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Hi Ann,  
This draft report was prepared by NOAA for DOC, and DOC shared it with DOI. Have you seen it? It contains factual information on Rose Atoll and PRIM.  
--Kristen

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Draft Review of Marine National  
Monuments  
Pursuant to Executive Order 13792

July 2017

Prepared by

National Oceanic and Atmospheric Administration

U.S. Department of Commerce

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## Introduction and Purpose

Presidential Executive Order 13792, Review of Designations Under the Antiquities Act, dated April 26, 2017 (EO), directs the Secretary of the Interior (Secretary) to conduct a review of Presidential National Monument designations or expansions of designations under the Antiquities Act made since January 1, 1996, where the designation covers more than 100,000 acres; where the designation after expansion covers more than 100,000 acres; or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders.

The EO further directs the Secretary to provide two reports summarizing his review:

- (1) an Interim Report under section 2(d), due within 45 days of the date of the EO, addressing the Bears Ears National Monument established by Proclamation No. 9558, dated December 28, 2016, and "such other designations as the Secretary determines to be appropriate for inclusion"; and
- (2) a Final Report under section 2(e), due within 120 days of the date of the EO, summarizing the findings of the review for all other monument designations covered by the EO.

The EO also directs the Secretary to include recommendations in both reports for "Presidential actions, legislative proposals, or other actions consistent with law" to conform designations to the policy set forth in the EO. The Secretary provided the Interim Report to the President on June 10, 2017, regarding Bears Ears National Monument.

The five marine national monuments (MNM) the National Oceanic and Atmospheric Administration (NOAA) co-manages with the Department of the Interior (DOI) included in this review are: Marianas Trench MNM; Northeast Canyons and Seamounts MNM; Pacific Remote Islands MNM; Papahānaumokuākea MNM; and Rose Atoll MNM. DOI requested NOAA prepare the review of these five MNM. NOAA staff in the Pacific and North Atlantic regions were asked to compile all relevant information for this report. NOAA staff also coordinated with DOI regional staff in preparing the information.

The attached report contains NOAA's review of the five MNM, which were each analyzed based on the seven factors found in Section 2 of the EO:

- (1) The requirements and original objectives of the Antiquities Act (Act), including the Act's requirements that reservations of land not exceed "the smallest area compatible with the proper care and management of the objects to be protected";
- (2) whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest";
- (3) the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and

Management Act,<sup>1</sup> as well as the effects on the available uses of Federal lands beyond the monument boundaries;

(4) the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries;

(5) concerns of State, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes, and localities;

(6) the availability of Federal resources to properly manage designated areas; and

(7) such other factors as the Secretary deems appropriate.

In addition to the review criteria above, Section 1 of the EO outlines the policy of this Administration and emphasizes the value of public outreach and proper coordination. Designations of national monuments “have a substantial impact on the management of Federal lands and the use and enjoyment of neighboring lands. Such designations are a means of stewarding America’s natural resources, protecting America’s natural beauty, and preserving America’s historic places. *Monument designations that result from a lack of public outreach and proper coordination with State, tribal, and local officials and other relevant stakeholders may also create barriers to achieving energy independence, restrict public access to and use of Federal lands, burden State, tribal, and local governments, and otherwise curtail economic growth.* Designations should be made in accordance with the requirements and original objectives of the Act and appropriately balance the protection of landmarks, structures, and objects against the appropriate use of Federal lands and the effects on surrounding lands and communities.”

DOI released a Federal Register notice on May 1, 2017, seeking public comment on the review of 27 national monuments that meet the criteria in the EO. By the close of the comment period on July 10, DOI had received more than 1.4 million public comments on regulations.gov. The majority of the comments received focused on the Bears Ears National Monument and the neighboring Grand Staircase-Escalante National Monument. DOI and NOAA also conducted outreach to Governors of affected states and territories, affected Members of Congress and Federally-recognized tribes. At this time, NOAA does not have an estimate of how many of those comments address marine national monuments. The public comments considered in the preparation of this report are limited to those submitted directly to NOAA. DOI is conducting a separate analysis of public comments submitted via regulations.gov.

This report contains five separate analyses for each of the MNMs addressing the criteria mentioned above. We provide the following note regarding the commercial fishing information contained in each site analysis. The fishing information and data presented in each of the five site analyses represent the best available information to staff at the time of preparing this report. In most, if not all cases, data are not available to differentiate between fishing that occurred within what is now the monument boundaries from activity beyond the monument boundaries. Where possible, such distinctions are noted. Additionally, the estimates of economic value of the commercial fishing activity prior to designation presented in this report are the estimates of economic activity based on gross revenue, not net revenue.

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<sup>1</sup> Section 102(a)(7) of the Federal Land Policy and Management Act (FLPMA) provides that it is the policy of the United States that “goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law.” 43 U.S.C. § 1701(a)(7). FLPMA defines the “public lands” subject to its requirements as excluding “lands located on the Outer Continental Shelf.” *Id.* at § 1702(e)(1).

# Marianas Trench MNM

## Introduction

On January 6, 2009, President George W. Bush designated Marianas Trench Marine National Monument by Presidential Proclamation 8335, encompassing three units: the Trench, Volcanic and Island units. Located in the Marianas Archipelago, east of the Philippine Islands and southeast of Japan, the Marianas Trench is approximately 940 nautical miles (nm) long and 38 nm wide within the U.S. Exclusive Economic Zone (EEZ) and contains the deepest known points in the global ocean. The total monument area consists of approximately 95,216 square miles of submerged lands and waters of the Mariana Archipelago. The monument has not been expanded to date. In 2016, the submerged lands and waters of the monument's Islands Unit extending 3 nm seaward from Uracas, Maug and Asuncion were transferred to the Commonwealth of the Government of the Northern Marianas Islands (CNMI), as directed by Presidential Proclamation 9077 (January 2014). Under the terms of the transfer Memorandum of Agreement (signed by the CNMI Government, DOI and Department of Commerce (DOC) on September 22, 2016), the U.S. Fish and Wildlife Service (USFWS) and NOAA are managing the conveyed submerged lands for the benefit of the CNMI people and in consultation with the CNMI government.

**Criterion I: the requirements and original objectives of the Antiquities Act (Act), including the Act's requirement that reservations of land not exceed "the smallest areas compatible with the proper care and management of the objects to be protected"; and**

**Criterion II: whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest"**

The Proclamation creates three separate units—Trench, Volcanic and Islands units—to compose Marianas Trench Marine National Monument. There are important geologic features within each of these units all largely driven by the subduction of the Pacific Plate beneath the Philippine Sea Plate. The Trench Unit, the largest of the three units, protects the Earth's longest and deepest submarine trench. The Volcanic Unit encompasses only the submerged lands of 19 active, submerged volcanic areas. The Islands Unit encompasses the waters and submerged lands around only three of the many islands within the Marianas archipelago. The Proclamation describes many of the geological and biological features conserved within this monument—from pools of liquid sulfur, to active hydrothermal vents, to volcanoes erupting nearly pure carbon dioxide, as well as the healthy marine ecosystems surrounding the islands and their nearby reef systems. The boundaries for all three units were drawn to protect only those attributes targeted in the Proclamation. For instance, a one-mile radius is protected around the elements of the

Volcanic Unit, and three of the islands are included and protected in the Islands Unit, whereas about a dozen other islands were not included in the Proclamation.

