

**The Papahānaumokuākea Marine National Monument
Natural Resources Science Plan Framework
Public Scoping Meeting**

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On October 30, NOAA circulated an announcement for a Scoping Session on the NWHI Natural Resources Science Plan to be held in Honolulu on November 15. This was the same evening as the Waikiki Aquarium book-signing event with NWHI Reserve Advisory Council (RAC) member Isabella Abbot (which many experienced NWHI scientists and RAC members planned to attend) as well as a long-planned, widely announced KAHEA fundraiser. An announcement circulated by NOAA stated that no informational materials would be publicly posted prior to the session but that, instead, they would be presented at the time of the meeting, at which point comments were sought. A 15-day written comment period (spanning the week of Thanksgiving holiday) was announced from November 15 - 30.

There was very little public turnout at the Scoping Session. There were approximately 36 Monument staff and approximately 16 other people, of whom quite a few were NOAA researchers, two were RAC members, 3 or 4 were staff or representatives of NGOs (including one of the RAC members), and perhaps 4 seemed to be general “members of the public.”

Unlike previous scoping sessions, it was not possible to see the list of the comments being made or to know what others had submitted and there was no available public record of comments generated at the meeting.

Randy Kosaki opened the session with a short introduction, including a DVD film about the Monument which stated, among other things, that the Monument Proclamation banned the dumping of wastes in Monument waters and that Monument management is being implemented through a partnership between NOAA, USFWS, DLNR and “the public.” He outlined, very briefly, a “research framework” - developed – unlike the publicly-vetted NWHI Reserve Advisory Council (RAC) Research Action Plan - during months of closed-door meetings.

Vague Themes, Budgetary Concerns

The framework consisted of the following broad research categories, without any prioritization of the categories:

- Theme 1: Ecological Processes and Connectivity
- Theme 2: Biodiversity and Habitats
- Theme 3: Human Impacts
- Theme 4: Indicators and Monitoring of Ecosystem Change

Theme 5: Modeling and Forecasting Ecosystem Change

We note that over the past two years since the permitting process has been opened to the public and since the state refuge and Monument were established, we have not seen research permits granted specifically for the study of human impacts in the NWHI. (Theme 3). We posit that management of the NWHI is management of human access and activities, vessel traffic and interactions. We propose that this core category of research – including risk assessment of all on-going activities – be a prerequisite to other activities.

By contrast, much of the current research appears to be federally-funded and such funding appears to be frequently aimed at extractive activities. We see no evidence of significant federal funding efforts to undertake the substantial level of analysis required to assess the cumulative impact of human activity in the NWHI, including the increasing research footprint. Given the pending permit application by “Co-Trustees” for an unlimited number of people to access the NWHI for research, education and a host of extractive and potentially damaging activities (dredging, killing, injuring, removing, moving, harvesting, etc NWHI resources), there is **significant alarm at the near-complete lack of funding and support for the most elementary risk-assessment research, including risk assessment measures which could be associated with all activities in the NWHI.**

Public Input without Public Process

At the scoping session, there were 5 tables spread around the room, each with a small poster with a few words on one of the 5 themes. Participants were asked to write on a blank card which sort of research should be listed under each theme or whether the themes had been correctly identified. There was no opportunity for public discussion about the entire process of designing the plan, Work Group involvement, public involvement (lack thereof) or any other concerns. Dr Kosaki did not ask if there were any questions from the floor and did not recognize those who raised a hand to ask questions. He walked away from the podium as soon as his short talk was over. There was an atmosphere of confusion among some of the members of the public at the meeting regarding how one could meaningfully make comments given the lack of materials and the lack of information.

The tables next to the “theme posters” had small baskets and blank file cards for comments. However, very few people filled out the cards. Some members of the public remarked that there was nothing for them to comment on, no materials and no meaningful public discussion. Officials and scientists sat at the tables to answer questions informally but no record was kept of the oral questions or the oral answers (unlike a normal scoping session where all questions/discussion points are recorded). Those standing at a particular table could not hear or see a record of the discussions at any other table. A few of us counted the small number (on the order of 4 or 5 cards) submitted at each theme table. It seemed that perhaps the same people submitted a card at each table. The atmosphere was similar to a happy hour party of Monument officials: the air was filled with chatting and discussion amongst themselves by the 36+ or so officials, lots of pupus were consumed but very few comments were submitted.

This meeting differed substantially from any other NWHI scoping meetings held in the past 7 years in that such meetings generally featured a clear, open and facilitated process where participants could hear the points raised by others, engage in discussions and learn from them through a clearly-documented public process. In the past, all comments were written on flip charts or projected computer screens, visible to all, generating an easily tracked public record that could be copied on the spot. A

former state attorney attending Thursday's session remarked, "Very few people are here. Very few people are commenting. We have no idea what anyone else has said. There is no public record of the comments submitted tonight. We have no idea what happened here tonight."

It became apparent during the scoping session that the consulting firm, Tetrattech, was already engaged writing the elements of the Research Plan and possibly the Management Plan. In the past, Tetrattech had worked for NOAA to develop NWHI management plan analyses and DEIS matrices which had been highly criticized by the RAC as lacking in scientific merit, leading to a weakening of existing NWHI protections, and proposing violations of NWHI Executive Order protections.

At the scoping session, no reference was made to the publicly developed RAC Goals and Objectives for the NWHI in any of the materials provided nor to a prioritization of research efforts (other than broad categories under which almost any type of research could fit), nor of the need to restrict extractive activities.

By way of reference, below are some excerpts of core goals and objectives for the protection of the NWHI developed by the RAC through and open public process spanning several years:

Goal 4, Objective B: In order to **minimize the use of and impact to the region**, plan and establish programs that emphasize the concept of bringing the place to the people, rather than people to the place.

Goal 6: Support, promote, and coordinate research and long-term monitoring that **improves management decision-making** and is consistent with the long-term conservation and protection of the region.

Goal 6. Objective A: **Identify, assess, prioritize**, and authorize ecological, historic, cultural, and socio-economic research and monitoring **necessary for effective management** of the region.

Goal 1, Objective C: Develop and implement the **necessary prohibitions, rules, regulations, and penalty schedules** to achieve the primary purpose of resource protection and address the needs of the Sanctuary.

Objective D: Develop and **implement a surveillance and enforcement program needed to ensure compliance with regulations.**

Goal 3, Objective A: The management plan, implementing regulations and a permit system shall authorize uses only if such uses **do not threaten the natural character or biological integrity of any ecosystem of the region.**

Goal 7, **To ensure ecosystem integrity, rigorously restrict resource harvesting, including fishing, to areas where interactions with endangered Hawaiian monk seals, migratory seabirds, and other protected wildlife have been demonstrated as being very low, and the harvest can be monitored to collect data for ongoing evaluation of impacts.** All harvest shall be subject to NMSP permits and reporting requirements and other management measures.

The scoping documents did not provide information on the applicable portions of State NWHI Refuge law which requires a precautionary approach and sets a “do no harm” standard for permitted activities in the NWHI, including research.

Conclusion

The scoping session coincided with two well-known competing events which drew most of the NWHI supporters and scientists, and was structured in a manner which provided little opportunity for meaningful public participation. The written comment period was extremely brief and included the Thanksgiving holiday week. The entire process serves to underscore the lack of attention to--and inadequate efforts towards--encouraging and ensuring public input. Public input is clearly at the heart of management of a **public** trust resource. At no point should the public be shut out of, or discouraged to participate in, the planning and management process for the Monument. The contrast with the open, publicly-accessible process of developing the existing NWHI Reserve Operations Plan and State Refuge governance is striking.