measured against those criteria? This has been another opaque and controversial topic that needs to be fully described for readers and decision-makers.
- 3) Text needs to be added regarding what scientific information would be made available to the public and how and when this would occur. For some readers science for science's sake is not desirable, others may be dubious about the quality or usefulness of research results or their application to management measures. In order to provide meaningful comments the public needs to know what scientific information will be available to them, and when and how this would occur. At the moment it appears that unspecified research will occur and that it will be disseminated and used in unspecified ways. The public cannot provide meaningful comment on such a vague proposition, nor can it be the basis for well-informed decision making.
- 4) Oversight of permitting should include periodic public reviews by Monument Advisory Council or other body with similar structure and authorities, mandatory review by an outside body of experts, and opportunities for public comments on all permit applications before the MMB.
- 5) The "life-cycle" of the permit should be available for public review and comment. This means all documents related to a permit should be posted at the [www.papahanaumokuakea.gov](http://www.papahanaumokuakea.gov) website. This list of documents should include: permit application summary posted soon after receipt, full permit application, reasonable deadline for public comment (e.g. 60 days), full text of all comments on the permit application, especially all expert reviews, issued permit, if the application is approved, cruise report and all compliance reports, including daily take log and waste log, reports of any violations, reports of enforcement actions on any violations.

<b>Comment Category 22 - Permitting</b>	
22-04. Response	<p>All Monument permit applications are posted to the Monument Web site for a minimum of 30 days before the MMB and the State Land Board make decisions. The public can also review and comment on all permit-related environmental assessments that are posted to the Monument Web site for a minimum of 15 days. In addition, there is an opportunity to provide public testimony at State Land Board meetings for all activities proposed in the Hawai‘i State Marine Refuge. Activity P-3.5 in the Permitting Action Plan in the Monument Management Plan is centered around regularly updating the public on proposed and permitted activities. In addition, as the MMB moves toward implementing the alliance, as suggested in Activity CBO-3.5, it will give consideration to how this group may be informed and involved in the permit process.</p> <p>As described in Monument Management Plan Activity P-3.5, the MMB plans to make several parts of the permit life-cycle available online, including permit reports. Currently all Monument permit summaries and full applications are posted online. While review comments are not available in full, they are summarized in State Land Board submittals for those activities occurring in state waters.</p> <p>As stated in the Monument Management Plan, Activity P-1.4, the MMB engages outside experts in the review of permit applications and will continue to do so.</p>
<b>Unique Comments</b>	
22-05. Comment	<p>3.6.3 Coordinated Field Operations Action Plan. Ocean Conservancy strongly supports Activity CFO-2.3: Assess threats that field activities pose to Monument resources. This activity is very important to ensuring the NWHI ecosystems retain ecological integrity, remain resilient, and are not adversely impacted by research and field activities. We believe that this action plan should be made a priority, and developed and implemented before additional or proposed research, construction, or restoration occurs. However, before any impacts may be assessed, a baseline assessment of current and recent conditions is required with which to compare future activities and their impacts. The baseline assessment should include recent activity and the status of resources relative to this human activity. Furthermore, permitted activities should not be monitored for threat assessment solely on activity reports prepared by the permittee. An independent source should also be certifying and verifying the accurateness of these reports. This action plan should address all of these concerns.</p>
22-05. Response	<p>Activity CFO-2.3, “Assess threats that field activities pose to Monument Resources,” is already being partially implemented through the permit reporting requirements. All human activities in the Monument are closely managed and monitored through the interagency permitting process (Strategy P-2 and Appendix A), the Papahānaumokuākea Information Management System (Activity IM-1.3), and the Evaluation Action Plan (Section 3.6.4). Data about the number, activities, and potential impacts of visitors and permitted activities is maintained in the Information Management</p>

<b>Comment Category 22 - Permitting</b>	
	<p>System. Monument staff verify the information collected by the permits. The MMB recognizes the importance of evaluating the cumulative impacts of human activities conducted in the Monument and has begun to collect data for this analysis. Assessing and analyzing required permit reports for all permitted Monument human activities will be a primary means for resource managers to understand the cumulative impact of ongoing activities (see Activity P-2.2, Analyze permit data to inform management decision making). In addition, information about past activities, such as military uses, is critical to our understanding of the Monument’s ecosystem and to establish a baseline for the health and condition of its natural, cultural, and historic resources. Establishing such a baseline is necessary in order to analyze how current activities, either individually or cumulatively, are impacting Monument resources. Such past activity data is one of the many data sources that we will incorporate into the Information Management System (Activity IM-1.1, Activity IM-1.4, and Activity P-2.1).</p> <p>The MMB is committed to conducting a threat assessment (also referred to as a risk assessment) of human activities in the Monument. A fundamental component of the threat assessment is to have a baseline understanding of the Monument ecosystems and how these may be influenced by natural and human activities. Strategies MCS-1, Continue and expand research, characterization and monitoring of marine ecosystems, and MCS-2, Assess and prioritize research and monitoring activities, will provide the fundamental monitoring data and information that is essential, along with the human use and impact data described above, to complete a comprehensive threat assessment. While data is mostly collected and analyzed for local areas in the Monument, collectively it supports other efforts to evaluate the threats to the NWHI at a Monument or regional scale. The threat assessment will evaluate the potential threats from outside the Monument (e.g., climate change, marine debris) and localized threats (alien species establishment). This analysis will provide managers with information to help evaluate potential activities and the level of threat. In response to the comments, text changes were made to the Monument Management Plan in Section 3.4.1, Permitting Action Plan, Permit Tracking, and Activity P-2.2.</p>
22-06. Comment	<p>The first thing is upholding the precautionary principle. In previous iterations of this document and also in the very strong and visionary state refuge rules the precautionary principle is there and it's very clear. It says that we don't do things if we're uncertain about it. And in the face of scientific uncertainty we just don't move ahead with activities that may have an impact. That is no longer in the Monument Management Plan. We would really like to see that put back in and upheld at every level of this Management Plan. Speaking to that, the permits -- one of the ways that we recognize that we limit human activities is through the permitting system. That we really strongly limit access to this place through that system. But what we have kind of seen over the past few years is without a strong framework for, you know, for defining through a publicly accountable process what should be going up there, we kind of end up granting permits ad hoc. We've kind of -- we haven't been asking that hard question about what activities should go on up there and what, you</p>