The Proclamation identifies “the submerged volcanic areas of the Mariana Ridge, the coral reef ecosystems of the waters surrounding the islands of Farallon de Pajaros, Maug and Asuncion in the Commonwealth of the Northern Mariana Islands, and the Mariana Trench” as “other objects of historic or scientific interest” worthy of protection. The area encompassed within the monument contains some of the most distinctive biological and geological systems and structures in the world, including the deepest location on Earth, the largest active mud volcanoes on Earth, and intense species diversity. President Bush’s 2009 designation objectives were intended to provide broad scale protections to the scientific objects and marine ecosystems identified in the Trench, Volcanic and Island units. As stated in the Proclamation, it is in the public interest to preserve and protect the Marianas Trench, the known volcanic areas within and the marine environment around the islands of Farallon de Pajaros, Maug and Asuncion in CNMI. The islands, waters and airspace of the monument are also of particular importance to the national security of the United States.

**Criterion III: the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land and Policy Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries; and**

**Criterion IV: the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries**

The Proclamation either prohibits or allows certain uses or activities by permit. The following section addresses the effects of the proclamation on three uses of the monument’s designated Federal lands, Federal lands beyond the monument’s boundaries and non-Federal lands within or beyond the monument’s boundaries: 1) commercial fishing; 2) non-commercial fishing; and 3) exploration and research. None of the prohibitions required by the Proclamation, and described herein, apply to activities and exercises of the U.S. Armed Forces, including those carried out by the U.S. Coast Guard (USCG). The Proclamation only states that the U.S. Armed Forces ensure, by the adoption of appropriate measures not impairing operations or operation capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with the objectives of the Proclamation.

Although the Proclamation does not include a specific prohibition on actions such as energy or mineral exploration and development or recreational activities (except non-commercial fishing), the Proclamation broadly states: “the Secretaries of the Interior and Commerce shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation or as otherwise provided for by law.”

Regarding the monument's management, Proclamation 8335 promotes "public education programs and public outreach regarding the coral reef ecosystem and related marine resources and species of the monument and efforts to conserve them; and "traditional access by indigenous persons, as identified by the Secretaries in consultation with the Government of the Commonwealth of the Northern Mariana Islands, for culturally significant subsistence, cultural and religious uses within the monument." Additionally, the Proclamation does not prohibit vessel transit or innocent passage through the monument or otherwise restrict navigations or overflights.

The human uses that took place in the monument before designation include a limited amount of commercial and non-commercial fishing activity and research and monitoring through the NOAA Fisheries Rapid Assessment and Monitoring Program and limited research by international partners. The post-proclamation activities have been limited to research and monitoring through the NOAA Fisheries Rapid Assessment and Monitoring Program and limited research by international partners.

#### (1.) Commercial fishing

Proclamation 8335 required the Secretary of Commerce to prohibit commercial fishing within the Islands Unit of the monument. On June 3, 2013, NOAA Fisheries issued regulations prohibiting commercial fishing in accordance with the Proclamation (50 C.F.R. Part 665, Subpart G). Because only the sea floor was designated in the Volcanic and Trench units, the prohibition on commercial fishing is applicable only in the Islands Unit.

NOAA Fisheries' Pacific Islands Fisheries Science Center data records for fishing activity in the CNMI prior to monument designation in 2009 indicate that a single longline vessel occasionally operated from Guam and four longline vessels operated from CNMI; however, none of the vessels were able to sustain a meaningful profit as there was no viable market for the fish. The four CNMI longliners then experimented with deep-water crustacean fishing, but lost too much gear/traps to make it economically viable. Immediately prior to the 2009 Proclamation, bottomfishing was limited to two active bottomfish boats that occasionally departed from Saipan to the northern islands, but the significant distance to the fishing grounds and associated fuel cost prevented profitable operations.

Additional research uncovered accounts of 129 trips to the Islands Unit waters spanning the years 1939 to 2009. From 1979 to 2009, this would be an average of 3.8 trips per year. The accounts included descriptions of 16 different vessels that traveled to the Islands Unit. Accounts of fishing in the northern islands indicate that these trips were rarely wholly commercial in nature. While many operations described in the northern islands intended to make a profit and sell a large portion of their fish, nearly all operations had the practice of giving a good deal of the catch away to family, friends and the local community, now known as "customary exchange."

Despite the fact that many fishing trips did not realize a profit, individuals and companies continued to fund a limited number of fishing trips to the waters of the Islands Unit. The oral histories collected for this research indicate that fishing trips to the Islands Unit waters were conducted as much for the experience of traveling to the islands themselves and fishing in the surrounding waters as for a chance of

gaining profit. Due to distance, trips to the monument were rare, but culturally significant events that provided residents from Guam and CNMI with connections to their indigenous roots.

### (2.) Non-commercial fishing

The Proclamation requires the Secretary of Commerce to “ensure that sustenance, recreational, and traditional indigenous fishing shall be managed as a sustainable activity consistent with other applicable law and after due consideration with respect to traditional indigenous fishing of any determination by the Government of the Commonwealth of the Northern Mariana Islands,” subject to any terms and conditions necessary for the care and management of the objects of the Islands Unit. On June 3, 2013, NOAA Fisheries issued regulations that established management measures for non-commercial and recreational fishing in the Islands Unit (50 C.F.R. Part 665, Subpart G). CNMI attained the authority to define local permitting requirements with the conveyance of their submerged lands.

Under NOAA Fisheries’ regulations, community residents of CNMI and Guam may apply for non-commercial permits to fish in the Islands Unit. Charter businesses established legally under the laws of Guam or the CNMI may also apply for recreational charter permits to fish in the Islands Unit. Permit holders who harvest fish under a non-commercial fishing permit may engage in customary exchange, which helps to preserve traditional, indigenous and cultural fishing practices on a sustainable basis; however, fish harvested under a recreational charter fishing permit may not be used for the purposes of customary exchange. Under 50 C.F.R. § 665.12, customary exchange means the non-market exchange of marine resources between fishermen and community residents, including family and friends of community residents, for goods and/or services for cultural, social or religious reasons. Customary exchange may include cost recovery through monetary reimbursements and other means for actual trip expenses, including but not limited to ice, bait, fuel or food, that may be necessary to participate in fisheries in the western Pacific.

Since commercial fishing was prohibited and non-commercial fishing regulations went into effect in 2013 in the Islands Unit, NOAA Fisheries has not received any applications for non-commercial fishing permits (i.e., sustenance, recreational and traditional indigenous fishing). According to the resident fishing community, the lack of interest in non-commercial fishing in the Islands Unit can be attributed to the fact that the cost of gas far exceeds the ability to cover expenses. Depending on the type of vessel used, it may take 1-2.5 days to get to the monument and, with current gas prices and the size of vessel tanks, costs range from \$7,000-\$15,000 and \$20,000-\$40,000 to charter a vessel.

### (3.) Exploration and research

Under Proclamation 8335, exploration and research is not prohibited and a permit is only required for applicants other than the Departments of Commerce and the Interior. Specifically, the proclamation states that:

“Subject to such terms and conditions as the Secretary deems necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific

exploration and research within the monument, including incidental appropriation, injury, destruction or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by [the Magnuson-Stevens Fishery Conservation and Management Act] MSA. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.”

