

United States Senate

June 16, 2016

The Honorable Barack Obama
President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

I am writing to propose that you exercise your authority under the Antiquities Act to proclaim a thoughtful expansion of the Papahānaumokuākea Marine National Monument (PMNM) based on the analysis and recommendations presented in this letter. This proposal would create the world's largest marine protected area.

On March 23, 2016, I wrote expressing my conditional support for an expansion of the PMNM, provided that we could address the concerns of key Hawai'i stakeholders regarding boundaries, governance, and resources. You responded promptly by directing officials from the Council on Environmental Quality (CEQ), the National Oceanic Atmospheric Administration (NOAA), and the Department of the Interior (DOI) to visit Hawai'i and to engage with state and county government leaders, Native Hawaiians, fishermen, scientists, and environmental groups. As a result of these meetings and subsequent discussions, I support expansion of the PMNM as described below.

The best available science indicates that expanding the PMNM will strengthen an ecosystem that sustains tuna, swordfish, sharks, seabirds, sea turtles, and Hawaiian monk seals. This strengthening will, in turn, support more productive fisheries outside the PMNM and provide a vigorous carbon sink to combat climate change. Protecting this region more thoroughly will also preserve undiscovered biodiversity for future discoveries, and maintain a reservoir of genetic diversity that will allow marine species the greatest possible chance of adapting to environmental change. Moreover, the expanded region contains significant bio-cultural resources and archaeological sites that further justify use of the Antiquities Act.

The Northwestern Hawaiian Islands (NWHI) host some of the planet's most intact and extensive coral reefs, which serve as the backbone of an ecosystem that supports the world's largest repository of seabirds and the highest density of apex predators. The adult corals that sustain and

grow these reefs are concentrated within the current boundaries of the PMNM, but research taking place today strongly suggests that as juveniles, they spend much of their time beyond those boundaries but within the proposed expansion area. Thus, by expanding the monument, we protect both the corals and the marquee species they support: tuna, swordfish, sharks, seabirds, sea turtles, and Hawaiian monk seals.

Expanding the PMNM will protect biodiversity, including undiscovered species and largely undocumented ecosystems around sea mounts, ridges, and the deep ocean floor. The genetic variation present in large populations of marine species holds the single best hope for adaptation and resilience against ocean warming and acidification. Preserving this genetic diversity depends on conservation, and scientists have established that the larger the scale of a marine protected area, the greater its conservation effect. Additionally, the NWHI have one of the world's highest concentrations of unique species not found anywhere else on the globe. The prevalence of these unique species provides a further warehouse of genetic diversity that can support resilience and adaptation to climate change throughout the Pacific, and, potentially, the world.

The expansion would directly combat climate change. In the same way that intact forests sequester carbon, healthy ocean ecosystems provide a vigorous carbon sink that lowers the amount of carbon dioxide in the atmosphere. Simply put, the best scientific data available support the use of your authorities under the Antiquities Act to expand the PMNM.

The NWHI also contain cultural and historical sites that the current boundaries of the PMNM do not fully protect. The upcoming 75th anniversary of the decisive Battle of Midway will draw attention to the remains of the World War II era wrecks discovered and documented in this region. Of the six major vessels lost by the American and Japanese navies in that battle, however, only one full ship has been found—the U.S. carrier *Yorktown*—and it lies outside the current boundaries of the PMNM. However, the search for three of the Japanese ships—the *Koga*, *Soryu*, and *Akagi*—has narrowed, and archaeologists and scientists expect discoveries outside the current boundaries of the PMNM. Thus, extending the PMNM's boundaries would protect not only the *Yorktown*, but potentially many of the other lost ships, aircraft, and sailors and marines from that significant battle, along with as yet undiscovered wrecks from other times.

Over and above their place in modern history, the NWHI also served Native Hawaiians as an ancient pathway up and down the Hawaiian Archipelago—a pathway that they navigated for 400 to 500 years guided by careful observations of the stars, ocean currents, and marine life. Today, this route connects Native Hawaiians to their cultural heritage of ocean exploration and

stewardship, as demonstrated by the Polynesian Voyaging Society's Mālama Honua voyage around the world.

Mālama Honua started with a trip around the NWHI, where master navigators were able to help apprentices hone their craft. The NWHI provide the ideal conditions to practice this traditional art, and expanding the PMNM will help maintain the biological character of the NWHI that traditional navigators rely on to find their way. Thus, the benefits to the ecology of the NWHI also reinforce and strengthen its capacity to connect Native Hawaiians today to their cultural and historic heritage.