<b>Comment Category 22 - Permitting</b>	
	know, what should that be limited to. And it's that very programmatic approach to permitting with the life-cycle of accountability we should know from the beginning what is being proposed in a publicly accountable way. People have an opportunity to give public comments on it up to the very end where the people who have the permits are then accountable for their activities.
22-06. Response	<p>In terms of the precautionary principle, the MMB has identified eleven guiding principles for managing the Monument. The seventh guiding principle is as follows: "Errs on the side of resource protection when there is uncertainty in available information on the impacts of an activity" honors the approach of "do no harm" consistent with the precautionary principle in which historic, cultural and natural resource protection and integrity is favored.</p> <p>All Monument permit applications are posted to the Monument Web site for a minimum of 30 days before the MMB and the State Land Board make decisions. The public can also review and comment on all permit-related environmental assessments that are posted to the Monument Web site for a minimum of 15 days. In addition, there is an opportunity to provide public testimony at State Land Board meetings for all activities proposed in the Hawai'i State Marine Refuge. Activity P-3.5 in the Permitting Action Plan in the Monument Management Plan is centered around regularly updating the public on proposed and permitted activities. In addition, as the MMB moves toward implementing the alliance, as suggested in Activity CBO-3.5, it will give consideration to how this group may be informed and involved in the permit process.</p>
22-07. Comment	No permit (or permit conditions) issued jointly by the Co-Managers should override, dilute, or erode the strong protections established in state law and by previous permit provisions adopted by this Board.
22-07. Response	As of June 2007, the Co-Trustees have issued unified Monument permits, rather than separate permits from each of the three managing agencies. All legal requirements, from federal and state agencies, are incorporated into the unified permits. State guidelines are also still considered when issuing a Monument permit. The Board of Land & Natural Resources also adopted all joint-permit provisions.
22-08. Comment	The DMMP and Co-Managers must clearly, transparently, and objectively determine the conservation research & activity needs of the Monument and permit only specific research & activities that are in support of these conservation priorities. We suggest following the Special Activity Permit Application Review Checklist developed by the State's Division of Aquatic Resources for permits issued for state waters around the main islands.
22-08. Response	Activity 2.1 (Priority Management Need Understanding and Interpreting the NWHI, Marine Conservation Science) stipulates that the MMB will produce a Natural Resources Science Plan to guide and regulate Monument research. This

<b>Comment Category 22 - Permitting</b>	
	step-down plan will define and prioritize research activities based on management needs to protect, conserve, and when possible, restore ecosystems within the Monument. Research would be prioritized by the necessity of information for management purposes. Due to the remoteness of the NWHI, research would be limited via vessel and research station space, so only those research activities ranking highest in management priority would be granted available accommodation. Currently, all permit applicants must address how their proposed activities would help the Monument. In addition, the MMB has developed a checklist and compliance sheet similar to what is done for the main Hawaiian Islands to verify that all permit conditions and other regulations are met.
22-09. Comment	p. 221 line 2, Change from: “designed to enhance understanding of Monument resources and activities and improve resource management decisionmaking.” To: “designed to enhance understanding of Monument resources and activities to improve resource management decisionmaking.”
22-09. Response	The Monument Management Plan has been changed in the reference section of the document to reflect this suggestion.
22-10. Comment	The Draft Environmental Assessment states that “The Monument is important both nationally and globally, as it contains one of the world’s most significant marine and terrestrial ecosystems and areas of cultural significance” which I believe is true and would strongly oppose increased commercialism, military activities, or commercial fishing in the area. We must limited future activities that harm this critical environment and maybe discontinue activities that have the possibility of harm.
22-10. Response	All permits granted by the Co-Trustees must meet the Findings in Presidential Proclamation 8031, which also make up the Monument’s permitting criteria. One of these criteria is demonstrating that proposed activities can be conducted with adequate safeguards for the cultural, natural, and historic resources and ecological integrity of the Monument. There is currently very limited commercial fishing in the Monument, and that will be phased out by 2011. Military activities are exempt from the permitting process. The MMB will continue to encourage the military to voluntarily follow the standard protocols and best management practices.
22-11. Comment	Permitting Action Plan – Section 3.4.1 The Permitting Action Plan appropriately discusses a methodology for ensuring a unified and expedited review process for all permits. What is lacking in this discussion are activities to identify consequences for permit violations. Without sufficient penalties, permits are useful only for data collection, not restrictions on use of Monument resources. The General Counsel of all co-Trustees and the Coast Guard must be involved to ensure that regulations and permits contain all necessary language to apply discouraging penalties. Research Permits

<b>Comment Category 22 - Permitting</b>	
	<p>We hope that the Draft Science Plan will consider a system to assign values to proposed research. The permit application should require applicants to identify how the research will assist management needs and/or marine management. All proposed research permits should be open for a public comment period. Additionally, proposed permits should be scored by managers according to how well the research will meet management needs and how invasive they will be. Managers should use these scores when deciding which permits to authorize; the scoring mechanism would provide a transparent process to ensure that research is conducted in accordance with and to support Monument management priorities.</p>
22-11. Response	<p>A general term and condition of all permits states that a violation of the Proclamation, implementing regulations, or any term or condition of the permit may result in permit suspension, modification, nonrenewal, or revocation. In addition, failure to fulfill permit requirements may affect consideration of future permit applications.</p> <p>In the Priority Management Need, Understanding and Interpreting the NWHI, Marine Conservation Science Action Plan, Activity 2.1 stipulates that the MMB will produce a natural resources science plan to guide and regulate research conducted in the Monument. This step-down plan will define and prioritize research activities based on management needs to protect, conserve, and when possible, restore ecosystems within the Monument. Research will be prioritized by the necessity of information for management purposes. Due to the remoteness of the NWHI, research will be limited by vessel and research station space, so only those research activities ranking highest in management priority would be granted available accommodation. Currently, all permit applicants must address how their proposed activities would help the Monument.</p> <p>All Monument permit applications are posted to the Monument Web site for a minimum of 30 days before the MMB and the State Land Board make a decision. The public can also review and comment on all permit-related environmental assessments, which are posted to the Monument Web site for a minimum of 15 days. In addition, there is an opportunity to provide public testimony at State Land Board meetings for all activities proposed in the Hawai'i State Marine Refuge. The Permitting Action Plan in the Monument Management Plan calls for regularly updating the public on proposed and permitted activities (Activity P-3.5).</p>
22-12. Comment	<p>We strongly urge the Co-Managers to require a daily impact/take log be kept of all resources taken from the Monument and any observed/suspected/potential impacts to Monument resources or ecosystem integrity. We also support the keeping of waste logs as part of the cruise logs, as required under general permit condition 22.</p>
22-12. Response	<p>Within 30 days of the expiration of every permit, a report is due, summarizing all activities undertaken. This includes 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 and handled and any other pertinent information, GPS locations of all samples collected and transects, results of work to date, copy of all data collected, and a proposed schedule of</p>

<b>Comment Category 22 - Permitting</b>	
	publication or production of final work. In addition, permittees with vessel authority must maintain a daily vessel discharge log, as well as a cruise log.
22-13. Comment	Table 2.1: Goal 3: Manage human activities to maintain ecosystem integrity and prevent negative impacts by allowing only those activities that do not threaten the natural character or biological integrity of any NWHI ecosystem and are consistent with long-term protection.
22-13. Response	In response to several comments about the need to protect resources, the MMB modified the Vision, Mission, and Goals 1, 2, and 3 in Table 2.1 to better reflect a commitment toward resource protection.
22-14. Comment	Table 2.1: Goal 9: Limit extractive activities to those necessary for management and Native Hawaiian cultural practices.
22-14. Response	Native Hawaiian practices are already allowed by permit if the activity meets all Proclamation findings. All permits granted by the Co-Trustees must meet the Findings in Presidential Proclamation 8031, which also make up the Monument's permitting criteria, one of which is demonstrating that proposed activities can be conducted in a manner that is compatible with the management direction of the Monument. Goals 1 and 3 have been revised (see Vol. I, Table 2.1). In response to several comments about the need to protect resources, the MMB modified the Vision, Mission, and Goals 1, 2, and 3 in Table 2.1 to better reflect a commitment toward resource protection.
22-15. Comment	<p>Permitting Action Plan: The RAC recommends that in order to prevent negative human impacts to this very rare, fragile, and unique resource the MMB limit access to only those activities consistent with Presidential Proclamation 8031 and the implementing regulations of the Monument. All permitted activities must be designed to enhance understanding of Monument resources for the express purpose of improving resource management decision-making. Permits should be for non-commercial purposes, deemed appropriate and necessary, consistent with management-critical needs and benefit the NWHI. Research permits, for example, should be written so that the research to be conducted is required to serve management-critical research priorities.</p> <p>The RAC recommends that the unified Monument application form provide sufficient detail from applicants to meet all applicable state and federal laws and regulations, including EO's, in addition to the specific requirements of the Monument Proclamation and to permit the MMB to make an informed decision as to whether the proposed activities will comply not only with all legal requirements but also with the mission, management principles, and goals of the Monument.</p>
22-15. Response	The MMB will continue to work to revise the permit application to best inform decision making, as discussed in permitting Strategy P-1. In response to several comments about the need to protect resources, the MMB modified the

