
APPENDIX D

SCOPING AND CONSULTATION SUMMARY

Summary of Seven Year Agency, Citizen Group and Individual Consultation and Public Comment and Response Processes Leading To the Development of the Papahānaumokuākea Marine National Monument Management Plan and Environmental Assessment

On May 26, 2000 President Clinton announced his intention to provide “strong and lasting protection for the coral reef ecosystem of the Northwestern Hawaiian Islands.” He directed the Secretaries of the Departments of Commerce and the Interior, working cooperatively with the State of Hawaii and in consultation with the Western Pacific Regional Fishery Management Council to develop recommendations within 90 days for a new, coordinate management regime to increase protection of the ecosystem for sustainable use. The Departments were directed to conduct ‘visioning’ sessions, which would provide opportunities for the public to comment and help to shape the final recommendations.

Over 1,400 public comments were received in writing and at seven public meetings. The public visioning sessions accomplished three main objectives: 1) They communicated the intent of the President’s directive regarding the coral reef ecosystems of the Northwestern Hawaiian Islands; 2) They provided excellent opportunities for public participation, dialog, discussion, and interactions; and 3) they produced a substantial amount of information for the Secretaries of the Interior and Commerce to use in making their recommendations to the President.

In December 2000, President Bill Clinton issued an inter-agency memo to the Secretaries of Commerce and the Interior directing them to hold public meetings to assess the Executive Order 13178 (as amended by Executive Order 13196), establishing the NWHI Coral Reef Ecosystem Reserve (Reserve), with the purpose “to ensure the comprehensive, strong, and lasting protection of the coral reef ecosystem and related marine resources and species of the Northwestern Hawaiian Islands.” Executive Order 13178 also directed NOAA, in consultation with federal and State partners, to initiate a process to designate the Reserve as a National Marine Sanctuary pursuant to sections 303 and 304 of the National Marine Sanctuaries Act of 2000. A Reserve Advisory Council (RAC) was established to provide advice and recommendations on the designation and management of any Sanctuary and to develop a Reserve Operations Plan for managing the Reserve. With these actions began the initial general consultation and public outreach process that would; some seven years later; culminate in the identification of the issues that would be addressed in the development of Papahānaumokuākea Marine National Monument Management Plan and Environmental Assessment.

Interested State and federal agencies, the public, citizens groups and other stakeholders were engaged to seek input and gather information toward developing a unified plan for Reserve operations and the proposed sanctuary. Between 2000 and 2005, NOAA conducted an extensive

information gathering process, including over 100 meetings with jurisdictional agency partners, the RAC and associated RAC subcommittee meetings, the Western Pacific Fishery Management Council, non-governmental organizations, fishing and other stakeholder groups, and the public.

The aim of these information gathering efforts was to identify concerns related to Sanctuary designation and development of the range of alternatives considered. A series of ten public scoping meetings were hosted in Hawai‘i and Washington, D C., with more than 13,000 comments received during the initial scoping period. Throughout the designation process, additional input was collected from the public, stakeholder groups, and interagency and RAC and associated subcommittees meetings. In total, close to 52,000 public comments were received that guided the direction and development of a draft sanctuary management plan to direct management of the anticipated sanctuary upon its designation.

Simultaneously, a Reserve Operations Plan (ROP) was drafted and finalized with extensive consultation with partner agencies and the RAC. The ROP guided the management of the Reserve and was the foundational document from which the draft sanctuary management plan was developed. The draft Sanctuary Management Plan had several companion documents packaged into the draft designation proposal, including a draft environmental impact statement and draft implementing regulations. When the Monument was designated in June 15, 2006 by Presidential Proclamation 8031, the processing of these documents was halted. However, the Proclamation recognized the extensive public input and the relevancy of the NMSP public processes and resulting draft Sanctuary documents, and directed the Co-Trustees to modify, as appropriate, the draft Sanctuary Management Plan as the basis for the creation of the management plan for the newly designated Monument.

The Proclamation marked the point where the State of Hawai‘i, through the Department of Land and Natural Resources joined with the U.S. Department of the Interior, through the Fish and Wildlife Service and the U.S. Department of Commerce, through the National Oceanic and Atmospheric Administration to become one of the three Co-Trustees responsible for management of the monument. A Memorandum of Agreement to establish roles and responsibilities of the three Co-Trustees was signed on December 8, 2006. The Co-Trustees then began to develop the new Monument’s management plan.

Public information meetings were again held on all main Hawaiian Islands to inform the public of the establishment of the Monument and its implementing regulations. Overall, establishment of the Monument and joint Co-Trustee management program were well received by the public, most of whom supported strong protection of the ecosystem of the Monument. On April 4, 2007, formal notice was given of the preparation of the MMP and associated EA for the Monument. Given the extensive six-year informational gathering process that lead up to the development of the draft Sanctuary Plan; the Co-Trustees asked for specific input on changed circumstances or new environmental issues that were not identified in the draft Sanctuary planning effort or in previously held public meetings.