As such, except for research by or for NOAA and USFWS, a Federal research permit is required in the Trench, Volcanic and Islands units. Currently, research permits are issued by USFWS under the authority of the National Wildlife Refuge System Administration Act, Special Use Permit, in coordination and review with NOAA and the CNMI Government, in the Trench and Volcanic units. Draft regulations are in development to authorize USFWS to issue permits for the Islands Unit also under the authority of the Refuge System and in coordination and review with NOAA and the CNMI Government. The Commonwealth requires a research permit in its territory’s waters. This requirement existed prior to the monument’s establishment.

Prior to monument designation, limited research was conducted in the three units primarily by NOAA Fisheries’ Pacific Islands Fisheries Science Center, NOAA Pacific Marine Environmental Laboratory and the University of Hawaii, in collaboration with national partners that includes the Hawaii Undersea Research Laboratory, Woods Hole Oceanographic Institute, Scripps Institution of Oceanography, Oregon State University, University of Victoria (Canada) and Japan Agency for Marine-Earth Science and Technology. Since the monument was designated, research interest and collaboration activity has increased due to the monument status, and to interest in the drivers of subduction zones, earthquakes, tsunamis, chemosynthesis, carbon sequestration, ocean acidification and the very origins of life.

**Criterion V: concerns of State, tribal and local governments affected by a designation, including the economic development and fiscal conditions of affected States, tribes and localities**

Prior to monument designation, public engagement and solicitation for comments was conducted in Guam, the CNMI Pacific Region and Washington, D.C. The public was invited to participate in roundtable format conversations about the scientific, historical and cultural resources, and the potential for protection and coordinated management of marine areas in the Pacific, as well as to provide comments during a formal 60-day public comment period (i.e., August 25, 2008 to October 25, 2008). The Chairman of the Council on Environmental Quality; and other Federal representatives from NOAA and the Department of the Interior were included in the meetings. The public meeting held in Saipan was one of the largest and most attended public meetings in CNMI history. Information and comments received at these open houses and during the public comment period were taken into consideration for the final monuments designation.

Additionally, more than 100 non-Federally hosted meetings and forums were held by the CNMI Council for the Humanities, Saipan Chamber of Commerce, Northern Marianas College and the Friends of the monument prior to designation on January 6, 2009. A community outreach campaign by the Friends of the Monument reached nearly every citizen in the Northern Mariana Islands. They published more than 100 letters to the editor and collected more than 6,000 petition signatures in favor of monument designation. Formal endorsements on monument designation include those made by CNMI Governor Benigno Fitial, the Saipan Chamber of Commerce and former First Lady Laura Bush. The Western Pacific Fishery Management Council formally opposed the monument proposal due to the economic impact the proposal would have on fishermen and indigenous communities; however, a greater portion of the public community supported it.

Prior to designation, initial proposals suggested prohibiting commercial fishing in the Trench, Volcanic and Islands units of the monument which raised concerns from the CNMI Governor Fitial. The governor then expressed support once the Trench and Volcanic units water columns were not included in the final monument designation. The Governor was also pleased that the non-commercial fishing regulations were established largely through Western Pacific Fishery Management Council processes which included many public meetings and opportunities for the CNMI and Guam fishermen to express their concerns and recommendations.

In the recent request by DOI for public comment on the monument designations, Governor Eddie B. Calvo of Guam wrote requesting the revocation of Marianas Trench Marine National Monument on the grounds that it would improve food security, sustain cultural fishing practices and promote economic development in the local communities. Governor Lolo M. Moliga of American Samoa wrote requesting revocation of Pacific monuments or revocation of fishing regulations within Pacific monuments, on the grounds that it has negatively impacted the local tuna industry and that existing fishing regulatory processes are adequate. Governor Moliga, Governor Calvo and Governor Ralph D.C. Torres of CNMI also wrote a joined letter requesting that fishing provisions applicable to all marine national monuments be removed, on the grounds that the monument restrictions are unnecessary and impede their local socioeconomic and cultural stability. The Western Pacific Fishery Management Council sent a letter requesting that monument designations in the western Pacific are unnecessary and fishing restrictions should be vacated. Members of Congress Bishop of Utah and Radewagen of American Samoa wrote a letter requesting that all marine national monument fishing restrictions be vacated. Members of Congress Bordallo and Sablan of CNMI sent a letter in support of the monument citing the importance of the monument to Guam's tourism economy but asked that the management plan be finalized as soon as possible. Senate and House Minority Leadership sent a letter requesting that all national monuments' boundaries remain intact based on the environmental and economic benefits they provide. *(Please note, the comments highlighted in this section are only reflective of those sent directly to DOC/NOAA as of July 20, 2017 and not those collected by DOI through the online regulations.gov portal.)*

**Criterion VI: the availability of Federal resources to properly manage designated areas**

Within existing appropriations for fisheries research and management, NOAA currently allocates approximately \$3 million dollars annually for science and management activities in the Pacific marine national monuments designated in 2009 (Marianas Trench, Pacific Remote Islands, Papahānaumokuākea and Rose Atoll). Determining the exact amount of money spent for each site on management and research is difficult since projects and cruises are sometimes combined with similar efforts and cross multiple sites. Since the monument was designated, NOAA Fisheries established eight full-time (four Pacific Islands Regional Office and four Pacific Islands Fisheries Science Center) staff positions and four part-time staff positions (one Pacific Islands Regional Office and three Pacific Islands Fisheries Science Center) to provide for the management and research within the four Pacific marine national monuments (Marianas Trench, Pacific Remote Islands, Papahānaumokuākea and Rose Atoll). Duties are shared among the personnel who work with the local governments in American Samoa, Saipan and Hawaii.

In addition to NOAA, USFWS received \$1.8 million in congressionally directed funds for Fiscal Year 17 for all USFWS managed marine national monuments in the Pacific. This funding has assisted the management of the monument through staffing, logistics and planning efforts. USFWS has established one permanent position to manage the monument and plans to fill a temporary position to assist with outreach and education in the near future.

Compliance of applicable laws in monument waters are enforced by a collaboration between the NOAA Office of Law Enforcement (OLE), USFWS's Office of Law Enforcement, CNMI's Department of Land and Natural Resources, Division of Fish and Wildlife and USCG to ensure compliance with applicable laws in monument waters. Satellite-based vessel monitoring systems (VMS), dockside inspections, at sea and aircraft patrols are used in the U.S. EEZ of the Pacific to monitor and enforce commercial U.S. fisheries laws and regulations, illegal, unreported and unregulated fishing, laws and regulations governing living marine resources, threatened and endangered species, and the protection of marine mammals. The resources expended to enforce waters in the monuments come from the general NOAA OLE Enforcement and Surveillance budget. These resources support a basic surveillance capability to monitor compliance with the directives in the Presidential Proclamations or public laws.

The amount of funding expended for activities in Marianas Trench Marine National Monument varies annually. Additional funding for research and management has been leveraged by using funds from other NOAA programs that have complementary interests and goals for exploration, research and management activities in the monuments. Significant funding from the Coral Reef Conservation Program and the Pacific Islands Fisheries Science Center have been used to monitor and explore the shallow coral reef areas in the Pacific Islands region including all of the monuments. NOAA partners provide tremendous benefit to overall research and management of the monuments, particularly due to their very remote locations and travel costs to conduct exploration, research and monitoring.