<b>Comment Category 22 - Permitting</b>	
	Vision, Mission, and Goals 1, 2, and 3 in Table 2.1 to better reflect a commitment toward resource protection. In addition, we added language to the Permitting Action Plan Activity 1.4 to state that “Those experts consulted on a permit must pass the conflicts of interest policy developed to ensure an independent and objective review of permit applications.”
22-16. Comment	Page 227, activity 2.2 line 22 - add the MAC and the public in the sentence with, “This system will allow Monument Co-Trustees and partners to better. . . “ - PLACEHOLDER page 113 or 227 new activity
22-16. Response	Specifically adding the MAC is not necessary because it, or its equivalent, would be considered one of the Co-Trustees partners, along with other groups and individuals who may be interested in the data.
22-17. Comment	3.4.1 - permitting action plan - add the link agreement by NH RAC Members (25 June 08)
22-17. Response	The meaning of this comment is unclear, and we are unable to respond.
22-18. Comment	p. 125 Delete on line 7 “nonmandatory”
22-18. Response	The word “nonmandatory” has been deleted from Section NHCH-5.3, page 125, line 7.
22-19. Comment	Permit action plan should link or reference TES 1.4 (cumulative impacts to monk seals)
22-19. Response	A link to the TES Action Plan has already been made.
22-20. Comment	P. 219 Change desired outcome in permitting action plan to change “allowing” to “limiting access only for those activities” (line 13) Change line 15 to state, “consistent with Presidential Proclamation 8031, and applicable laws and executive orders.”
22-20. Response	We have changed Goal 3 and the desired outcome to reflect this comment.
22-21.	Page 221 - Line three, “Permits shall only be given to - instead of “priority is given to. . . “

<b>Comment Category 22 - Permitting</b>	
<b>Comment</b>	
22-21. Response	The Monument Management Plan is a road map that provides guidance on management approaches over the next 15 years. The Monument Management Plan and step-down plans provide an indication of priority research needs, but we cannot anticipate all emerging issues and environmental stressors over the next 10 to 15 years; therefore, we have retained the language.
22-22. Comment	P. 219 Due to the importance of cultural oversight and education in the permit application process and the explicit reference of the significance and import of the Monument to Native Hawaiians, section 3.1.2 should be listed among the key links to other action plans.
22-22. Response	Our overall emphasis on protecting the health, diversity, and resources of the NWHI ecosystems is our constant and highest concern. Presidential Proclamation 8031 created the Monument and also established the permitting procedures and criteria. All permits issued must meet the findings in the proclamation, one of which is demonstrating that proposed activities can be conducted with adequate safeguards for the cultural, natural, and historic resources and ecological integrity of the Monument. As such we have included a link to the Native Hawaiian section.
22-23. Comment	P. 219 line. 11 remove minimize
22-23. Response	We did not remove “minimize” from this section because part of the goal of the permitting program is to minimize human impacts where they cannot otherwise be prevented.
22-24. Comment	Change line 30 on page 226, activity 1.4 to state, “The MMB shall consult with independent technical experts, including Native Hawaiian cultural practitioners on permit applications.”
22-24. Response	It is currently part of the standard permit process to have all applications reviewed by representatives of the Native Hawaiian community; thus, Native Hawaiians are included in the general term “independent expert.” We have added language to Activity P-1.4 to clarify this.
22-25. Comment	Page 229, activity 3.5 to state on line 15 - to add lifecycle of permits, public comment, etc. notify the public of activities to be conducted in the Monument, and actively solicit public comments,
22-25. Response	While it is not feasible to hold month-long public hearings on all of the islands for all permits, there are several ways the public can provide comments on Monument permit applications. As of February 1, 2008, following the Monument’s Public Notification Policy, all permit applications are posted on the Monument Web site for public review. They are online for at least 30 days, often longer, and public comment is welcome at any time. In addition, permit application

<b>Comment Category 22 - Permitting</b>	
	involving activities in state waters are heard before the State’s Board of Land and Natural Resources, whose meetings are open to the public.
22-26. Comment	Page 229, activity The URL and the Monument listserv shall serve . . . ”
22-26. Response	The Monument listserv includes a sizable number of people interested in Monument activities but not necessarily in each permit application received. To be respectful of their mailboxes, we will continue to post proposed and permitted activities on our Monument Web site only.
22-27. Comment	Page 220, line 36 - Under Monument permit criteria, in some areas, access. . . ”
22-27. Response	It was not necessary to add “in some areas” to the sentence because it is the permit criteria and conditions that determine the type and location of an activity that could be allowed. All Monument permit applications are posted to the Monument Web site for a minimum of 30 days before the MMB and the State Land Board make decisions ( <a href="http://hawaiiireef.noaa.gov/resource/permit_sum.html">http://hawaiiireef.noaa.gov/resource/permit_sum.html</a> ). The public can also review and comment on all permit-related environmental assessments that are posted to the Monument Web site for a minimum of 15 days. In addition, there is an opportunity to provide public testimony at State Land Board meetings for all activities proposed in the Hawai‘i State Marine Refuge. The Permitting Action Plan in the Monument Management Plan contains an activity centered around regularly updating the public on proposed and permitted activities (Activity P-3.5).
22-28. Comment	P. 221 These permits shall be non commercial, deemed appropriate and necessary, consistent with management critical needs and benefit the NWHI. Sentences 2-13 shall be re-written to be consistent with management-critical research priorities.
22-28. Response	This section of the document on permits references specific permit criteria and conditions called for in the Proclamation both in Appendix F and the Monument Regulations in Appendix E. Additionally, the research section already states that such permits are only given to entities designed to enhance our understanding of Monument resources and improve resource management decision making. Additional elaboration is not necessary. The MMB cannot say that all the permits must be noncommercial because the proclamation provides special criteria and requirements for special ocean use permits, which could be given to a commercial entity, such as one that brings visitors to Midway.
22-29. Comment	Page 221, Add sentence after line 35 change sentence to state, “Co-trustees shall not issue a permit unless it meets all applicable federal and state regulations.”