Greater marine protection for the NWHI and its surrounding waters will protect their unique ecology and their historical and cultural value, but this region also supports a variety of Hawai'i residents and businesses. I will not support an expansion proposal that does not adequately take these interests into account. Recreational and subsistence fishing; cultural practices and ocean sports; and commercial longline fisheries—these traditional and customary practices all depend on access to and use of waters that currently lie outside the PMNM.

Engagement by your Administration with Hawai'i's recreational, cultural, and commercial stakeholders has identified their core concerns:

- Boundaries—the precise contours of where the PMNM would expand;
- Governance— PMNM co-trustee status for the Office of Hawaiian Affairs to give Native Hawaiians additional authority to protect the cultural and historical assets within the monument; and
- Resources—personnel and funding for research, exploration, management, educational opportunities and enforcement.

Based on engagement with leaders from interested communities, I have the following recommendations on how to address these concerns and to develop an expansion proposal that can draw widespread public support.

Boundaries. Residents of Kaua'i and Ni'ihau have expressed a strong interest in maintaining their longstanding culture of fishing, and I insist on their continued, unchanged access to fishing grounds. In addition, Hawai'i has a lengthy tradition of recreational and subsistence uses of the ocean including fishing, diving, canoe paddling, and sailing. Moreover, Hawai'i's longline fleet has fished in the Northwestern Hawaiian Islands for decades. The responsible and sustainable practices of our longline fleet have resulted in Honolulu's recognition as one of the nation's ten most productive fishing ports.

Recommendation: Protect environmental, scientific, historical, and cultural assets by expanding the regions of the PMNM west of 163° West Longitude PMNM out to the full 200 nautical miles of the U.S. Exclusive Economic Zone. This would increase the area protected in the PMNM from 139,800 to 582,578 square miles.

Preserve recreational, subsistence, and commercial uses by excluding any expansion of the current southeastern boundary of the PMNM east of 163° West Longitude towards the Main Hawaiian Islands. The non-expansion area would include a particularly active fishing spot near NOAA Weather Buoy 51101. I have enclosed a map which depicts the recommended expansion.

Governance. The PMNM holds special significance for Native Hawaiians, and Governor David Ige has requested that OHA become a co-trustee for the PMNM, along with the Department of Commerce, the Department of the Interior, and the State of Hawai‘i. I join him in making this request because OHA’s enhanced status will provide Native Hawaiians with greater input into the proper management of the monument to preserve and enhance its cultural and historical significance.

Recommendation: Amend the PMNM governing documents to recognize OHA as a co-trustee. Under Executive Order 8031, which established the PMNM, the co-trustees maintain their respective jurisdictions and areas of expertise. As such, recognizing OHA as a co-trustee will not alter or change the authority of any existing co-trustees, but, instead, ensure that Native Hawaiian perspectives will have representation in deliberations by a co-trustee with the appropriate jurisdiction.

Resources. Expanding the PMNM will create vast opportunities to better understand the unique ecology of our Hawaiian Archipelago, but this can only occur if sufficient funding exists for research, conservation, and management in an expanded PMNM.

Recommendation: The ambitious scale of this proposal has inspired interest from government managers, philanthropic organizations, and individuals to support the expansion. I am confident this interest will grow into commitments if a concrete proposal emerges supported by key stakeholders in Hawai‘i.

A thoughtful expansion of the PMNM will continue Hawai‘i’s long history of sustainable use of the land and oceans into the future, and help ensure that we can give our children the legacy of a healthy, vibrant Pacific Ocean. I hope you will consider this proposal, and if you agree that it has merit, I respectfully request that you pursue a course of engagement, especially on Kaua‘i and on O‘ahu, which would allow the public an appropriate opportunity to provide written

comments, oral testimony, or both before you determine whether to exercise your authority under the Antiquities Act.

I appreciate the respectful and pro-active engagement by your Administration on this issue, and I look forward to continuing this collaborative process. As we commemorate the tenth anniversary of the establishment of the PMNM, I believe this proposal aptly recognizes that milestone.

Sincerely,



BRIAN SCHATZ
United States Senator

Enclosure

cc: Christy Goldfuss, Managing Director, Council on Environmental Quality
Sally Jewell, Secretary of the Interior
Penny Pritzker, Secretary of Commerce
Dan Ashe, Director, Fish and Wildlife Service
Dr. Kathy Sullivan, Under Secretary of Commerce for Oceans and Atmosphere