Annually, grants have been awarded by NOAA in order to pursue management objectives. Historically, grants have been for the purposes of research and monitoring and education and outreach, and vary in amount and availability each year.

# Northeast Canyons and Seamounts MNM

## **Introduction**

On September 15, 2016, President Barack Obama designated Northeast Canyons and Seamounts Marine National Monument by Presidential Proclamation 9496 to preserve the waters and the submerged lands within the area proclaimed as objects of historical and scientific significance. This is the first marine national monument on the Atlantic Coast. It is composed of two subunits entirely within Federal waters, the Canyons Unit and the Seamounts Unit. The Canyons Unit is approximately 941 square miles and incises the continental shelf. The westerly deep sea Seamounts Unit is approximately 3,972 square miles, for a total of approximately 4,913 square miles. The monument has not been expanded since designation. The monument encompasses the distinct geological features of Oceanographer, Gilbert and Lydonia canyons and Bear, Mytilus, Physalia and Retriever seamounts, which support vulnerable ecological communities. The monument is situated approximately 130 miles southeast of Cape Cod, Massachusetts, in the Northwest Atlantic Ocean.

**Criterion I: the requirements and original objectives of the Act, including the Act’s requirement that reservations of land not exceed “the smallest areas compatible with the proper care and management of the objects to be protected”; and**

**Criterion II: whether designated lands are appropriately classified under the Act as “historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest”**

The Proclamation created two separate Canyons and Seamounts units with narrow boundaries encompassing the geological features of each unit to ensure the area under monument designation included only that necessary to protect the identified objects in accordance with the Act. The specific objects identified within the Proclamation to be protected are “the canyons and seamounts themselves, and the natural resources and ecosystems in and around them.” This language ensures that matter within the boundary area of the monument designation are the “objects to be protected,” including the geologic features, the sessile and mobile species and the water column.

The Proclamation classifies the resources to be protected as objects of historic or scientific interest. These canyons and seamounts are home to many objects of historic and scientific interest, including at least 54 species of deep-sea corals, which live at depths of at least 3,900 meters below the sea surface and some of which belong to communities that are hundreds or thousands of years old. The corals, together with other structure-forming fauna, such as sponges and anemones, create a foundation for dynamic deep-sea ecosystems, providing food, spawning habitat and shelter for an array of fish and invertebrate species.

These habitats are extremely sensitive to disturbance from extractive activities. Because of the steep slopes of the canyons and seamounts, oceanographic currents that encounter them create localized eddies and result in upwelling. Currents lift nutrients, like nitrates and phosphates, critical to the growth of phytoplankton from the deep to sunlit surface waters. These nutrients fuel an eruption of phytoplankton and zooplankton that form the base of the food chain. Aggregations of plankton draw in large schools of small fish and then larger animals that prey on these fish, such as seabirds, whales, dolphins and sea turtles, as well as highly migratory fish such as tunas, billfish and sharks. Together the geology, currents and productivity create diverse and vibrant ecosystems that are currently and historically of scientific interest.

The objectives of the monument designation are to: 1) support research and scientific exploration to further the understanding of the North Atlantic Ocean ecosystem; 2) further the educational value of the monument that will assist in the site's conservation and management; and 3) protect the geology and biodiversity and its supporting habitat within the waters and submerged lands in and around the deep-sea canyons and seamounts, much of which is unique and not known to be found anywhere else on Earth.

**Criterion III: the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land and Policy Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries; and**

**Criterion IV: the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries**

The Proclamation either prohibits certain uses or allows certain uses or activities by permit. The following section addresses the effects of the Proclamation on seven uses of the monument's designated Federal lands, Federal lands beyond the monument's boundaries and non-Federal lands within or beyond the monument's boundaries: 1) energy and mineral exploration or development and dredging and construction, including submarine cables; 2) commercial fishing; 3) non-commercial fishing; 4) exploration and research; 5) vessel transit/innocent passage; 6) education; and 7) recreation. None of the prohibitions required by the Proclamation, and described herein, apply to activities and exercises of the U.S. Armed Forces, including those carried out by the U.S. Coast Guard (USCG). The Proclamation only states that the U.S. Armed Forces ensure, by the adoption of appropriate measures not impairing operations or operation capabilities, that its vessels and aircraft act in a manner consistent, so far as is practicable, with the objectives of the Proclamation.

(1.) Energy and mineral exploration or development and dredging and construction, including submarine cables

The Proclamation prohibits exploring for, developing or producing oil, gas or minerals, or undertaking any other energy exploration or development activities within the monument. Altering the monument's

submerged lands (e.g., dredging, construction) or constructing, placing or abandoning anything on the submerged lands is also prohibited. However, the placement of scientific instruments and the construction or maintenance of submarine cables is exempted and may be allowed by permit. Using or attempting to use poisons, electrical charges or explosives is similarly prohibited throughout the entire monument.

## (2.) Commercial fishing

The Proclamation prohibits commercial fishing or possessing commercial fishing gear in the monument except when stowed and not available for immediate use during passage without interruption through the monument, except for the red crab and American lobster fisheries. Pursuant to the Proclamation, commercial fishing for red crab and American lobster may continue in the monument for a period of not more than seven years from the date of monument designation, in accordance with applicable fishery management plans and other regulations, and under permits in effect on the date of the monument designation.

According to vessel trip reports and seafood dealer data reported to NOAA Fisheries, over the 10-year period from 2005 to 2014, fish valued at approximately \$12 million was landed from 38 different fisheries within the monument and surrounding area. This figure does not include landings of lobster or Jonah crab from the area. The vast majority, if not the entirety, of those landings were reported from the shelf landward of the Canyons subunit of the monument, as most fishing in the area occurs above 200 meters (with the exception of lobster which often is fished down to approximately 600 meters, red crab which is often fished down to approximately 800 meters). Generally, fishing effort was not occurring within the Seamounts subunit prior to monument designation.

Other than shellfish, the most valuable species caught in this area all belong to the highly migratory species complex. Between 2006-2014, highly migratory species landings from vessels using pelagic longline gear totaled to \$4,538,474. This value is included in the above described \$12 million figure. Fishing effort for these species is expected to be displaced to the northeast and southwest of the Canyons subunit given that fishermen were already permitted to fish in broad areas outside of the monument's boundaries; accordingly, there is no evidence to suggest that this will impact catch rates. The impacts of displacement would vary depending on the rate of movement of highly migratory species to and from the monument area and the surrounding area and where they may continue to be caught, pursuant to relevant fishery regulations.

The fisheries most impacted by the monument are the lobster and red crab fisheries. Prior to monument designation, estimates for the lobster fishery (including catch of Jonah crab) in the monument area were between 13 and 14.3% of the regional effort and 12.2 to 14.3% of the fishery's total revenue, representing \$2.4 to 2.8 million in annual lobster and Jonah crab revenue. This represents approximately twice the value of all other fish species from the area combined. Lobster catches from this area were landed primarily in Massachusetts (66.9%), followed by Rhode Island (24.6%) and New Hampshire (8.6%), with no landings reported from other states. Approximately 80% of the landings come from only a few vessels that fish almost exclusively inside the monument. The monument area also contained approximately 15% of the red crab fishery effort over the last 10 years. Generally, this fishing effort is expected to be

displaced to the surrounding area outside the monument's boundaries, given that lobster and crab fishermen were already permitted to fish in broad areas outside the monument's boundaries. The lobster boats currently fishing in the monument are permitted to fish anywhere within the offshore lobster management area, which follows the U.S. Exclusive Economic Zones (EEZ) in offshore areas from Maine to Cape Hatteras; and the red crab fishery operates along the edge of the continental shelf off southern New England and the Mid-Atlantic Bight. The impacts of displacement would vary depending on the rate of movement of lobster and crabs to and from the monument area and the surrounding area and where they may continue to be caught, pursuant to relevant fishery regulations.