<b>Comment Category 22 - Permitting</b>	
22-29. Response	As stated on page 225, line 5, the Monument permit program allows for a comprehensive review of proposed activities and will be administered to ensure compliance with Presidential Proclamation 8031, as well as with other applicable federal and state laws and regulations. As such, no change is needed in Section 3.4.1.
22-30. Comment	Page 224, Change from: “The MMP will track, and monitor all permitted activities” To: The MMP will track, monitor, and report on all permitted activities”
22-30. Response	Permitting Activities P-2.4 and P-3.5 describe reporting processes for permitted activities.
22-31. Comment	Page 226, add “Those experts consulted on a permit must pass the conflicts of interest policy developed to ensure an independent and objective review of permit applications.”
22-31. Response	The MMB periodically engages outside experts on technical review of permit applications. These external experts are limited in scope to provide recommendations on the technical merits of the permit application. They do not have any decision making authority to grant or deny the permit. All efforts are made to ensure the experts have no conflicts of interest in the proposed activity or with the Monument. The recommended language change was not incorporated into the text since a specific Monument "conflict of interest" policy has not been formally adopted.
22-32. Comment	Page 227, This will include summary reports presented on a regular basis to the MAC, Monument Co-trustees and partners, which would contain, at a minimum, basic data on the nature, location, and level of permitted activities occurring within Monument waters, data on the potential and observed impacts of activities occurring within Monument boundaries, and the opportunity for public review and comments.
22-32. Response	Activities P-2.4 and P-3.5 describe plans to report on permitted activities. Summary reports or briefings on permitted activities will be reported under activities described in Action Plan CBO 3.5.2.
22-33. Comment	Under Activity MTA-2.3: Improve existing pre-access information for inclusion on the Monument website and in permit application materials, we suggest that emergency response information be included on the list of information provided to all permit applicants. Such information might include materials outlining what to do in the event of an emergency as well as emergency response training for permittees and information on what kinds of supplies or materials permittees should have on board to respond to an emergency situation. Given the unavoidable risks associated with maritime and aviation transportation in the Monument, the DMMP should attempt to minimize the expansion of transportation activities by ensuring the greatest possible efficiencies in all Monument transportation. Specifically, we urge inclusion of a new strategy under this action plan: “Strategy MTA 3: Coordinate maritime transportation and aviation activities to reduce

<b>Comment Category 22 - Permitting</b>	
	overall transportation impact.” Activities under this strategy could include scheduling flights to ensure planes are full, making sure maritime traffic either transits through the Monument as quickly and safely as possible, or conducts multiple tasks while in Monument waters to reduce the need for repeat trips, and so forth.
22-33. Response	The Monument Emergency Response and Assessment Team will develop and coordinate information on emergency response for Activity MTA-2.3, as envisioned in Activities ERDA-1.1 and ERDA-2.1. The MMB agrees with the concept of the commenter’s proposed language, “Coordinate maritime transportation and aviation activities to reduce overall transportation impact.” However, the MMB feels this is already incorporated in the Coordinated Field Operations Action Plan (3.6.3), and in particular in Strategy CFO-2, Enhance interagency planning and coordination for field operations and develop protocols and process that will be utilized throughout the life of the plan.
22-34. Comment	The original language in the NOAA Draft Sanctuary Management Plan pertaining to a ban on bioprospecting should be retained in the current DMMP: “As a result, research related applications, such as those associated with bioprospecting will not be authorized within the sanctuary.” Unfortunately this language was removed from the current version of the DMMP. This language should be reinstated. Alternatively, co-management of the NWHI as an ecosystem should mean that the strongest protections of any of the three Co-Managers should be applied. In the case of bio-prospecting, the State of Hawaii took action to protect Native Hawaiian cultural and biological resources by adding a condition on all research permits that prohibits bioprospecting. This condition should be applied to all permitted activities conducted anywhere in the NWHI. All permits issued to access the Monument should extend state protections against bioprospecting, which states: “This permit is not to be used for nor does it authorize the sale of collected organisms. Under this permit, the authorized activities must be for non-commercial purposes not involving the use or sale of any organism, by-products, or materials collected within the Monument for obtaining patent or intellectual property rights.”
22-34. Response	All Monument permits dealing with collecting samples or specimens specifically prohibit the sale of collected organisms. Bioprospecting is defined in the glossary as the “search for new chemicals, compounds, genes and their products in living things that will have some value to people.” It inherently involves identifying biological resources with potential commercial value that may be developed into marketable commodities, such as pharmaceuticals, pesticides, and cosmetics. The special condition applied to these permits states that authorized activities must be used for noncommercial purposes not involving the use or sale of any organisms, by-product, or materials collected within the Monument for obtaining patent or intellectual property rights. Thus, bioprospecting for commercialization would not be permitted. Language was added in Section 3.4.1, Permitting Action Plan, in the Monument Management Plan to clarify this.
22-35. Comment	We received several comments stating that the MMP should include a Monument Advisory Council which would review and analyze permits and research activities on a regular basis.

<b>Comment Category 22 - Permitting</b>	
	Page 225, line 42, add the MAC
22-35. Response	Permitting Activity P-1.1 specifically relates to coordination and decision making among MMB members. While advice from an advisory body will be considered, it will be incorporated elsewhere.
22-36. Comment	The first thing you should do is not have a Management Plan but have a restoration plan. It's not a matter of conserving what's out there. That has -- you've let that one slip in the last three years. I think if you look at what other agencies, other people have done setting up sanctuaries like this, all of them recognize to begin with that you have to have a permit system that's locked in with the plan. That is until you have a plan in place you should not have a permit system. There should be a moratorium. And looking at what has happened with the out-of-control permit system that's in there that has not only resulted in take but in a lot of public issues points to why you really, really need a moratorium.
22-36. Response	Before the Monument was established, each Co-Trustee agency reviewed and issued permits. After Monument designation, the Co-Trustees still maintained permitting responsibilities. Ecological restoration is one of the core activities of conservation management. Management is ongoing, and the managers are required to make decisions using the best scientific information available, thus, necessitating a system for evaluating what activities are acceptable in the Monument (a permitting system). The Proclamation requires a Management Plan to establish a roadmap to carry out all activities and specifies activities that will be carried out. A number of ecological restoration plans already exist and will be implemented.
22-37. Comment	OHA also inquires as to the permitting processes that will be considered in order to comply with federal and state laws for management of Papahānaumokuākea. In a typical environmental assessment, the applicant provides a list of permits required, and we check that list for accuracy and offer suggestions on how best to comply or improve the project. In this case, we see no such list to comply with a host of regulations that several of the described types of management projects mandate. The only indication of compliance OHA has is in the environmental assessment on page 27, which states. "Some of the additional plans are completed, including NEPA, section 7 of ESA, section 106 of NHPA and MMPA."
22-37. Response	Permitting processes are described in Appendix A of the Monument Management Plan. All permits granted by the Co-Trustees must meet the findings in Presidential Proclamation 8031, which also make up the Monument's permitting criteria. All permitted activities must also comply with NEPA, the Endangered Species Act, and all other applicable federal and state regulations.
22-38. Comment	Strategy CFO-6: Within 5 years improve the small boat operational capacity to enable quick, reliable access to the region in support of management and continue to enhance the program throughout the life of the plan. This strategy states that: "improved access to the islands and atolls of the NWHI has been identified as a top priority"

