

THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3284

SIGNATURE DATE: January 16, 2009

Subject: Delegation of Management Responsibility for the Pacific Remote Islands Marine National Monument, Rose Atoll Marine National Monument and the Marianas Trench Marine National Monument

Sec. 1 Background. On January 6, 2009, the President issued Presidential Proclamations 8335, 8336 and 8337 (Proclamations), collectively establishing the Pacific Remote Islands Marine National Monument, Rose Atoll Marine National Monument, and the Marianas Trench National Monument (Monuments). While these Monuments include unique scientific and historic features that warrant their protection by the President under the Antiquities Act, (16 U.S.C. 431), they also include some of the most unique and diverse terrestrial and marine habitat on earth, supporting numerous species of corals, fish, shellfish, marine mammals, water birds, land birds, insects, and vegetation, many of which are threatened or endangered. In each of these Proclamations the President directed that the Secretary of the Interior (Secretary) assume specific management responsibilities at each monument.

Within the boundaries of the Monuments, the United States Fish and Wildlife Service (Service) currently administers National Wildlife Refuges at Baker, Howland, and Jarvis Islands; Palmyra Atoll; Kingman Reef; Johnston Atoll; and Rose Atoll.

Sec. 2 Purpose. The purpose of this Order is to delegate the Secretary's management responsibilities for the Monuments established under the three Proclamations cited in Section 1 to the Director of the Service.

Sec. 3 Authority. This Order is issued pursuant to the following authorities:

- a. Presidential Proclamations 8335, 8336, and 8337, dated January 6, 2009;
- b. Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended;
- c. The Fish and Wildlife Act of 1956, 16 U.S.C. 742a;
- d. The National Wildlife Refuge System Administration Act of 1966, as amended, 16 U.S.C. 668dd; and
- e. 16 U.S.C. 460k-3.

Sec. 4 Delegation and Administration.

- a. General.
 - (1) The responsibilities given the Secretary of the Interior by the President over the emergent and submerged lands and waters of the Monuments are hereby delegated through the Assistant Secretary for Fish and Wildlife and Parks (Assistant Secretary) to the Director of the Service, to be administered subject to the specific provisions of this section as set out below.

(2) For each of the areas subject to this delegation, the Director of the Service shall provide for the proper care and management of the monument, including all objects of scientific and historic interest therein; the conservation of fish and wildlife; and the development of programs to assess and promote national and international monument-related scientific exploration and research.

(3) In exercising management authority over these areas of the Monuments, the Director of the Service shall consult, as appropriate, with the National Park Service, the U.S. Geological Survey, and other appropriate bureaus of the Department, to draw upon their respective expertise with respect to marine science, and encourage these bureaus to undertake coordinated research and educational projects therein.

b. Pacific Remote Islands Marine National Monument.

(1) Howland Island, Baker Island and Jarvis Island Units. The Director shall manage the emergent and submerged lands and waters out to 50 nautical miles from the mean low water lines of Howland, Baker, and Jarvis Islands as units of the Pacific Remote Islands Marine National Monument. This delegation extends the current boundary of the existing wildlife refuge at each of these islands to 12 nautical miles from the respective mean low water line of each island. Those areas beyond 12 nautical miles from the mean low water line for which NOAA has primary management responsibility for fishery-related activities are not included in the National Wildlife Refuge System.

(2) Palmyra Atoll Unit. The Director shall manage the emergent and submerged lands and waters out to 50 nautical miles from the mean low water line at Palmyra Atoll as a unit of the Pacific Remote Islands Marine National Monument, except that those areas subject to the exclusions defined in Secretary's Order 3224 of January 18, 2001, shall remain in the Office of Insular Affairs, subject to the terms of that Order. The Director shall continue to manage Palmyra Atoll, including the area out to 12 nautical miles from such mean low water line, as a National Wildlife Refuge, subject to Secretary's Order 3224. Those areas beyond 12 nautical miles from such mean low water line for which NOAA has primary management responsibility for fishery-related activities are not included in the National Wildlife Refuge System.

(3) Kingman Reef Unit. The Director shall manage the emergent and submerged lands and waters out to 50 nautical miles from the mean low water line at Kingman Reef as a unit of the Pacific Remote Islands Marine National Monument. The Director shall continue to manage Kingman Reef, including the area out to 12 nautical miles from such mean low water line, as a National Wildlife Refuge, subject to the provisions of Secretary's Order 3223 of January 18, 2001. Those areas beyond 12 nautical miles from such mean low water line for which NOAA has primary management responsibility for fishery-related activities are not included in the National Wildlife Refuge System.

(4) Johnston Atoll Unit. The Director shall manage the emergent and submerged lands and waters out to 50 nautical miles from the mean low water line at Johnston Atoll as a unit of the Pacific Remote Islands Marine National Monument. This delegation extends the current boundary of the existing wildlife refuge at Johnston Atoll to include the area out to 12 nautical miles from such mean low water line. However, those portions of the emergent lands at Johnston Atoll that are currently under the administrative jurisdiction of the Department of the Air Force will continue to be managed by the Air Force until such administrative jurisdiction is terminated, at which time those emergent lands shall be administered as part of the expanded wildlife refuge. Those areas beyond 12 nautical miles from such mean low water line for which NOAA has primary management responsibility for fishery-related activities are not included in the National Wildlife Refuge System.

(5) Wake Island Unit. The Director shall manage the emergent and submerged lands and waters out to 50 nautical miles from the mean low water line at Wake Island as a unit of the Pacific Remote Islands Marine National Monument. The Director shall manage the emergent and submerged lands and waters of Wake Island out to 12 nautical miles from such mean low water lines as a unit of the National Wildlife Refuge System; except in accordance with Proclamation No. 8336, the Director shall not commence management of the emergent lands at Wake Island, and the Department of the Air Force shall continue to manage such emergent lands, according to the terms and conditions of the Agreement between the Secretary of the Air Force and the Secretary of the Interior, unless and until such agreement is terminated. Those areas beyond 12 nautical miles from such mean low water line for which NOAA has primary management responsibility for fishery-related activities are not included in the National Wildlife Refuge System.

c. Rose Atoll Marine National Monument. The Director shall manage the emergent and submerged lands and waters out to 50 nautical miles from the mean low water line at Rose Atoll as the Rose Atoll Marine National Monument. The Director shall continue to manage the existing wildlife refuge at Rose Atoll within the boundaries set forth in the Notice of Establishment, 71 F.R. 13183 (April 5, 1974). Those areas beyond such mean low water line for which NOAA has primary management responsibility for fishery-related activities are not included in the National Wildlife Refuge System.

d. The Marianas Trench Marine National Monument. The Director shall manage the “Trench Unit” and the “Volcanic Unit” of the Marianas Trench Marine National Monument as units of the National Wildlife Refuge System, subject to the provisions of the proclamation establishing this Monument. The Director shall exercise all management responsibility given to the Secretary of the Interior for the “Island Unit” of the Marianas Trench Marine National Monument, although no part of the “Island Unit” is included as a unit of the National Wildlife Refuge System.

Sec. 5 **Effective Date.** This Order is effective immediately. Its provisions shall be converted to the Departmental Manual.

/s/ DIRK KEMPTHORNE
Secretary of the Interior

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