### (3.) Non-commercial fishing

The Proclamation allows the Secretaries, pursuant to their respective authorities, to permit recreational fishing in accordance with applicable fishery management plans and other applicable laws and other requirements.

No analysis has been conducted on the level of recreational fishing occurring within the monument. Specifically, data have not yet been prepared at the monument scale. Given its offshore location and anecdotal information, most of the recreational effort in the monument area is most likely focused on highly migratory species, with the most common recreational targets along the Outer Continental Shelf almost exclusively within the Canyons subunit.

### (4.) Exploration and research

The Proclamation allows the Secretaries, pursuant to their respective authorities, to permit research and scientific exploration designed to further understanding of monument resources and qualities or knowledge of the North Atlantic Ocean ecosystem and resources. To date, NOAA has not compiled any information regarding research in and around the monument. The Canyons subunit has been included in many regional studies, including benthic and marine mammal surveys. A number of exploratory studies focusing on deep-sea corals also included areas in and around the monument prior to designation. Within the Canyons subunit, the NOAA Fisheries Northeast Fisheries Science Center (NEFSC) has historically conducted bottom trawl sampling to depths of approximately 250 meters and scallop dredge sampling to approximately 100 meters as part of standard annual resource surveys and plankton sampling throughout the Outer Continental Shelf. Over the past 10 years, a total of 46 bottom trawls, six scallop dredges and 45 plankton tows have been conducted. NEFSC has no similar monitoring activities around the Seamounts subunit.

### (5.) Vessel transit/innocent passage

The Proclamation does not prohibit or regulate vessel transit or innocent passage in or through the monument.

### (6.) Education

The Proclamation allows the Secretaries to permit activities that will further the educational value of the monument or will assist in the conservation and management of the monument. To date, NOAA has not compiled any information regarding educational activities in and around the monument; however, given the offshore distance of the monument on the Outer Continental Shelf, we do not anticipate the monument designation will have a negative impact on educational activities in the area.

#### (7.) Recreation

The Proclamation allows for “other activities that do not impact monument resources, such as sailing or bird and marine mammal watching so long as those activities are conducted in accordance with applicable laws and regulations, including the Marine Mammal Protection Act.” Although these “other activities” are listed in the Proclamation among those that may be permitted by the Secretaries, the Proclamation specifically states: “Nothing in this proclamation is intended to require that the Secretaries issue individual permits in order to allow such activities.”

The Proclamation’s inclusion of other activities suggests that visitors to the area might engage in sailing, whale watching and seabird viewing as recreational activities that do not require a permit; however, given the offshore location of the monument, it is unlikely these activities occurred in the area with any great density prior to designation, as each is more commonly undertaken much closer inland given travel time and fuel and vessel maintenance costs for businesses and patrons.

### **Criterion V: concerns of State, tribal and local governments affected by a designation, including the economic development and fiscal conditions of affected States, tribes and localities**

Prior to the designation, NOAA held a town hall in Providence, Rhode Island, on September 15, 2015, to solicit comment on potential permanent protections for the three deep-sea canyons and four seamounts that were later protected in the monument designation. This meeting was announced on the NOAA website on September 3, 2015, in which the opportunity was also offered to submit public comments via email by September 15, 2015, to accommodate those unable to attend the meeting. Subsequently, senior Obama Administration Officials visited the northeast region multiple times to engage with elected officials and stakeholders, including meeting locally with members of the commercial fishing industry, to gather data and information and to understand the potential impacts of permanently protecting marine areas. NOAA continued to receive additional public comments informally throughout the remaining year until the time of monument designation and shared them as appropriate with the Council on Environmental Quality.

Prior to monument designation, NOAA received the following comments both in support and in opposition to an Atlantic marine monument. These comments were received via email, letters transmitted to the Department of Commerce, letters transmitted to the President and shared with the Department of

Commerce and verbally. Given that there was no formal solicitation for public comment and not all comments shared with the President were necessarily routed through the Department of Commerce, these may not be comprehensive to what the public submitted to government officials:

Comments submitted in support of an Atlantic marine monument by:

- All 7 members of the U.S. Congressional Connecticut delegation;
- Three members of the New Hampshire House of Representatives and Senate;
- Nineteen members and former members of the Maine House of Representatives and Senate;
- Twenty-three members of the Massachusetts House of Representatives;
- Eighteen members of the Rhode Island House of Representatives;
- The Maliseet Indian Tribe; and
- Numerous non-governmental and educational organizations and aquaria and individual private scientists in the region.

These comments generally indicated that, in addition to the conservation value of the area, a monument could support healthy economies by providing opportunities for additional scientific research and increased tourism, particularly for whale watching and seabird viewing.

Comments submitted in opposition to an Atlantic marine monument by:

- The Governor of Maine;
- One member of the Massachusetts State Senate;
- One U.S. Senator from Maine;
- One U.S. Senators from Rhode Island;
- One member of the U.S. House of Representatives from Maine;
- The Mayor of Gloucester, Massachusetts;
- New England Fishery Management Council (NEFMC); and
- Numerous fishing alliances and associates, sportsman groups and individual fishermen.

These comments focused on the lack of a transparent, public process and a specific area proposal to inform their comments. Commenters also noted that several methods exist to protect marine areas that include a robust public process. Comments also stated that NEFMC has the authority and duty to manage fishing and already had several actions in progress to limit fishing in some areas. NEFMC has repeatedly voiced that the monument process does not consider their efforts to protect trust resources, which consistently includes the process of providing many opportunities for public comment. (We note: Currently, NEFMC has an action underway to protect deep sea corals throughout their jurisdiction, focusing on the areas along the shelf out to the U.S. Exclusive Economic Zone. This area will overlap with the monument area.) Sport fishermen expressed concerns that a monument might prevent recreational fishing and indicated that limiting recreational fishing opportunities might have a negative impact on that industry. The comments also expressed fear that displacing fishermen from any areas might have a negative impact on fisheries and fishing quotas, which would result in a negative economic impact. Additionally, the Governor of Massachusetts, Charles D. Baker, and five members of the State's congressional delegation wrote to President Obama expressing their concern over the inadequacy of the

public engagement conducted while designation was being considered, noting that the September 15, 2015, town hall meeting was the only substantive public meeting held with regard to this designation.

The Obama Administration expressed that as a result of the above-mentioned public engagement, the designation was designed to recognize the unique role that fishing plays in the region's economy and culture. Specifically:

- The geographic boundaries of the monument were narrowly tailored based on the best available science and stakeholder input.
- Recreational fishing is allowed within the boundaries of the monument.
- Red crab and lobster fisheries were provided with seven years before being required to exit the monument area, to allow these fixed-gear fisheries to transition their operations.
- Other commercial fishing operators did not have to change their practices immediately and had 60-days to transition from the monument area.

