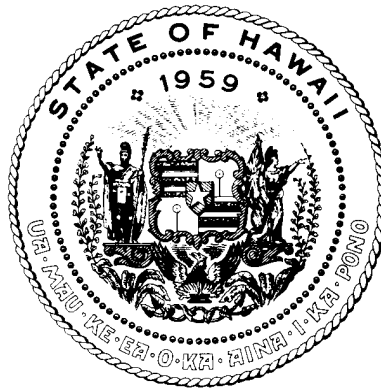


**Report to the Twenty-First Legislature
Regular Session of 2002
on**

**A Report on the Development of the
Northwestern Hawaiian Islands
Coral Reef Ecosystem Reserve Operations Plan
and Clarification of the State's Role and Responsibilities**



Prepared by

**Department of Land and Natural Resources
State of Hawaii**

**in response to
Senate Concurrent Resolution 89
Regular Session of 2001**

December 2001

**INTERIM REPORT ON
SENATE CONCURRENT RESOLUTION NO. 89, 2001 Regular Session**

**Requesting a Report on the Development of the Northwestern Hawaiian Islands
Coral Reef Ecosystem Reserve Operations Plan and
Clarification of the State's Role and Responsibilities**

PURPOSE OF THIS REPORT

This report is submitted in compliance with Senate Concurrent Resolution No. (SCR) 89, adopted by the Twenty-First Legislature of the State of Hawai'i, Regular Session 2001. The Resolution requests the Department of Land and Natural Resources (DLNR) to keep the Legislature apprised on the development of the Northwestern Hawaiian Islands (NWHI) Coral Reef Ecosystem Reserve (Reserve) Operations Plan and clarify the State's role and any specific management responsibilities.

BACKGROUND

The NWHI Reserve was established by President Clinton on December 4, 2000, by Executive Order (EO) 13178/13196. The Reserve is adjacent to the seaward boundaries of State of Hawaii waters and extends approximately 1,200 nautical miles long and 100 miles wide. The purpose of the Reserve is to manage and facilitate coordination among federal and state agencies with management responsibilities for the lands, waters and native biota that are dependent on these resources including several threatened and endangered species. The EO called on the Secretary of Commerce, in consultation with the Secretary of the Interior and the Governor of Hawaii, to develop a Reserve Operations Plan to govern the management of the Reserve. The EO directed the Secretary of Commerce to appoint a 24-member Coral Reef Ecosystem Advisory Council, including one voting representative from the State of Hawaii as appointed by the Governor. Governor Cayetano appointed Mr. Timothy E. Johns to be his representative to the Advisory Council.

RESPONSE TO S.C.R. 89

Current Status:

When President Bush took office, one of the initial Executive Directives issued by the White House was a review of all EO issued by the Clinton Administration during his last year in office. EO 13178/13196, which created the NWHI Reserve was included in this review. To date the EO creating the Reserve is still under review by the Bush Administration. Concerns have arisen over some of the conservation measures outlined in the EO especially as they relate to managing fisheries resources in federal

waters and the limits to vessel discharges.

A preliminary draft of the Reserve Operations Plan was released in May 2001 to Federal and State agencies with management responsibilities for the waters of the NWHI. A copy of the draft plan was also circulated among the NWHI Reserve Advisory Council. Comments from the Advisory Council and the Federal and State agencies were compiled and sent back to Washington, D.C. with the preliminary draft plan. Until such time as the review by the Bush Administration is completed, a final draft Reserve Operations Plan will not be released for further public comment or agency review.

While the timing is unknown on when the decision on the Reserve will be forthcoming from the Bush Administration, the Department of Commerce will move forward to hold scoping meetings on the potential for the Reserve to become a National Marine Sanctuary. These meetings will likely take place in February, 2002. It is hoped that the review of the EO by the Bush Administration is completed by this point as the Reserve Operations Plan will form the basis for the development of a Sanctuary Management Plan.

State Initiatives:

DLNR is moving forward with the designation of all State waters in the NWHI as a Fisheries Management Area. Public hearings on this designation and management framework are set to begin in early January, 2002. DLNR has also been in negotiation with the Department of Commerce to sign a Memorandum of Agreement to provide resources to the State to assist DLNR in management of State waters and to support Commerce during the Sanctuary designation process. This Memorandum was recently signed by both parties.

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S.C.R. NO. 89

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SENATE CONCURRENT RESOLUTION

REQUESTING A REPORT ON THE DEVELOPMENT OF THE NORTHWESTERN
HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE OPERATIONS
PLAN AND CLARIFICATION OF THE STATE'S ROLE AND
RESPONSIBILITIES.