<b>Comment Category 22 - Permitting</b>	
	<p>The Co-Trustees must ensure that the “precautionary principle” is applied to all Monument activities including improving access and facilities. Monument resources should not be placed at-risk or endangered by activities that build operational capacity. Strategy CFO-6 should ensure that any future development will not endanger Monument resources and diminish ecological integrity. And, if Activity CFO-2.3 determines that threats associated with any activity proposed in this action plan might have a negative impact on resources, they should not be permitted. Furthermore any activity proposed in this activity should undergo full environmental review and incorporate appropriate mitigation measures.</p>
22-38. Response	<p>The FWS has requirements for complying with environmental laws and regulations at its facilities. The requirements are in the Fish and Wildlife Service Manual, specifically Part 560, Pollution at FWS Facilities, Environmental Compliance 560 FW 1. These requirements meet or exceed all applicable federal environmental laws and regulations, including the ESA, MMPA, and NEPA.</p> <p>Our objective is to comply with all applicable environmental laws and regulations when performing our activities and when designing, constructing, managing, operating, and maintaining our facilities. In addition, it is our policy to implement sustainable management practices that move beyond full compliance with environmental laws and regulations and set an example in environmental leadership.</p> <p>The FWS Division of Engineering, Branch of Environmental Compliance develops policy and provides technical assistance and regulatory guidance to regions and field offices, including managing our national environmental audit and compliance efforts. Regular audits are conducted to assure compliance with applicable environmental laws and regulations.</p> <p>Table 1.2 in the EA lists some of the infrastructure projects that may require additional NEPA analysis.</p>
22-39. Comment	<p>Section 3.2 Conserving Wildlife and Habitats</p> <p>Conservation measures must be in place before Management Plan permits can be issued.</p>
22-39. Response	<p>Our overall emphasis on protecting the health, diversity, and resources of the NWHI ecosystems is our constant and highest concern. Presidential Proclamation 8031 created the Monument and also established the permitting procedures and criteria. All permits issued must meet the findings in the proclamation, one of which is demonstrating that proposed activities can be conducted with adequate safeguards for the cultural, natural, and historic resources and ecological integrity of the Monument.</p>
22-40. Comment	<p>Section 3.6 Achieving Effective Monument Operations</p> <p>Proclamation 8031, as of June 15, 2006, appropriated and withdrew all forms of entry to the Monument waters, abolishing existing fishing leases (F3, top). Permission to kill sharks and other protected marine life are in direct</p>

<b>Comment Category 22 - Permitting</b>	
	violation of the Proclamation.
22-40. Response	The commenter's understanding of Presidential Proclamation 8031 is incorrect. Presidential Proclamation 8031 prescribes numerous prohibitions and regulated activities to protect the Monument's resources. However, as protective as these provisions are, the Proclamation never intended to prohibit all human use and access to the Monument. The Proclamation made specific allowances for the continuation of a small, permitted commercial bottomfish fishery (until 2011), limited sustenance fishing (if the fish is consumed in the Monument), vessel transit, and armed forces actions. The Proclamation also established a permit system to allow a narrow range of other activities, provided there is a finding that the activity 1) is research designed to further understanding of the Monument resources and qualities, furthers educational value of the Monument, assists in the conservation and management of the Monument, allows Native Hawaiian practices, allows a special ocean use, and allows recreation. These permitted activities will be allowed only if there are adequate safeguards for the resources and ecological integrity of the Monument and if the activity meets the findings of the Proclamation (see Proclamation 8031, and Vol. III, Appendix D).
22-41. Comment	For all permits there must be public hearings on all the main islands for a month and at least 30 days for public comments for all permits.
22-41. Response	While it is not feasible to hold month-long public hearings on all of the islands for all permits, there are several ways the public can comment on Monument permit applications. As of February 1, 2008, following the Monument's Public Notification Policy, all Monument permit applications are posted to the Monument Web site for public review ( <a href="http://papahanaumokuakea.gov">http://papahanaumokuakea.gov</a> ). They are posted online for at least 30 days, often longer, and public comment is welcome at any time. The public can also review and comment on all permit-related environmental assessments that are posted to the Monument Web site for a minimum of 15 days. In addition, there is an opportunity to provide public testimony at State Land Board meetings for all activities proposed in the Hawai'i State Marine Refuge. The Permitting Action Plan in the Draft Monument Management Plan contains an activity centered around regularly updating the public on proposed and permitted activities (Activity P-3.5).
22-43. Comment	Having the Hawai'i State Land Board in control of permits is just one example of how the proposed plan is doomed to fail. The political nature of the Land Board and bureaucratic infighting within the Department of Land and Natural Resources (DLNR) has already contributed to the failure of effective management within the Monument. Recent permit refusals, unrealistic bureaucratic restrictions, and inappropriate penalties to scientists has hampered vital research and has created an environment of mistrust with the very group that has the most to offer the managers of the monument. Given the long-standing political nature of the Land Board there is no way forward while this institution holds a stranglehold on operations within the monument. The current and proposed plan will guarantee that managers will not have the

<b>Comment Category 22 - Permitting</b>	
	information needed to maintain the integrity of the coral reef ecosystem in the NWHI in the future. I urge the current co-trustees to relinquish the day-to-day operations of the monument to an impartial, apolitical agency of professional natural resource managers. This Papahānaumokuākea Management Authority could be modeled on the GBRA and operate within the broad mandates of the co-trustees but without the political meddling that has damaged the monument thus far.
22-43. Response	Hawai‘i Administrative Rules Chapter 60.5 that established the State Marine Refuge in the NWHI specifies that the State Land Board must review and approve permits for activities in state waters. Changing this process requires an administrative rule change and is beyond the authority of the MMB. Similarly, creating an independent agency like GBRMPA to manage the Monument is also beyond the authority of the MMB and the Co-Trustees and would likely require congressional legislation to enact.

<b>Comment Category 23 - Pollution</b>	
<b>Summarized Comments</b>	
23-01. Comment	<p>The comments below express concerns regarding discharges from ships in Monument waters.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Gray water is a problem for approved boats to dispose of costing lots of fuel and wasted time to take it outside the monument. The damage from dumping gray water into the ocean in the monument will not have any detrimental effect on the ecosystem but does have a financial burden on the permittees. Discharging gray water 3 miles off shore should be an adequate safe guard to the environment.</li> <li>2) We strongly urge the Co-Managers to better protect Monument and Refuge resources by clearly defining “discharging or depositing any material or matter into the Monument” and limiting the use of harmful materials that could be discharged into Monument waters.</li> <li>3) We also suggest the following be incorporated as best practices for vessels permitted to access the NWHI. S Sewage/Black water/grey water - discharge: Take all steps to avoid dumping in the Monument: 1. plan cruise track to include scheduled discharges at approved offshore areas, based on sewage storage capacity. 2. store all sewage to be dumped in approved offshore areas 3. in the event that transit to an appropriate offshore area is not possible sewage discharge shall only be conducted to leeward of any island or reefs and in water no less than 50 deep, with sufficient offshore current to provide for proper flushing and dilution. 4. consider retrofit of vessels to a sewage incineration system (incinerating heads/toilets) as preferable over discharge of chlorine treated sewage. Personal care: 1. assuming that anything onboard a vessel may inadvertently/inappropriately go overboard,</li> </ol>