During the recent request by DOI for public comment on the monument designations, letters were submitted supporting the monument designation, including those from U.S. Congressional Representatives Niki Tsongas of Massachusetts and Ann McLane Kuster and Carol Shea-Porter of New Hampshire and U.S. Senator Richard Blumenthal of Connecticut, on the grounds that the area's ecology and biodiversity are significant and that there was substantial and adequate public outreach conducted throughout the designation process. Senate and House Minority Leadership sent a letter requesting that all national monuments' boundaries remain intact based on the environmental and economic benefits they provide.

Letters were also submitted supporting revocation of the monument designation and/or the regulations monument designation imposed within its boundaries. Governor Baker wrote reiterating his initial concerns expressed in 2015 to President Obama, also noting the lack of transparency of the science, information and analysis used in his decision making process. He also requested that should the designation of Northeast Canyons and Seamounts Marine National Monument be revisited, that information regarding the original designation be made available, and that comprehensive stakeholder engagement be conducted in the affected local area. Governor Paul R. LePage of Maine wrote expressing similar concerns, requesting rescission of the monument itself or at minimum its fishing regulations imposed by designation. NEFMC wrote to reiterate their initial concerns expressed in 2015 to President Obama, on the grounds that monument designation has a negative impact on the fishing industry and undermines their regulatory management under the Magnuson-Stevens Fishery Conservation and Management Act. They also requested if the monument status is to be maintained that the limitations it places on fishing activity be rescinded. Governor Moliga of American Samoa, Governor Eddie B. Calvo of Guam and Governor Ralph D.C. Torres of CNMI wrote a joined letter requesting that fishing provisions applicable to all marine national monuments be removed, on the grounds that the monument restrictions are unnecessary and impede their local socioeconomic and cultural stability. Members of Congress Bishop of Utah and Radewagen of American Samoa wrote a joint letter requesting that all marine national monument fishing restrictions be vacated. *(Please note, the comments highlighted in this section are only reflective of those sent directly to DOC/NOAA as of July 20, 2017, and not those collected by DOI through the online regulations.gov portal.)*

**Criterion VI: the availability of Federal resources to properly manage designated areas**

Due to the recent designation of the monument, limited financial resources have been expended in managing the designated area, and future resources are difficult to estimate. No money has been allocated and no grants have been obtained. NOAA Fisheries Offices of the Greater Atlantic Region (GARFO) and Highly Migratory Species and U.S. Fish and Wildlife Service (USFWS) are currently assigning existing staff to coordinate and develop a management plan. No additional staff have been hired to date. No publicly available management plans, action plans or budget tables that discuss or characterize the budgetary impacts of this monument designation have been created.

Additionally, no additional Federal resources have been expended to enforce the monument prohibitions or regulated activities to date, as NOAA GARFO already regularly monitors a series of fishery management closed areas in the same vicinity as the monument. Upon vessel entry into the monument area, a Vessel Monitoring System message is transmitted by NOAA stating the monument restrictions. When USCG patrols identify a vessel in the monument boundaries, they provide the same message. Due to the area's offshore location, USFWS has not participated in law enforcement activities regarding the monument. There has not been any activity to date that would indicate a greater enforcement presence is required.

# Pacific Remote Islands MNM

## Introduction

On January 6, 2009, President George W. Bush designated Pacific Remote Islands Marine National Monument by Presidential Proclamation 8336 encompassing seven islands located south and southwest of Hawaii. The monument boundaries encompassed 86,888 square miles, comprised of rectangular areas that extended approximately 50 nautical miles (nm) (57.14 statute miles) from the mean low water lines of Howland, Baker and Jarvis islands, Johnston, Wake and Palmyra atolls and Kingman Reef. President Barack Obama expanded the monument on September 25, 2014, through Presidential Proclamation 9173, extending the boundary from the 50 nm boundary to the 200 mile seaward limit of the U.S. Exclusive Economic Zone (EEZ) around Jarvis Island and Johnston and Wake atolls, adding approximately 408,301 square miles to the existing monument, for a total monument area of 495,189 square miles. The rectangular boundaries around Howland and Baker islands and Palmyra Atoll and Kingman Reef remained unchanged.

**Criterion I: the requirements and original objectives of the Act, including the Act’s requirement that reservations of land not exceed “the smallest areas compatible with the proper care and management of the objects to be protected”; and**

**Criterion II: whether designated lands are appropriately classified under the Act as “historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest”**

The original designation of Pacific Remote Islands Marine National Monument focused on seven islands and atolls southwest of Hawaii as outlined in Proclamation 8336 signed by President George W. Bush in 2009. The Pacific Remote Islands area consists of Wake, Baker, Howland and Jarvis islands and Johnston and Palmyra atolls, and Kingman Reef. Except for Wake Island, each of these islands is administered as national wildlife refuges. Wake Island is the northernmost atoll in the Marshall Islands geological ridge and perhaps the oldest living atoll in the world. Johnston Atoll is likely one of the oldest in the Pacific Ocean and, as the Proclamation calls it “a genetic and larval stepping stone from the Remote Islands to the Hawaiian Islands for invertebrates, other reef fauna, corals, and dolphins.” Additionally, research surveys that preceded monument designation showed Johnston Atoll supports the deepest reef building corals on record. Palmyra Atoll and Kingman Reef are among the most pristine coral reefs in the world.

A central purpose of the monument designation was to protect the coral reef and associated species surrounding these islands, including the high diversity and abundance of fish. In particular, the monument

contains an extremely high abundance of predatory fish, which are generally removed or not a part of reefs adjacent to more populated areas. Furthermore, numerous seabirds and shorebirds are residents on these islands and several other, with very high population sizes, overwinter on these islands and forage in the surrounding waters. Several marine mammals species—large whales and several dolphin species—are also found in the monument. Additionally, Kingman Reef contains a sheltered lagoon that served as a way station for flying boats on Hawaii-to-American Samoa flights during the late 1930s, and the Department of Defense historically maintained facilities, defensive areas and airspace reservations at Wake Island and Johnston Atoll.

Under Proclamation 9173, President Obama expanded the monument from 50 nm around the islands and atolls to 200 nm around Jarvis Island and Johnston and Wake atolls in 2014. Expansion allowed for the conservation of additional areas important to the pelagic species in the original monument, as well as the conservation of numerous seamounts and other benthic features. In particular, the monument expansion added 132 seamounts to the original 33 seamounts. As recognized in Proclamation 9173, seamounts provide important opportunities for scientific exploration and study, including the discovery of currently unknown species that may present new possibilities for research, medicines and other important uses. Approximately 15 to 44% of the species on a seamount or seamount group are found nowhere else on Earth. Moreover, the adjacent areas account for the foraging habitat for several of the world's largest remaining colonies of seabird species like Sooty Terns, Lesser Frigatebirds, Red-footed Boobies and Red-tailed Tropicbirds. The islands of Jarvis, Howland and Baker were also the location of notable bravery and sacrifice by a small number of voluntary Hawaiian colonists, known as Hui Panala'au, who occupied the islands from 1935 to 1942 to help secure the U.S. territorial claim over the islands.

