

**Update on efforts to protect the Northwestern Hawaiian Islands:
Essential habitat of *Na 'Ilio holo ikauaua*, the Hawaiian monk seal
(*Monachus schauinslandi*)
From KAHEA¹ and Environmental Defense²**

Mysterious Activity at Hawai'i Department of Land and Natural Resources

March 2001, Hawai'i's Department of Land and Natural Resources proposed a "fishery management area" for NWHI state waters. The three-mile state boundaries are inside the protected federal waters of the NWHI Reserve. In overwhelming comment and testimony, the public soundly rejected the state's attempt to create fishing zones in the fragile lagoons and reefs within state waters. The state replaced its fishery plan with a proposed refuge for state waters that was based on public feedback. The draft protective refuge plan was welcomed by activists and approved for public comment by the State's Land Board.

However, in November 2003, activists familiar with the proposed refuge plan discovered that the version released to public for comment prior to scheduled public hearings, was **not** the version that had been formally approved. The version released to the public had been drastically altered, weakening protections and undermining DLNR's stated intent to establish a refuge in the state waters adjacent to the Reserve waters. The DLNR's Division of Aquatic Resources finally agreed to retract the mysteriously altered version, cancelled the November hearings and announced new hearings for February 2004.

An independent investigation of the manner by which the refuge plans were quietly and apparently illegally changed is currently underway.

NWHI Coral Reef Ecosystem Reserve Being Considered for Sanctuary Program

The Sanctuary designation process is moving at full speed in what appears to be a race for the fastest designation process in the history of the Sanctuary program. (The average sanctuary designation process takes seven years.) KAHEA, Environmental Defense and other partners have remained deeply involved in the federally controlled process to determine if the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve should be incorporated as a national "sanctuary." Our central goal is to ensure that vital protections already in existing law (the NWHI Executive Orders and the National Wildlife Refuge system) are not weakened during this process.

We are not assured by the nature of this process for the following reasons:

- 1) The NWHI Reserve Council was denied the right to develop regulations to implement protections outlined in the Executive Order and establish a framework for enforcement actions
- 2) The Department of Commerce has refused to implement readily available surveillance technology that would actively protect the integrity of the NWHI remote and fragile ecosystem.
- 3) Key representatives on the Reserve Council were removed by the Department of Commerce in August and opportunities for public involvement in the Reserve process have been drastically reduced.
- 4) NOAA has still not released the Reserve Operations Plan submitted by the NWHI Reserve Council for review last June. NOAA had initially claimed that this comprehensive management document would become the foundation of the proposed NWHI Sanctuary management plan and would guide the development of suggested alternative management scenarios under the NEPA process.
- 5) NOAA initiated a series of consultations, primarily with Wespac, state fishery staff and NMFS scientists to determine the basis for Wespac's fishing regulations. The public was initially cut out of this secretive process, as meetings were by invitation only. However, when members of the public and advocacy organizations persisted and found out when and where the meetings were held, they were allowed to attend.

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- 6) In October, Western Pacific Regional Fishery Management Council released a fatally flawed Draft EIS for bottomfish and seamount groundfish fishery, much of which occurs in the Northwestern Hawaiian Islands. Environmental Defense, Sierra Club, and the Ocean Conservancy expressed concern that even though the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve was established three years ago, the National Marine Fishery Service has not amended the Bottomfish and Seamount Groundfish Fishery Management Plan (Bottomfish FMP) to comply with the NWHI Executive Orders. In addition, Wespac's bottomfish DEIS presents a "no action" alternative that assumes that the NWHI Executive Orders do not exist.

Next Steps:

- The Draft Reserve Operations Plan may be released for public comment in early 2004. DLNR has stated that it will schedule public hearings and comment on the Refuge in February 2004.
- Public comment is crucial to **defend the existing protections in the Northwestern Hawaiian Islands**. Every voice will help protect this world treasure as a true Pu'uhonua (Place of Refuge and Regeneration).

To stay informed of upcoming public comment opportunities is to sign up with the Action Alert Network at www.kahea.org/ or environmentaldefense.org/hawaii.

You will receive notification of upcoming hearings with important background information and have the opportunity to fax your comments directly to decisionmakers.

For more information, please feel free to contact:

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