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COMMENTARY

Sanctuary a victory long in making

- [Bush plan calls halt to all fishing](#)

By William Brown

On Sept. 24, 1906, President Teddy Roosevelt established by proclamation our nation's first national monument — Devil's Tower in Wyoming — under the Antiquities Act of 1906 enacted three months previously.

He followed that lead with 17 other monuments, including the Grand Canyon. No other president since has matched his list until President Bill Clinton.

Clinton established 19 national monuments, one-upping Roosevelt, at the instigation of his Interior secretary, Bruce Babbitt. I worked for Babbitt, as his science adviser, and it was made clear after we in the Clinton administration left office that no more monuments would follow in the administration of President George W. Bush.

National monuments were the work of left-leaning tree-huggers, with no sense of the proper bottom-up, pro-industry form of government that made our country great.

But now, all of a sudden, President Bush has established a huge monument in the sea. This is his second — the first, done in February, is the 19th century burial site of 20,000 slaves and free blacks in a half-acre parcel of Manhattan. We should thank the president for this new monument in Hawai'i and we should ask for more on sea and land.

The nation's latest national monument, proclaimed by President Bush this past Thursday, is the Northwestern Hawaiian Islands National Monument. Although plagued by humanity's waste, the Northwestern Hawaiian Islands are as close to pristine as the world now allows.

OCEAN OBLIVION

Vast populations of wildlife live there, many endemic. These islands must be protected, and perhaps now they will.

We should thank President Bush, and we should thank President Clinton and Secretary Babbitt, too. My first day on the job, in April 1997, Babbitt told me that Jim Watt had abandoned Interior's role in protecting the oceans, and he wanted me to fix that.

He knew that I had chaired the board of The Ocean Conservancy for a few years and thought I might have a feel for what to do. But for the first six months I was at a loss.

The only bureau (one of eight) of the Interior Department focused on the oceans was the Mineral Management Service, which regulates oil and gas leasing on the outer continental shelf of the U.S. They did good science, but how do you protect the oceans with that?

Then a few things came together. First, Interior has jurisdiction over coral reefs in the "insular affairs," meaning U.S. territories and possessions such as Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, the Northern Mariana Islands, and unpopulated islands here and there usually claimed by the U.S. in the 19th century through legislation basing sovereignty on guano — bird



Most of Hawai'i's green sea turtles nest in the Northwestern Hawaiian Islands, among the 7,000 marine and terrestrial species that make their homes there.

James D. Watt

droppings.

Also, Florida and Hawai'i had reefs. Florida was more central politically (remember the 2000 election), but Hawai'i's reefs were bigger, even if their inhabitants mostly voted with their beaks and fins.

The opportunity to move came from a White House conference on the oceans in June 1998. Once President Clinton was set to attend, and Vice President Gore, too, the federal agencies needed to figure out what they would announce.

The Defense and State departments were focused on getting the Law of the Sea treaty ratified by the Senate (still trying). The Commerce Department liked a beach clean-up program. EPA wanted something on water pollution.

I pushed coral reefs. Coral reefs were picked and then someone had to serve up an executive order so the president could do something on it.

QUEST FOR REEFS

Council on Environmental Quality staff asked me to write the executive order.

Babbitt was just down the hall from my office and always there on anything to do with the oceans. So, I quickly conjured up an order. An interagency coral reef task force seemed appropriate, to develop actions and oversee implementation, co-chaired by the Interior and Commerce secretaries.

On June 11, 1998, President Clinton signed Executive Order 13089 on Coral Reef Protection. The next step was the hunt for new areas to protect. I recommended focusing on four reef systems: Navassa Island, 35 miles from Haiti; the NWHI; Palmyra Island and Kingman Reef; and Wake Island.

Each held extensive and extraordinary reefs, and little or no current human settlement. Babbitt reacted immediately.

Wake Island was eventually dropped from the list because we concluded that its reefs already had the protection needed. Action was eventually taken on the others. Navassa Island came first. On Dec. 3, 1999, Babbitt signed Secretarial Order 3210 and established the refuge without fanfare. Palmyra Island and Kingman Reef — about 30 miles apart and about 960 miles south of Honolulu — were the final coral reef acts for the Babbitt Interior Department. Babbitt signed orders for each on Jan. 18, 2001.

The NWHI was more complicated. On the plus side, a key, indispensable player emerged from the field — Robert Smith, who headed the U.S. Fish and Wildlife Service in Hawai'i.

Smith was an unabashed advocate for coral reef protection and an avalanche of information for the NWHI as well as Palmyra and Kingman.

But the secretary of the Interior could not make a marine refuge for the NWHI as he did for Navassa, Palmyra and Kingman, nor could the president, according to a memo from the Department of Justice.

However, the same memo concluded that the president could establish a national monument within the U.S. territorial sea and also within the U.S. exclusive economic zone. We still had a problem though — we could not get a national monument out of the president without agreement of the Commerce Department.

Commerce, through NOAA, has long been split at the root when it comes to ocean life. One agency, the National Marine Fisheries Service, regulates fishing. It has done this for a long time and many would say it is "user-friendly" to the industry. The other NOAA agency, the National Ocean Service, through its National Marine Sanctuary program, is newer and with a mandate to protect ecosystems.

In the earlier days of our ocean initiatives at Interior and discussions on the NWHI, I often returned from meetings with Commerce appointees, sometimes mediated by the Council on Environmental Quality, feeling like napalm had been poured over my head and lit. More than once I thought the NWHI initiative was dead. Some saw nothing more than Babbitt and Interior reaching for their salty turf.