Instead of summarizing specific public comments obtained at these meetings, the management agencies developed a table to consolidate and summarize issues and initial responses to all public and agency comments received during outreach efforts leading up to the development of the MMP and associated EA. This summary table, which is reproduced below, was posted on the Monument web site, and notices were sent via a list-serve to the over 780 interested parties on this list, all RAC members, and relevant local agencies requesting input on any additional issues that needed to be resolved. Issues are organized by topic and location (Monument-wide and Midway-specific).

Table 1. Summary of Monument-wide Issues Identified and Addressed in MMP and EA

Monument-wide Issues	
Topic	
Monument Management Plan Development	<ul style="list-style-type: none"> • The primary purpose is conservation and protection of the natural and cultural resources of the Monument. These original goals need to be reincorporated, and further development of the plan should occur through an open process that includes a Citizen Advisory Council based on the RAC model. • The MMP should provide specific mechanisms for partnerships among government agencies and between government and the public.
Permitting	<ul style="list-style-type: none"> ▪ The permitting process should provide for the maximum transparency; include a 90-day public review; employ independent expert panel reviews; and in unifying the permit system, adopt conditions, terms, and instructions based on the State’s permitting system. The system should be structured to allow for cumulative impact analyses. ▪ The MMP should facilitate multiple public and private uses. ▪ As per State NWHI rules, permit violators should not be granted additional permits and, in the case of a permit violation, a long-term permit should be revoked.
Extractive Activities	<ul style="list-style-type: none"> ▪ The impacts on this ecosystem from sustenance fishing, bioprospecting, and bottomfishing are poorly understood and inconsistent with the primary purpose of the Monument; these should be prohibited in all forms immediately. ▪ Commercial bottomfishing and sustenance fishing should be overseen by rigorous monitoring programs.
Research	<ul style="list-style-type: none"> ▪ Research activities in the NWHI have dramatically increased, primarily in sensitive nearshore and land habitats as a result of increased funding. Research activities should require a risk assessment analysis, followed by implementation of an ongoing risk monitoring protocol. ▪ Monitoring and research of the ecosystem and cultural resources are needed.
Military Activities	<ul style="list-style-type: none"> ▪ Military activities and their impacts were not discussed in the draft SMP and should be addressed in MMP and associated EA. ▪ Interagency coordination should include, as appropriate, the interests and activities of the Navy and MDA.
Education and Outreach	<ul style="list-style-type: none"> ▪ Increased emphasis should be placed on building public understanding and appreciation of the NWHI through education and outreach.
Habitat and Ecosystem Impacts	<ul style="list-style-type: none"> ▪ Impacts of marine debris, vessel groundings, pollution, alien species introduction, and general human presence in the Monument, collectively, are an ongoing concern because of effects on species and habitats in the NWHI. ▪ The MMP should focus on the restoration and enhancement of natural habitats, populations, and ecological processes. ▪ The economic cost of these threats should be calculated and planned for.
Funding Allocation	<ul style="list-style-type: none"> ▪ Allocation of funds should reflect the primary purpose of the Monument, with substantial percentages of the overall budget going to enforcement, ecosystem protection, and Native Hawaiian activities. ▪ Overhead and research should not dominate the budget allocation.
Enforcement	<ul style="list-style-type: none"> ▪ A greater enforcement presence is needed to ensure compliance with regulations and permit conditions. Resources need to be protected through enforcement, education, policy, and management.
Native Hawaiian Management Concepts and Access	<ul style="list-style-type: none"> ▪ Native Hawaiian management concepts should be employed in managing resources of the Monument. ▪ Access to Native Hawaiians must be ensured.

Table 2. Summary of Midway-specific Issues Identified and Addressed in the MMP and EA

Topic	Issues
Enforcement of Rules	Specific enforcement protocols need to be developed.
Visitor Carrying Capacity	The established cap should be critically analyzed and realistically based on staffing levels and potential impacts to resources.
Visitor Impacts on Wildlife	<p>Monitoring measures need to be implemented to detect and evaluate possible visitor impacts on monk seals and other wildlife; these measures should derive from NMFS and FWS consultations, and perhaps should enact recommendations from the Gilmartin and Antonelis study (1998).</p> <p>The impact of lead paint on the Midway's wildlife is disturbing, and the recently appropriated money should be spent removing or cleaning all structures at Midway covered with lead paint, as well as the soil around them, before hiring new staff or developing outreach materials.</p>
Interpretation	<p>Historic artifacts and records of Midway veterans should be prominent in interpretive materials and overall preservation of Midway's resources.</p> <p>Consider and reference Kilauea Point NWR as a logical offsite exhibit and program site.</p>
Means of Transportation	The use of larger aircraft to Midway could reduce cost to visitors.
Lead Contamination	FWS should fund and complete the removal of lead-based paint from buildings and the soil before funding the visitor services program.