The purpose of the monument designation and expansion, as laid out in the 2009 and 2014 Proclamations, is to preserve the marine environment around Wake, Baker, Howland and Jarvis islands and Johnston and Palmyra atolls, and Kingman Reef for the care and management of the historic and scientific objects therein, which include the coral reefs, the diverse assemblage of fish and invertebrates on the reefs, marine mammals, sea turtles and seabirds, many of which are endemic, as well as benthic resources such as numerous seamounts.

**Criterion III: the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land and Policy Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries; and**

**Criterion IV: the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries**

Proclamations 8336 and 9173 either prohibit or allow certain uses or activities by permit. Although both Proclamations are largely consistent in what activities are prohibited or allowed in both the original and expanded monument, there are a few distinctions between the two areas. The following section addresses

the effects of both Proclamations on three uses of the monument's designated Federal lands, Federal lands beyond the monument's boundaries and non-Federal lands within or beyond the monument's boundaries: 1) commercial fishing; 2) non-commercial fishing; and 3) exploration and research. None of the prohibitions required by either Proclamation, and described herein, applies to activities and exercises of the U.S. Armed Forces, including those carried out by the U.S. Coast Guard (USCG). The proclamation only states that the U.S. Armed Forces ensure, by the adoption of appropriate measures not impairing operations or operation capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with the objectives of each Proclamation.

Although the Proclamation does not include a specific prohibition on actions, such as energy or mineral exploration and development or recreational activities (except non-commercial fishing), the Proclamation broadly states: "the Secretaries of Commerce and the Interior shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation or as otherwise provided for by law."

The primary human uses that took place in the monument before designation included commercial and non-commercial fishing activity and research and monitoring through the bi-annual/tri-annual NOAA Fisheries Rapid Assessment and Monitoring Program, the Palmyra Area Research Consortium and limited research by international partners. Additionally, Wake Atoll is used for military operations, and Johnston Atoll is a deactivated military installation and managed by the U.S. Fish and Wildlife Service (USFWS). Again, the Proclamations have no effect on Armed Forces' activities, including those carried out by the USCG. The U.S. Air Force and Missile Defense Agency both have active operational missions at Wake Atoll. The U.S. Air Force maintains Wake Atoll as a national historic landmark. Many of the islands contain formerly used military sites with historical significance. Some islands also contain formerly used defense sites where remedial actions and base closure monitoring are ongoing.

Lastly, there are no indigenous populations on the islands that make up Pacific Remote Islands Marine National Monument, and with the exceptions of the military presence at Wake Island and the research and support staff at Palmyra Atoll, there are no long-term residents on any of these islands. Accordingly, cultural or tribal groups are not known to be affected by the monument designation or subsequent expansion.

#### (1.) Commercial fishing

Both Proclamations require the Secretary of Commerce to prohibit commercial fishing within the monument. On June 3, 2013, NOAA Fisheries promulgated regulations under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) prohibiting commercial fishing in accordance with the Proclamation (50 C.F.R. Part 665, Subpart H). NOAA Fisheries amended the regulations in 2015 to apply to the expansion area (80 Fed. Reg. 15,693 (March 25, 2015)).

Prior to monument designation, there were no established bottomfish fisheries operating in the Pacific Remote Islands Area (PRIA) EEZ, although several vessels were known to occasionally fish for bottomfish in Federal waters around the PRIA. Low levels of commercial fishing have occurred at

Palmyra and Kingman Reef, and recreational fishing through the Nature Conservancy and USFWS at Palmyra. As an example, the 2009 Western Pacific Fishery Management Council Fisheries Ecosystem Plan for the Pacific Remote Island Areas (FEP) stated that in 1998, two Hawaii-based troll and handline vessels and one demersal longline vessel targeting sharks fished in U.S. EEZ waters around Palmyra and Kingman Reef. These vessels targeted both pelagic and bottomfish species, including deep slope snappers, yellowfin and bigeye tuna, wahoo, mahi-mahi and sharks.

The largest volume of fish commercially harvested from the PRIA is pelagic fish caught by longline vessels home ported in Hawaii and tuna purse seiners home ported in American Samoa. Between 1991 and 2007, Hawaii longline vessels caught on average about 1.24 million pounds of fish from the U.S. EEZ around Johnston, Kingman and Palmyra and Jarvis islands, with about 60% coming from the U.S. EEZ around Kingman and Palmyra and most of the remainder from the U.S. EEZ around Johnston. U.S. purse seine vessels fished in the U.S. EEZ of the equatorial located PRIA between 1997 and 2007, with 25% of their total catch coming from the PRIA in 1997, mainly from the U.S. EEZ around Howland and Baker islands, when about 35,000 metric tons of fish was taken within the U.S. EEZ. According to recent estimates, the value of tuna caught by U.S. purse seine vessels operating in the Western and Central Pacific Ocean likely exceeds \$500 million annually. Indirect benefits of the purse seine fishery are estimated to exceed \$1 billion. This is especially important to the economy of the Territory of American Samoa, which is heavily dependent on the operation of these purse seine fishing vessels and the associated tuna canneries and other industries.

The 2009 FEP also identified several PRIA troll/handline/bottomfish fishing permits issued by NOAA Fisheries in 2006 and 2007; however, to date, only one has been used. Since the implementation of the Precious Corals Fishery Management Plan in 1980, no Federal permits have been issued to harvest precious corals from the U.S. EEZ surrounding the monument.

The same Hawaii-based troll and handline vessels, and one demersal longline vessel targeting sharks have fished in EEZ waters outside of the monument around Palmyra and Kingman Reef. These vessels continue to target both pelagic and bottomfish species, including deep slope snappers, yellowfin and bigeye tuna, wahoo, and mahi-mahi and sharks.

Fishing efforts that occurred within both the monument's original and expansion area are expected to be displaced to the surrounding fisheries not included in the monument boundary, as fishermen were already permitted to fish in broad areas outside of the monument's boundaries; accordingly, there is no evidence to suggest that this will impact catch rates. The impacts of displacement would vary depending on the rate of movement of species to and from the monument area and the surrounding area and where they may continue to be caught, pursuant to relevant fishery regulations. Not only will it take time for these impacts to materialize, there are numerous outside factors that make access to the U.S. EEZ "more valuable" from one year to the next. Among the most important factors are the climate variability when the warm pool shifts with the El Niño from the Southwest Pacific to the U.S. EEZ in the Central Pacific. The loss of access to the now productive U.S. controlled grounds (up to 25% of the total purse seine catch in the 1997 El Niño year), combined increased search distances and time and increased competition with foreign fleets for grounds outside of the U.S. EEZ, which will increase operational costs. This impact was

lessened some by not expanding the monuments to the full extent of the U.S. EEZ at Howland and Baker islands and at Palmyra Atoll and Kingman Reef.

### (2.) Non-commercial fishing

In regards to non-commercial fishing, both proclamations state: “The respective Secretaries may permit non-commercial fishing upon request, at specific locations in accordance with this proclamation. Non-commercial fishing opportunities currently allowed by the U.S Fish and Wildlife Service at Palmyra may continue unless the Secretary of the Interior determines such fishing would not be compatible with the purposes of Palmyra Atoll National Wildlife Refuge.” On June 3, 2013, NOAA Fisheries issued regulations under the authority of MSA that established management measures for non-commercial and recreational fishing in the monument (50 C.F.R. Part 665, Subpart H). NOAA Fisheries amended the regulations in 2015 to apply to the expansion area. The regulations allow non-commercial and recreational fishing by permit within the monument, except that non-commercial fishing is prohibited within 12 nm of emergent land within the monument, unless authorized by USFWS, in consultation with NOAA Fisheries and the Western Pacific Fishery Management Council. To date, the only non-commercial fishing permits applied for and granted were for NOAA vessels operating within the monument.