SHOT AT SOMETHING BIG

But something changed late in the Clinton administration. The appointees at Commerce realized that they had a shot at doing something big and good, and those of us involved at Interior accepted that Commerce would manage the more open sea of whatever was created.

The other player, not to be forgotten, was President Clinton himself. Babbitt handled that with a good move. He gave Clinton an index card at a reception. One side listed the national monuments established by Teddy Roosevelt. The other side presented a longer list of national monuments that Clinton could establish.

The president bought in. Legacy readily takes a grip when the end of power is near.

Interior and Commerce worked out an arrangement for shared management of the monument and I do not doubt that President Clinton was prepared to establish the Northwestern Hawaiian Islands National Monument as recommended by our departments. This was the case even though a monument designation was then opposed by the Hawai'i congressional delegation, except for Sen. Daniel Akaka, who took no position, and also was opposed by former Gov. Ben Cayetano.

That was an uncomfortable fact, particularly since everyone was a Democrat.

The course was shifted by an amendment enacted by Congress in October 2001 stating that the president, "after consultation of the Governor of the State of Hawai'i, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce."

The Commerce Department decided that it had to move forward through the process established by this legislation rather than pursue a national monument. Interior had no choice but to accede. But our two departments together with CEQ pushed the envelope of this mandate by preparing executive orders for the president with detailed, protective provisions. These were issued just as the Clinton administration came to a close. They were written to establish a baseline of protection below which the subsequent protection of a sanctuary could not fall.

We hoped.

We left our offices on a Friday, and on Monday they were occupied by Bush officials.

END OF ERA

Since then I have been mostly an observer to the process.

Early in the Bush administration, the Clinton executive orders were left vulnerable.

However, that proclivity was checked by a man named Ted Kassinger, general counsel of the Commerce Department. Ted was later promoted to be deputy secretary. Ted wanted to enforce the Clinton executive orders, and his main and not misplaced concern was the adequacy of legal authority for that task under the executive orders. He stabilized the whole thing at a critical time, and I thank him.

In Hawai'i, the community force for protection has from the beginning outweighed those to the contrary, and its leadership through Tim Johns and the one-of-a-kind Dr. Isabella Abbott has had, in my view, no match in the other side.

Back on the East Coast, career leaders of the marine sanctuary program took Bush principals into the waters of the Florida Keys. On good authority, I've heard the more recent swimmers include Karl Rove, who needs no introduction, Josh Bolten, now Bush's chief of staff, and Jim Connaughton, chairman of the Bush CEQ.

Connaughton has become an avid scuba diver, and his role and hand is evident in the elegant, detailed and powerful proclamation Bush has issued.

Then of course Gov. Lingle joined in, with visionary support for protection in state waters of the monument. Also, the Pew Charitable Trusts has played a key role, offering to ease the pain of those still fishing with money to buy them out.

Then finally comes the president, who not long ago hosted various interests at a White House event to view a film by Jean-Michel

Cousteau on the NWHI. Laura Bush was there, too, and is said to have helped. I'm not surprised; she speaks eloquently on conservation of native species.

ACTING ON THE PROCLAMATION

Much remains to be done, of course. A proclamation is key but only the foundation. This administration and whatever follows must implement the program. That means, among other things, money, which must be provided to conservation agencies whose funding is already strapped. They need more money, not just reallocation of what they get now.

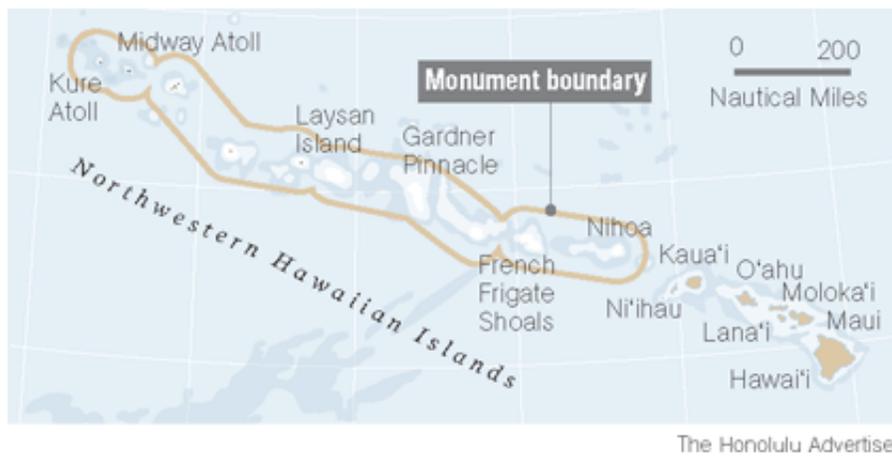
The bigger picture also intrudes. Debris converges on these islands and kills wildlife. Climate change is more threatening in the long-term; land and life are in the balance as sea levels and temperatures rise.

Unfortunately, protection requires more than limits on extraction and development. The Bush administration should wake up to this reality.

But, let us all applaud the president now for this great act. It's legacy time, and this is a good one, even though we may note, as I have here, that what he has done is to dunk a shot that Secretary of the Interior Bruce Babbitt lofted over the hoop.

William Brown has been president and CEO of the Bishop Museum since September 2001. He served as science adviser to Interior Secretary Bruce Babbitt from April 1997 to January 2001. He wrote this commentary for The Advertiser.

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