Table 3. Issues Statements and Responses Identified for the Monument Management Plan and Environmental Assessment

Topic	Issue	Response
Access and Permitted Activities	<p><i>What decisions will be made in the MMP regarding Monument access and permitting of activities?</i></p>	<p>The types of activities allowed and requirements for access are regulated through a permitting process detailed in 50 CFR 404. The MMP's Permitting Action Plan will identify strategies to develop a streamlined and effective permit approval and issuance process and describe how data obtained from permits will be used to assess cumulative impacts and improve long-term monitoring and protection of Monument resources. Other action plans will identify strategies and activities related to human access, types of activities allowed, limits and controls.</p>
	<p><i>Will commercial fishing be permitted?</i></p>	<p>Commercial Bottomfishing will be permitted by NOAA Fisheries for the eight active vessels grandfathered until June 15, 2011 through Presidential Proclamation 8031. The Proclamation also includes regulations that restrict fishing in Ecological Reserves and Special Preservation Areas, set an annual catch limit and require the fishing vessels to comply with the same rules as other Monument permit holders.</p>
Management Capacity and Operations	<p><i>What facilities, vessels and levels of staffing and funding are needed to effectively operate and protect the resources of the Monument?</i></p>	<p>Each action plan will identify the specific needs required to accomplish the goals and objectives of that plan. The MMP will also identify areas where needs overlap and resources can be shared while still accomplishing the goals of each action plan. In these cases, references will be made to other action plans, providing a more accurate overall need assessment.</p>
	<p><i>What decisions will be made in the MMP regarding how the Co-Trustee agencies will operate as a management body and how they will coordinate with other agencies and the public?</i></p>	<p>The coordinated management regime creating the MMB was outlined in a Memorandum of Agreement and signed by the Co-Trustees in December 2006. It will be the basis for further defining roles and responsibilities in carrying-out the operational and management activities of the MMP. Several mechanisms for future coordination with other agencies, community organizations, and the public will also be identified in the plan.</p>
	<p><i>How will law enforcement needs for Monument management be addressed?</i></p>	<p>The Enforcement Action Plan will outline the shared and coordinated responsibilities among the MMB enforcement agencies and the U.S. Coast Guard, and identify barriers to and opportunities for effective law enforcement. It will also address improving compliance through effective outreach and education.</p>
	<p><i>How will military activities be managed in the MMP?</i></p>	<p>Activities of the Armed Forces that could occur within the Monument are beyond the scope of MMB management activities.</p>
Research and Monitoring	<p><i>What type of research programs will be established and how will they be coordinated and directed to ensure we gather information that will help to protect and manage Monument resources while minimizing damage to the ecosystem?</i></p>	<p>The MMP will have action plans as well as a separate Monument Science Plan that requires research to be management-driven – by furthering an ecosystem-level understanding of the Monument or improving detection of and response to human-created threats and restoration of damaged ecosystems. Scientists must comply with the findings outlined in the Proclamation in designing their projects, while the MMP will establish a process to identify criteria and assess impacts for evaluating all proposed research and monitoring activities in the Monument.</p>

Table 3. Issues Statements for the Monument Management Plan and Environmental Assessment (continued)