1 WHEREAS, the world's coral reefs -- the rain forests of the
2 sea -- are in serious decline and these important and sensitive
3 areas of biodiversity warrant special protection; and
4

5 WHEREAS, while United States waters contain approximately
6 three percent of the world's coral reefs, seventy percent of
7 U.S. coral reefs are in the Northwestern Hawaiian Islands, and
8 these 3.5 million acres are unquestionably some of the
9 healthiest and most extensive coral reefs in the United States;
0 and

11 WHEREAS, on May 26, 2000, President Clinton directed the
12 Secretaries of Commerce and the Interior, working cooperatively
13 with the State of Hawaii and consulting with the Western Pacific
14 Fishery Management Council, to develop recommendations for a
15 new, coordinated management regime to increase protection of the
16 coral reef ecosystem of the Northwestern Hawaiian Islands and
17 provide for sustainable use of the area; and
18

19 WHEREAS, as a result of these recommendations, on
20 December 4, 2000, Executive Order 13178 established the
21 Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve
22 (Reserve), including submerged lands and waters of the
23 Northwestern Hawaiian Islands, extending approximately 1,200
24 nautical miles long and 100 nautical miles wide; and
25

26 WHEREAS, the Reserve is adjacent to and seaward of the
27 seaward boundaries of the State of Hawaii and the Midway Atoll
28 National Wildlife Refuge, and overlays the Hawaiian Islands
29 National Wildlife Refuge to the extent that it extends beyond
30 the seaward boundaries of the State of Hawaii; and
1
2



1 WHEREAS, the Reserve is to be managed to facilitate
2 coordination among federal and state agencies and other
3 entities, as appropriate; and
4

5 WHEREAS, the Secretary of Commerce (Secretary), in
6 consultation with the Secretary of the Interior and the Governor
7 of Hawaii, is to develop a Reserve Operations Plan to govern the
8 management of the Reserve; and
9

10 WHEREAS, after considering input from the Secretary of the
11 Interior and Governor of the State of Hawaii, the Secretary is
12 to establish a twenty-four member Coral Reef Ecosystem Reserve
13 Council, including one representative from the State of Hawaii
14 as appointed by the Governor, to provide advice and
15 recommendations on the Reserve Operations Plan and designation
16 and management of any sanctuary; and
17

18 WHEREAS, the Secretary must provide a progress report on
19 the implementation of the Executive Order to the Chair of the
20 Council on Environmental Quality within one year from the date
21 of the Executive Order; and
22

23 WHEREAS, the U.S. Fish and Wildlife Service currently
24 manages eight islands (not including Midway and Kure Atolls) as
25 the Hawaiian Islands National Wildlife Refuge; and
26

27 WHEREAS, Midway Atoll is an unincorporated U.S. possession
28 and is not part of the State of Hawaii, and the Midway Atoll
29 National Wildlife Refuge is managed by Midway Phoenix
30 Corporation as an ecotourism business, under a long-term
31 contract with the Fish and Wildlife Service; and
32

33 WHEREAS, Kure Atoll is under the management of the State
34 Department of Land and Natural Resources as a state wildlife
35 refuge; and
36

37 WHEREAS, with the exception of some tourism on Midway
38 Atoll, there is limited human activity currently taking place in
39 the Reserve; and
40

41 WHEREAS, only one fishery (bottomfish) is currently active
42 in federal waters of the Reserve, two additional Fishery
43 Management Plans for crustaceans (lobster) and precious corals,
44 are not currently active, and there is limited recreational
45 fishing in the area; and
46



1 WHEREAS, the National Marine Fisheries Service regulates
2 fishing from the outer boundary of State waters out to two
3 hundred nautical miles from shore, based on fishery management
4 plans recommended by the Western Pacific Regional Fishery
5 Management Council; and
6

7 WHEREAS, federal and state agencies conduct activities,
8 such as research, monitoring, and enforcement, to fulfill their
9 management responsibilities for federal and state resources,
10 including the Midway Atoll and Hawaiian Island National Wildlife
11 Refuges, the state wildlife refuge on Kure, and to help protect
12 and recover protected, threatened, and endangered species; now,
13 therefore,
14

15 BE IT RESOLVED by the Senate of the Twenty-First
16 Legislature of the State of Hawaii, Regular Session of 2001, the
17 House of Representatives concurring, that the Department of Land
18 and Natural Resources (DLNR) is requested to keep the
19 Legislature apprised of the development of the Reserve
20 Operations Plan; and
21

22 BE IT FURTHER RESOLVED that DLNR, with the assistance of
23 the Department of Business, Economic Development, and Tourism,
24 is requested to clarify the role of the State in any specific
25 management responsibilities, and in any potential tourism,
26 recreational, and commercial activities within the Reserve; and
27

28 BE IT FURTHER RESOLVED that DLNR shall submit a report of
29 its findings to the Legislature no later than twenty days prior
30 to the convening of the Regular Session of 2002; and
31

32 BE IT FURTHER RESOLVED that a certified copy of this
33 Concurrent Resolution be transmitted to the Governor, the
34 Chairman of the Board of Land and Natural Resources and the
35 Director of Business, Economic Development, and Tourism.
36
37

OFFERED BY: *Russell S. Koh*

