



National Sea Grant Law Center

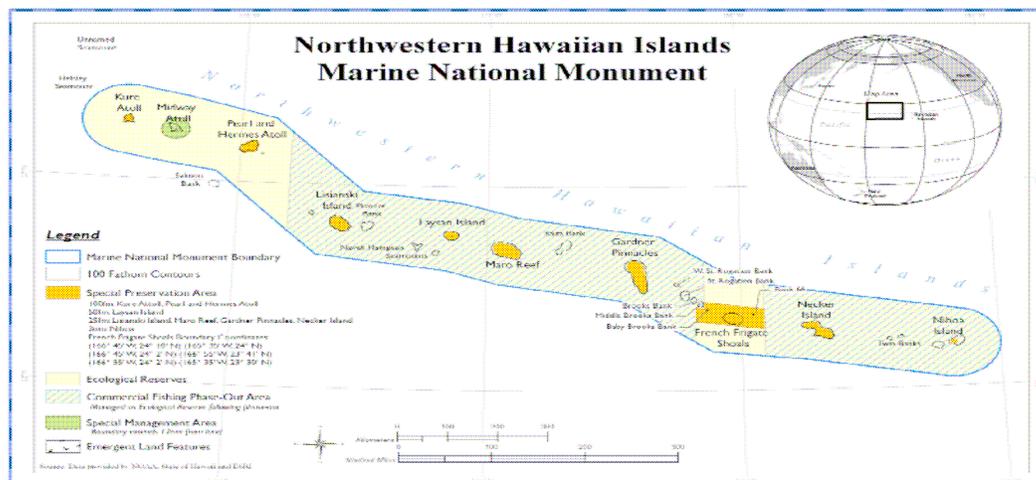
Announcement

July 2006



President George W. Bush Establishes Northwestern Hawaiian Islands Marine National Monument

On June 15, 2006, President George W. Bush, pursuant to his authority under the Antiquities Act of 1906, issued Proclamation 8031 and created the largest marine conservation area in the world. The Northwestern Hawaiian Islands Marine National Monument encompasses 139,793 square miles and just surpasses Australia's 128,960-square-mile Great Barrier Reef Marine Park. The Antiquities Act authorizes presidents "to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments." (16 U.S.C. § 431). The area was originally slated for designation as a national marine sanctuary, but President Bush, apparently inspired by *Voyage to Kure*, Jean-Michel Cousteau's stunning documentary on the beauty of the Islands and the perils facing them, wanted to act more quickly.



The Northwestern Hawaiian Islands (NWHI) is a collection of reefs and emergent lands – islands, atolls, and pinnacles. The area is home to more than 7,000 marine species, some found nowhere else in the world. Over 14 million seabirds, 90 percent of Hawaii's green sea turtles, and almost all monk seals nest on the island's remote beaches. The area also holds great cultural significance for Native Hawaiians as a sacred place. The Monument incorporates several existing protected areas, including the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway National Wildlife Refuge, the Hawaiian Islands National Wildlife Refuge, and the Battle of Midway National Memorial. The National Oceanic and Atmospheric Administration (NOAA) has primary responsibility for management of the marine areas, in consultation with the Fish and Wildlife Service, which has sole responsibility for the wildlife refuges and the Battle of Midway National Memorial. Because all of the islands, except for Midway Atoll, within the Monument are part of the state of Hawaii, the federal agencies will need to coordinate their management efforts with the state.

Restrictions

The following activities are prohibited: exploring for, developing, or producing oil, gas, or minerals; using or attempting to use poisons, electrical charges or explosives in the collection or harvest of a monument resource; introducing or otherwise releasing an introduced species from within or into the monument; and anchoring on any living or dead coral.

The following activities are prohibited, unless authorized by permit:

- ❖ Removing, possessing, injuring, disturbing, or damaging any living or nonliving monument resource or attempting to do so;
- ❖ Drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands;
- ❖ Anchoring a vessel;
- ❖ Deserting a vessel aground, at anchor, or adrift;
- ❖ Discharging or depositing any material or other matter into the monument (or outside if the material subsequently enters the monument and injures a resource);
- ❖ Touching coral, living or dead;
- ❖ Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the monument;
- ❖ Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or the Midway Atoll Special Management Area; and
- ❖ Attracting any living monument resources.

A permit may be issued if the activity: (1) is research designed to further understanding of monument resources and qualities; (2) will further the educational value of the monument; (3) will assist in the conservation and management of the monument; (4) will allow Native Hawaiian practices; (5) will allow a special ocean use; or (6) will allow recreational activities. Even if an activity falls into one of these categories, a permit can only be issued upon the finding that, among others, the activity can be conducted with adequate safeguards and in a manner compatible with the management direction of the Monument.

Fishing

Commercial fishing will be phased out of the Monument. Lobster fishing will cease immediately. Commercial fishing for bottomfish and associated pelagic species may continue for no longer than five years provided the fishing is conducted in accordance with a valid permit in effect on the date of designation. Total landings may not exceed 350,000 pounds for bottomfish species and 180,000 for pelagic species.

Fact Sheet Provided by:

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