



The Northwestern Hawaiian Islands Marine Refuge Act H. R. 2376

Rep. Ed Case introduced a bill to Congress on May 16, 2005 that would establish a refuge in Federal Reserve waters of the Northwestern Hawaiian Islands. The bill would accomplish the following:

- Establish a new Office of Sanctuaries and Refuges within NOAA.
- Extend protections established by Hawai'i to the Reserve boundary in federal waters; mirroring the visionary state Refuge, which prohibits all commercial activity in the refuge area.
- Incorporate the current U.S. Fish and Wildlife Service NWHI Refuge boundaries, while continuing to recognize USFWS's crucial management role.
- Provide seamless management between US Fish and Wildlife NWHI Refuge, the state refuge, and the proposed federal refuge.
- Replace current Reserve Council with a new Refuge Council, consisting of 2 Native Hawaiian, 3 scientists, 2 conservationists as voting members, with the state, Interior/USFW, Coast Guard, sanctuary program, Marine Mammal Commission participating as non-voting members.
- Ensure all federal agency decisions are exclusively based on protecting the natural resources and cultural heritage of the NWHI, thus Native Hawaiian traditional and customary rights are fully protected.
- Extend boundaries northwest of Kure Atoll, creating largest protected Refuge in the world.
- Ensure all human activities are "limited to those entirely consistent with preservation and protection in the true nature of a fully protected refuge."
- Require that management decisions be based on the precautionary approach.
- Prohibit commercial use and any sale of refuge resources.
- Prohibit exploration for oil, gas, mineral; drill, dredge, altering of seabed.
- Compensate the small commercial fishery, which consists of only 9 boats, by purchasing existing permits.
- Enforce a substantial penalty schedule with criminal charges, including seizure of vessels, civil penalties up to \$100,000/day, and rewards to those who report violations.
- Prohibit interfering with enforcement, resisting, impeding, intimidating, or bribing.
- Prohibit interfering with search or inspection, submitting false information, and violating any regulation or permit associated with this act.
- Access permits granted only for limited research, Native Hawaiian use, sustenance fishing, marine debris removal, "other activities in furtherance of purposes and policies" of the Act.
- Midway would be open to recreational fishing (catch and release) via permits from USFW.
- All vessels over 25 ft would have to be certified free of alien species by inspector, mandatory VMS and federal observer and a \$1 million vessel grounding bond would be required.

Immediate Benefits

- Full protection for the monk seals, seabirds, turtles, coral, and countless unnamed species in the area.
- Eliminates the five-year sanctuary rulemaking review process by prohibiting all fishing. This Act ensures that the refuge area will be permanently protected.
- The Act accurately reflects broad and consistent public concern, comment and input from the NWHI Coral Reef Ecosystem Reserve Council.
- Prevents efforts by the sanctuary program to introduce eco-tourism, wreck diving adventures, cruise ships, spear fishing or other activities to generate revenues.