Topic	Issue	Response
Outreach, Education, and Visitation	<i>How will the MMP address public use, interpretation, and environmental education opportunities for the Monument?</i>	Midway Atoll, with its existing infrastructure and history of human activity, will serve as the on-site “window to the Monument,” and visitation opportunities will be described in the Midway Interim Visitor Services Plan of the MMP. The Mokupāpapa: Discovery Center in Hilo, the National Marine Sanctuaries office in Honolulu, and lectures and other types of outreach from Monument staff and trained volunteers will provide opportunities to “bring the place to the people rather than the people to the place” and will be discussed in the Ecosystem Literacy Action Plan.
Public Involvement	<i>How can the public be involved in managing and conserving the Monument?</i>	The Constituency Building and Outreach Action Plan will explore strategies for involving the public in promoting protection and awareness of Monument resources, which could include public meetings, workshops, establishing citizen advisory groups, volunteering opportunities, and other possibilities.
	<i>How will terrestrial and marine habitats, fish and wildlife be managed in the Monument?</i>	The MMP will identify a range of proposed strategies and activities to address local threats (e.g., spread of alien species, contaminant spills) as well as global threats (e.g., sea level, temperature and chemistry changes) to understand and protect Monument resources. Management actions will be aimed at maintaining biological integrity, diversity, and ecosystem health and will be performed in a manner that does not cause any significant impacts to Monument natural and cultural resources.
Habitat and Ecosystem Impacts	<i>What type of information and direction will be provided in the MMP regarding global climate change and sea level rise?</i>	The MMP and Monument Science Plan will present activities specific to the threat of global climate change, including new research models to help predict sea level rise and the possible impacts to Monument species and habitats, and will consider options for monitoring climate change and sea level rise as a part of a global network of information.
	<i>How will the MMP address threats to the Monument’s ecosystem?</i>	The MMP will identify known threats to the ecosystems of the Monument, such as marine debris, environmental contaminants, and invasive species, and propose actions and activities that can reduce or potentially eliminate damage to marine and terrestrial resources.
	<i>How will the MMB prevent the discharge of contaminants into the Monument and respond to unforeseen incidents?</i>	The Presidential Proclamation established strict standards to prevent pollution from vessels while operating in the Monument. The MMP will establish procedures for coordinated emergency response in event of an accidental or negligent pollution event and will identify a process to assess natural resource damages and implement compensatory restoration projects.
	<i>What will the MMB do to cleanup contamination caused by past human activities in the Monument?</i>	Contamination hazards exist across the NWHI, with particular issues at Midway that are known to impact the health of the Laysan Albatross. The Restoration Action Plan will identify and assess known hazards, and provide cleanup strategies, funding requirements and detail other relevant factors to remediate hazards at the most critical of these sites.
Native Hawaiian Culture	<i>How will the MMB take care of Native Hawaiian cultural resources?</i>	The MMP will outline a range of strategies and activities for cultural resource protection, identification, documentation, preservation, traditional use, interpretation, and education that will implement Native Hawaiian cultural and historic resource preservation, protection and perpetuation methods. Through the Office of Hawaiian Affairs, Native Hawaiian Working Group, and Action Plans specific to Native Hawaiian interests, the MMB will incorporate Native Hawaiian resource management skills and knowledge across all programs.

Table 3. Issues Statements for the Monument Management Plan and Environmental Assessment (continued)

Topic	Issue	Response
Historic Preservation Issues	<i>How will the Monument manage post-contact (historic period) cultural resources?</i>	The MMP will outline a range of strategies and activities to identify, document, preserve, reuse, and interpret post-contact historic resources 1) from Midway Atoll, 2) submerged under the ocean, and 3) from exploration, commerce, war, and conservation throughout the Monument. Many of these activities, particularly for structures and buildings at Midway and sunken ships, are currently ongoing.
Midway Atoll NWR – Access and Permitting	<i>What is the appropriate total number of people (to visit, work and volunteer) that Midway Atoll can support?</i>	Midway’s Interim Visitor Services Plan has identified up to 40 overnight visitors at one time and at least 300 visitors per year as appropriate given the current staffing and infrastructure. NOAA has identified Midway as a potential operational hub and location for new programs and staff, which would cause more waste generated, more electricity required, additional infrastructure built, more water and food consumed, and potentially more disturbance to wildlife. The MMP will propose a maximum number of people on Midway, a site plan for the allocation of land uses, and facilities needed to balance people and wildlife.
Midway Atoll NWR – Management Capacity and Operations	<i>How will the Management needs of Co-Trustees be incorporated into Midway operations without negative consequences to the natural and historic resources?</i>	The MMP will present strategies and activities in a Site and Operations Action Plan that address facility and operational needs throughout the Monument, including at Midway. Conserving natural resources, preserving historic resources, and incorporating cultural considerations are all components of the action plan.
Midway Atoll NWR – Interpretation	<i>How will visitors be provided information to introduce and sensitize them to the fragile Midway Atoll ecosystem and history? To what extent should new interpretive and educational exhibits be placed at Midway?</i>	The Midway Interim Visitor Service Plan will offer several opportunities to interpret the natural and cultural features of the Monument, including guided tours, self-guided interpretive walks, guided boat trips, interpretive exhibits and signs, and programs and presentations, focusing on wildlife, historic structures, artifacts, memorials, and key sites. The MMP will address expanding the current visitor program at Midway to represent the entire Monument.
	<i>To what extent should historic structures be preserved and restored for interpretation on Midway?</i>	Decisions to preserve, restore, reuse or demolish buildings will be determined on a case-by-case basis, as the state of each building, its relative historic importance, interpretive opportunities, and the cost to restore and maintain vary widely. An appropriate balance of on-island and off-island interpretation is needed and will be further addressed in the MMP.