<b>Comment Category 23 - Pollution</b>	
	<p>stipulate what products &amp; cleansers may or may not be brought onboard based upon impact to the environment. 2. Store and discharge greywater following the same guidelines as blackwater sewage, in consideration of the potentially dangerous chemicals &amp; pathogens present.</p> <p>Vessel maintenance: 1. assuming that anything onboard a vessel may inadvertently/inappropriately go overboard, stipulate what products &amp; chemicals may or may not be brought onboard based upon impact to the environment 2. no discharges from deck within 12 miles of land 3. prohibit cleansers, solvents, and chemicals from being used on-deck while in monument waters. Deckwash should be with freshwater only. No on-deck showers using soap or chemicals. 4. no paint scraping, rust busting, or other vessel maintenance activities that produce solid particles that may inadvertently be blown or washed overboard.</p> <p>Engineering: 1. reduce diesel emissions with exhaust scrubbers, and to the greatest extent of the available technology. In some cases it may be necessary to retrofit vessels to meet improved standards. 2. require pre-voyage USCG inspections of engine cooling system overboard discharge to prevent inadvertent discharge of ethylene glycol into monument waters. These inspections should extend to all related tender vessels. 3. require pre-voyage USCG inspections of bilge water Oily Water Separator sensor &amp; system for proper function &amp; use.</p>
23-01. Response	MMB staff Board have formed a Monument Discharge Working Group to ensure that the provisions of Presidential Proclamation 8031 associated with discharges from ships are correctly interpreted and enforced as part of the permitting process.
<b>Unique Comments</b>	
23-02. Comment	<p>And I don't want even them to use the bottom of our water for some kine chemicals they want to use over here in Hawaii. They already did. Because I know some of our animals get all kind disease, especially the pigs. They say about the pigs and the goats and the sheep, they not the one that destroying all our birds. It's the two-legged animal. Because you know, I never seen one dog or pig climb the mountain on the steep side of the mountain to get the birds eggs or something like that. I know the rat they bring here, and the mongoose, we kind of get used to the Hawaii squirrel they call mongoose. But so far, you know, we have to live with what they get. But stop bringing any more snakes and all kind of geckos and that Coqui frog. We get enough of our frogs. We don't like something else that they're bringing. They keep on bringing all kind of stuff. Stop bringing that. And for us, these people that bring in stuff like that, they should eat 'em right there. Because why? They don't check people bringing in stuff, but we check stuff going out. They interrogate us for our plants and anything. But most stuff that we use now is all from down America. So what the sense, we going back, we take some picture like that. But we're not able to take it because it came from there. When get disease, we take the diseases back too. I don't see no disease. When you eat 'em the disease is gone.</p>

<b>Comment Category 23 - Pollution</b>	
23-02. Response	Because there have been quarantine programs in place for many years, very few alien species have been introduced into the Northwestern Hawaiian Islands. As part of this plan, preventing the introduction of alien species will be a continuing program to ensure the native species of the Monument continue to thrive.
23-03. Comment	Section 3.6 Achieving Effective Monument Operations Toxic dump sites (unregulated landfills) often uncharacterized and leaking, contaminating adjacent lands and waters, must be a top priority. BRAC procedures may not be sufficient to protect indigenous biota.
23-03. Response	We have a specific strategy and related activities to address toxic dump sites in the Monument. It is Strategy HMC-2: “Within 10 years, investigate and inventory sources of known contamination from historic uses of the NWHI and, where appropriate, coordinate with responsible parties to develop plans and complete cleanup actions.” The Monument managers will use all tools and applicable laws to clean up toxic dump sites.
23-04. Comment	It would be nice to see the waste removal and incineration into energy practiced on these islands. Maybe you could be an example for our (habitated) islands.
23-04. Response	We do have recycling programs in place for all field camps in the Monument. However, the quantity of waste generated is too small to support the generation of energy through incineration.
23-05. Comment	Looking at the habitat management I wondered if when waste is generated in the islands if it’s taken out or put in dumps there. I hope it’s taken out. KAHEA had a concern also about assessing the carrying capacity of the islands before the plan is put into place. When I talked with someone she thought this was being done but I think that is a valid concern. For a discussion on assessing the carrying capacity, see response 04-02.
23-05. Response	For short term field visits, waste is packed out at the end of the visit. At Tern Island and Laysan Island, solid waste is removed one to two times per year, and there are no landfills on these islands. At Midway, waste is reduced through recycling and incineration, and residual products are placed in a small landfill.
23-06. Comment	Studies conducted by the U.S. Fish and Wildlife Service (FWS), Coast Guard, Navy, and the University of Hawai’i have documented contamination in soil, sediment, and biota at French Frigate Shoals, Kure, and Midway which include petroleum and oils, asbestos, lead, DDT pesticide, arsenic, heavy metals, and battery acids. Dissolved iron from these sites also fuels cyanobacteria growth. Direct impacts to black-footed albatrosses, in the form of reduced hatching success, have been linked to high organochlorine levels and elevated levels of mercury impaired immune function in black-footed albatrosses. On Midway, over 500 birds are burrowing in contaminated soil. Some fish and other biota have PCB levels that rival levels found in fish near major PCB manufacturers on the mainland. Unlined landfills remain on some of these

**Comment Category 23 - Pollution**

islands, and Kure Atoll and French Frigate Shoals both have point sources of PCBs due to former LORAN stations, which qualify as hazardous waste. While some cleanup efforts have been made, elevated levels of contamination remain in island soils, nearshore sediment, biota, and the dump continues to erode into the sea.

OHA appreciates this disclosure, and we realize that these are inherited problems; however, the list of terribles described above does not match the sometimes pristine description in the draft management plan or environmental assessment. Nor do they match the mission and vision of this management plan. It also serves as an embarrassment, and OHA wonders what implications these horrors may have for the World Heritage application. One wouldn't expect a hazardous dump to be tolerated in Yellowstone National Park or Hawai'i Volcanoes National Park (also a World Heritage site), and we shouldn't imagine that these sorts of conditions will be allowed to remain in Papahānaumokuākea either.

Page 60 of the draft management plan notes that the Navy "has returned on several occasions to conduct further remediation" on Midway. Page 59 states that, "While the Coast Guard has mounted cleanup actions at both sites, elevated levels of contaminants remain in island soils, nearshore sediment, and biota." OHA strongly suggests that the two federal agencies coordinate with the other co-trustee (the state of Hawai'i) to encourage those responsible for this pollution to clean it up. In international law this is known as the polluter pays principle, and it makes good sense to apply it in Papahānaumokuākea.

Otherwise, OHA inquires as to the lack of compliance with state and federal environmental laws presented by these sites and by the proposed actions presented in these documents. The no-dig areas described in the Midway Atoll NWR Conceptual Site Plan on page 24 where contaminants were left in place at the surface level are yet another sad example. OHA also notes section 2.2.2 of the environmental assessment which lists some of the federal and state laws regulatory environment as well as section 2.5.1.2 which lists the regulatory environment pertaining to water quality in Papahānaumokuākea.

OHA notes that the Clean Water Act (CWA) is listed, specifically sections 403 and 404. As such, OHA is deeply concerned over the apparent lack of compliance with the CWA. We inquire as to whether a CWA, Section 402 National Pollutant Discharge Elimination System has been authorized. OHA is certain that the leakage of hazardous materials into the nearshore environment would also violate the state of Hawai'i Department of Health state water quality standards, which are mentioned on pages 131 and 132 of the environmental assessment. We remind the managers that much of the nearshore waters in Papahānaumokuākea are state waters, and therefore submerged lands, which are also ceded lands.

OHA also inquires as to compliance with the Rivers and Harbors Act, sections 10 and 13 for work or structures in or affecting navigable waters and for the discharge of refuse matter into or affecting navigable waters.

We also note that funding for remediation of polluted sites is lacking. Table 3.1 Total Estimated Cost to Fully Implement Action Plans by Year does not even have a category for clean up of hazardous and polluted sites. Habitat Management

<b>Comment Category 23 - Pollution</b>	
	<p>Conservation (HMC) Plan 2 is the only one that tangentially deals with contaminated sites. The plans propose to “investigate and inventory” (HMC-2), “evaluat[e] effects of contamination” (HMC-2.1), “verify integrity of known landfills and dumps and to conduct remediation if necessary” (HMC-2.3). However, these documents resonate with a series of deep contaminants listed in various sections that cry for more than monitoring of effects and investigation. For example, the migratory bird action plan states on page 161 that “Minimizing threats to migratory bird populations remains a primary concern.” Then, on the same page, it states that contaminants will be “monitored” with no mention of clean up. OHA reminds the managers of Papahānaumokuākea of their mandate to protect, maintain, and restore wildlife habitats. Remediation of known sites must be done in a timely manner, and monitoring for results of clean up should be a priority.</p> <p>Fingerprinting of oil sources on the international level and tracing marine debris is also proposed; however with an admitted lack of funding and obvious sources of pollution that need attention so readily abundant, OHA inquires as to the wisdom of not addressing those prior to attempting the more exotic methods and sources that threaten Papahānaumokuākea. Also, OHA urges that the managers seek to increase the capacity for species in the area in a variety of ways and we would rather see the ecosystem receive what limited attention there is than see something like two visitor centers being constructed with finite funds. This also matches with the ecosystem-based management style and no net loss of habitat goal recited in these documents.</p>
23-06. Response	<p>We agree that known sites must be remediated in a timely manner, and monitoring for results of clean up should be a priority. Under the Comprehensive Environmental Response, Compensation and Liability Act, the Responsible Party (RP) for contamination is required to ensure the contamination is remediated and not released to the environment. The FWS has worked with the EPA, NOAA, and the RPs to investigate and respond to the hazardous waste issues on both Midway and Tern. The RPs are the US Navy and the US Coast Guard, respectively. Cost to monitor, remove, or otherwise remediate the contamination remains the RPs’ financial obligation. The Monument managers will continue to work with the EPA and the RPs to pursue response and remediation where needed.</p>
23-07. Comment	<p>What will happen if pesticides used for rat and mice eradication are not properly disposed of and end up in the freshwater system or in the landfills?</p>
23-07. Response	<p>We share your concerns regarding the use of poisons, and we are taking the utmost care to ensure beneficial effects outweigh potential harm. In this case, the nonnative, invasive species are so abundant and virile that our options have become limited. Poisons are a necessary tool to prevent the loss of native ecosystems to invasive nonnative species, such as mice. However, when poisons are used, it is with caution, care, and concern for the biological and cultural resources that we are mandated to protect.</p>

<b>Comment Category 23 - Pollution</b>	
23-08. Comment	Page 70-71, lines 36-41 and lines 1-41. The discussion of Waste Discharge, Ballast Water Discharge, and Introduction of Alien Species must be grounded in international law and the authorization granted by the Presidential Proclamation. The current discussion provides little and no reference to international law and how the plan intends to comply with the Presidential Proclamation.
23-08. Response	The plan cites the International Convention for the Prevention of Pollution from Ships. In addition, management of the Monument in relation to waste discharge and ballast water discharge must comply with all applicable international, federal, and state laws and regulations.
23-09. Comment	Section 3.1 (New) Remediation and Restoration Plan Remediation of toxic wastes, removal of relic structures and mostly military artifacts, especially from Kure and Midway Atolls and French Frigate Shoals, must be completed in conformance with BRAC protocols and consistent with RCRA (Resource Conservation and Recovery Act) and Superfund requirements, with a final Record of Decision published for the completion of remediation of the uncharacterized, unregulated toxic dump sites prior to the Compatibility Determination required for Management Plan approval. Consideration of any of the consumptive uses contemplated in the Midway Atoll Conceptual Plan, should be withdrawn as inconsistent with No Take Policy. The Monument now stands in violation of the Clean Water Act, especially for the toxic plumes emanating from the toxic dump sites and being taken up by surrounding biota. Remediation should bring these violations into CWA compliance so that an NPDES Permit may issue and a Compatibility Determination can be made.
23-09. Response	The Monument Co-trustees defer to the EPA as to whether the Monument is in violation of the Clean Water Act. However, the FWS has worked closely with the EPA over many years to ensure that remediation of hazardous wastes at Midway Atoll and Tern Island meet regulatory standards.
23-10. Comment	I shall now recommend a new type of support ship: the Garbage Collector. People used to believe the oceans were limitless, but now they know otherwise. While being watchful of marine life, the ship would collect and compact and if the hold were full, compact the mass with a cable to be towed externally and also to facilitate linking for a compacted "trash train."
23-10. Response	While we appreciate the suggestion, it is presently not feasible to collect trash in the open ocean via a support ship.
23-11. Comment	We request that petroleum-based soaps and detergents as well as untreated lab waste be prohibited from greywater discharge. Biodegradable and non-petroleum alternatives are easily available and considered effective for onboard

<b>Comment Category 23 - Pollution</b>	
	<p>cleaning and bathing activities utilizing the greywater discharge system.</p> <p>Further, MSD II Type MSDs often require the use of holding tank additives. Discharge in treated sewage effluent of any additive that contains formaldehyde, formalin, phenol derivatives, or ammonia compounds should be prohibited.</p>
23-11. Response	<p>The Monument managers also support the use of green technologies and products in the course of managing Monument resources.</p>

<b>Comment Category 24 - Prioritization</b>	
<b>Summarized Comments</b>	
24-01. Comment	<p>Several commenters had questions regarding the Monument budget.</p> <p>Comment:</p> <ol style="list-style-type: none"> <li>1) The \$355 million budget is daunting. Yet, it is even more troubling to find that there is no clear assessment of priorities among the many projects that are listed. Also, the “assignment” of funding responsibilities is problematic. For example, does it make sense to task the FWS with responsibility for funding the many infrastructure improvements at Midway or Tern island when all the Trustees are so dependent logistically on the operational condition of these facilities?</li> <li>2) The plan is ambitious and comprehensive. It consists of six priority areas and twenty-two action plans and if implemented will cost on average \$23 million dollars a year if funding is appropriated by Congress. What will happen if the plan is not fully funded?</li> <li>3) Page 101, line 14 states: The total estimated cost to implement the Monument Management Plan over the next 15 years is \$355,218,480. Comment: The estimated cost is unrealistic as this would amount to over \$20 million annually to undertake Monument activities. While we recognize that many of the activities are important, certainly not all are critical to the management of the Monument. Given that NOAA cannot reasonably expect to receive \$20 million annually for the management of the Monument, we recommend that NOAA prioritize the Action Plans based on management critical needs.</li> </ol>
24-01. Response	<p>Prioritizing activities in the management plan is not a linear process, nor is it necessarily measured by the amount of funds allocated. Several factors apply when setting the implementation schedule and allocating funds; these include natural, cultural, and historic resource needs, funding, agency capacity, planning and environmental review, and community input and support. Each MMB and partner ICC agency develops annual budget projections and priorities and allocates funds based on its own programmatic, legal, and policy requirements. The cycle and timelines for funding and planning vary, and management agencies cooperate in areas where program priorities overlap. For example, one agency may take the lead on behalf of all responsible agencies that have a common mandate. In other overlapping areas, multiple agencies may share responsibility for activities to address core management needs, thereby creating a strengthened shared focus. This cooperation uses public funds more efficiently within the co-management structure. The seven MMB agencies annually share implementation schedules and priorities to identify opportunities where coordination and efficiencies would apply.</p>
<b>Unique Comments</b>	

<b>Comment Category 24 - Prioritization</b>	
24-02. Comment	<p>Conserving Wildlife and Habitats Action Plans: The highest priority management-critical research activities are those that: 1) support recovery of threatened, endangered, and rare species, 2) habitat conservation, and 3) reduction of threats to monument resources. These priority ranked research activities should provide the basis for permitting and funding. With regard to the highest recovery priorities in the NWHI, we believe that the actions requiring attention most urgently are (1) developing a captive care program to improve Hawaiian monk seal juvenile survival, (2) reducing shark predation on pups and juveniles at French Frigate Shoals, and (3) preventing entanglement in marine debris.</p> <p>The RAC agrees that research, including characterization and monitoring, are important to record baselines and monitor ecosystem changes in the face of global issues of climate change, ocean acidification and sea level rise. We would like to see stronger language on the aforementioned activities included in the DMMP, while ensuring that scientific pursuits yield specific management benefit and will be incorporated into cumulative impact assessments, carrying-capacity estimates, and limits placed on human access.</p>
24-02. Response	<p>The MMB has revised the Monument Management Plan Sections 3.1 and 3.1.1. Although these revisions do not correlate directly to your suggested placement, these revisions address your comments by incorporating additional language to further detail the need for research, to directly link all research conducted with management needs, and to consider cumulative impacts of research.</p> <p>To address specific details for research-related topics, a Natural Resources Science Plan will be created to guide and regulate research in the Monument, as defined in the Priority Management Need Understanding and Interpreting the NWHI, Marine Conservation Science Activity 2.1. This step-down plan will define and prioritize research activities based on management needs to protect, conserve, and when possible, restore ecosystems within the Monument. Based largely on the HAMER plan, research areas will be defined and activities will be prioritized based on the necessity for information for management purposes, including the highest priority management critical activities you point out.</p> <p>Due to the remoteness of the NWHI, research activities will be limited by vessel and research field station space, so only those research activities ranking highest in management priority will be accommodated.</p> <p>The MMB appreciates the extensive information provided by the commenters on the science of global warming, sea level rise, ocean temperature rise, productivity decrease, El Niño/Southern Oscillation (ENSO) frequency changes, and ocean acidification. We will forward this information to the science team, whose members will consider it when developing the Natural Resources Science Plan (see Activity MCS-2.1) and in helping focus monitoring efforts to detect the potential impacts of climate change on habitats and species. As noted in Section 1.4, Environmental and Anthropogenic Stressors, climate change has potential short- and long-term consequences for Monument resources. The MMB is committed to using data from existing monitoring and restoration efforts (see Strategy MCS-1, Continue and expand research,</p>

<b>Comment Category 24 - Prioritization</b>	
	<p>characterization, and monitoring of marine ecosystems, numerous activities in the Threatened and Endangered Species Action Plan [3.2.1], and the Habitat Management and Conservation Action Plan [3.2.3]). The MMB also is committed to directing future research and monitoring to investigate how climate change is impacting individual species, assemblages, habitats, and ecosystems in the Monument. For further information on the Monument Management Plan’s response to climate change, please see response to comment 11-1.</p>
24-03. Comment	<p>In general, Ocean Conservancy supports the vision, mission, guiding principles and goals of the DMMP. We support inclusion of a precautionary approach as one of the Monument’s guiding principles: “Err on the side of resource protection when there is uncertainty in available information on the impacts of an activity.” However, we believe this is a weaker commitment to conservation and protection than the inclusion of the precautionary principle, as was recommended by the Reserve Advisory Council. We strongly recommend clarifying that Goal 1 (“Protect, preserve, maintain, and where appropriate restore the natural biological communities and their associated biodiversity, habitats, populations, native species, and ecological processes.”) is the primary and preeminent goal of the Monument and, in the event of a conflict between Goals, this primary goal takes precedent. For example, if supporting research activities under Goal 2 or offering visitor opportunities under Goal 8 were found to be inconsistent with conservation, these activities should not occur. Furthermore, the existing mission statement appears to place protection of ecological values, native cultural values and historical values on co-equal footing. We believe that protection of ecological resources should be unambiguously recognized as the highest priority of the Monument and this goal would take precedence in the event conflicts arise.</p>
24-03. Response	<p>The MMB revised the vision statement to say “To forever protect and perpetuate ecosystem health and diversity and Native Hawaiian cultural significance of Papahānaumokuākea.”</p> <p>The MMB also revised the mission statement to say “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.”</p> <p>These changes were made to more clearly convey that protecting ecosystem integrity, health, and diversity is an underlying and primary purpose of the Monument. The MMB is also more clearly stating that it is important to protect and perpetuate the Native Hawaiian cultural significance of the Monument.</p> <p>Given the strong resource protection language in the revised vision and mission statements, the Guiding Principles language (see Table 2.1), and detailed permit criteria, procedures, and findings, the MMB does not agree with the commenter’s view to state that Goal 1 will always be preeminent in cases of conflict with other goals. While the MMB strives to manage the Monument in a manner consistent with the Guiding Principles and to meet all Monument goals, it</p>

<b>Comment Category 24 - Prioritization</b>	
	recognizes there may be limited situations when the MMB, in order to meet some of the Proclamation’s access and use allowances, may need to balance how it is able to meet the various goals.

<b>Comment Category 25 – Research</b>	
<b>Summarized Comments</b>	
25-01. Comment	<p>The following comments were editorial suggestions for the Monument Management Plan.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Modify Strategy MCS-2: to read “Assess, prioritize and authorize only managemet critical reseach and monitoring activities over the life of the plan.” This will become the new MSC-1.</li> <li>2) MCS-2: 2.1: Develop a prioritized management - critical research plan.</li> <li>3) MCS-2: 2.2(a): should read “develop and implement protocols for monitoring research impacts and ecosystem(s) conditions.”</li> <li>4) MCS-2: 2.2(b) (new): Assess effectiveness of the research in terms of meeting management needs. Assess impact of research on the ecosystem(s).</li> <li>5) MCS-2: 2.4: should read “Implement management-critical research plan.”</li> <li>6) MCS-2: 2.5: should read “Organize regular public research update meetings.”</li> </ol>
25-01. Response	The MMB has revised Section 3.1.1 of the Plan (Marine Conservation Science Action Plan) to reflect these and other concerns.
25-02. Comment	<p>The comments below recommend that research priorities should also include mapping, biological surveys and other studies of deep water habitats including sea mounts and the large bathymetric ridge in the Monument. Topics should include marine debris, ocean mounts, deep water coral communities and other deep ocean animals. Other suggestions were: broad scale basic ecological studies relevant to understanding the effects of climate change, and a variety of monitoring plans for wide-ranging vertebrates like turtles, monk seals, and albatrosses.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1) Table 2.1: Goal 2: Support, promote, and coordinate research, ecosystem characterization, and monitoring that increases understanding of the NWHI, improves management decision-making, and is consistent with conservation and protection.</li> </ol>