USFWS issues non-commercial fishing permits at Palmyra within 12 nm of the shoreline. Pre-designation, USFWS issued non-commercial fishing permits from 0 to 3 nm. Post-designation, this distance was expanded to 12 nm in accordance with Proclamation 8336. Other than the non-commercial fishing that takes place at Palmyra and Wake, USFWS has not issued non-commercial fishing permits at the other Pacific Remote Islands.

There is minimal sustenance fishing that has taken place and continues to take place at Wake Island, prior to and after monument designation and expansion. These activities are carried out under the purview of the Department of Defense and are not impacted by the original monument designation or expansion.

At Wake Island and Palmyra Atoll, the primary method of sustenance and recreational fishing was rod-and-reel. Although non-commercial fishing is permitted, due to the distance to these uninhabited islands in the Pacific, non-commercial fishing within the waters of Pacific Remote Islands Marine National Monument is limited.

### (3.) Exploration and research

Neither the original or expansion Proclamation prohibit or regulate exploration or research in the monument. Moreover, exploration and research are cited in the proclamation as objectives to benefit the science, management and local, national and international communities. Specifically, both Proclamations state that:

“Subject to such terms and conditions as the respective Secretary deems necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit

scientific exploration and research within the monument, including incidental appropriation, injury, destruction, or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by the Magnuson-Stevens Fishery Conservation and Management Act. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.”

Prior to monument designation, exploration and research were conducted primarily by NOAA Fisheries’ Pacific Islands Fisheries Science Center and at Palmyra through The Nature Conservancy, who established the Palmyra Atoll Research Consortium (PARC) in July 2004. PARC fosters collaborative multi- and interdisciplinary research. PARC includes scientists from around the globe, including those from Stanford University, Scripps Institution of Oceanography, American Museum of Natural History in New York City, California Academy of Sciences, University of California at Santa Barbara, University of California at Irvine, University of Hawaii, U.S. Geological Survey and Victoria University of Wellington in New Zealand. Ultimately, Palmyra functions as a living laboratory for terrestrial and marine ecosystems for scientists who are researching everything from the ocean currents to the various organisms that live there. The research conducted on coral reefs, marine restoration and invasive species at Palmyra serves to inform conservation strategies for island ecosystems throughout the Pacific and around the world.

Since monument designation, research interest and collaboration activity has increased commensurate with the monument status to seek answers to the drivers of ecosystem productivity, subduction zones, earthquakes, ocean acidification and many more questions.

**Criterion V: concerns of State, tribal and local governments affected by a designation, including the economic development and fiscal conditions of affected States, tribes and localities**

Prior to monument designation, public engagement and solicitation for comments was conducted in Honolulu, Hawaii, as well as in Washington, D.C. The public was invited to participate in roundtable format conversations about the scientific, historical and cultural resources and the potential for protection and coordinated management of marine areas in the Pacific, as well as to provide comments during a formal 60-day public comment period (August 25, 2008 to October 25, 2008). The Chairman of the Council on Environmental Quality and other Federal representatives from NOAA and Department of the Interior participated in the public meetings. Information and comments received at the open houses and during the public comment period were taken into consideration for the final monuments designation.

Comments received during the public outreach included those received from Marine Conservation International and Environmental Defense Fund that supported protections for Pacific Remote Islands and Rose Atoll.

Prior to the expansion of Pacific Remote Islands Marine National Monument, a public comment period was open from January 14 to February 13, 2015. In July 2014, the Council on Environmental Quality held a listening session with the fishing industry leaders in Washington, D.C. On August 11, 2014, a public meeting in Honolulu, Hawaii solicited comments on the proposal to expand the monument. Overall, the majority of comments on the proposed expansion were from fishermen and the public, with fishermen opposing the proposal and the general public in support of the proposal. At the August 11, 2014, public meeting, of those who commented, 34 supported and 19 opposed the proposal.

Cultural or tribal groups are not affected by the monument designation or subsequent expansion as all the islands are uninhabited but for military operations at Wake Atoll. During the scoping period for the expansion, Native Hawaiians raised concerns regarding the Hawaiian men that helped the U.S. government claim the Pacific Remote Islands under U.S. control during World War II and the Japanese military advancement in the Pacific. From 1935-1942, the U.S. government had the assistance of 130 mainly Hawaiian men participate in the Hui Panala'au project. The men colonized the Islands of Howland, Baker and Jarvis in teams of five for three months at a time to show U.S. presence in the Pacific. The descendants of these men wanted to ensure that the ultimate sacrifice of three men who lost their lives while on these islands was remembered.

In this most recent request for public comment, Governor Lolo M. Moliga of American Samoa wrote requesting revocation of Pacific monuments or revocation of fishing regulations within Pacific monuments, on the grounds that it has negatively impacted the local tuna industry and that existing fishing regulatory processes are adequate. Governor Eddie G. Calvo of Guam wrote supporting the Governor Moliga's request for revocation of fishing regulations within Pacific Remote Islands Marine National Monument. Governor Moliga, Governor Eddie B. Calvo and Governor Ralph D.C. Torres of CNMI also wrote a joined letter requesting that fishing provisions applicable to all marine national monuments be removed, on the grounds that the monument restrictions are unnecessary and impede their local socioeconomic and cultural stability. The Western Pacific Fishery Management Council also sent a letter requesting that monument designations in the western Pacific are unnecessary and fishing restrictions should be vacated. Members of Congress Bishop of Utah and Radewagen of American Samoa wrote a joint letter requesting that all marine national monument fishing restrictions be vacated. Senate and House Minority Leadership sent a letter requesting that all national monuments' boundaries remain intact based on the environmental and economic benefits they provide. *(Please note, the comments highlighted in this section are only reflective of those sent directly to DOC/NOAA as of July 20, 2017, and not those collected by DOI through the online regulations.gov portal.)*

#### **Criterion VI: the availability of Federal resources to properly manage designated areas**

Within existing appropriations for fisheries research and management, NOAA currently allocates approximately \$3 million dollars annually for science and management activities in the Pacific marine national monuments designated in 2009 (Marianas Trench, Pacific Remote Islands, Papahānaumokuākea and Rose Atoll). Determining the exact amount of money spent for each site on management and research is difficult since projects and cruises are sometimes combined and cross multiple sites. Since the monument was designated, NOAA Fisheries established eight full-time (four Pacific Islands Regional Office and four Pacific Islands Fisheries Science Center) staff positions and four part-time staff positions (one Pacific Islands Regional Office and three Pacific Islands Fisheries Science Center) to provide for the management and research within the four Pacific marine national monuments (Marianas Trench, Pacific Remote Islands, Papahānaumokuākea and Rose Atoll).

In addition to NOAA, USFWS received \$1.8 million in congressionally directed funds for Fiscal Year 17 for all USFWS managed marine national monuments in the Pacific. This funding has assisted the management of the monument through staffing, logistics and planning efforts. USFWS has not established new positions for the monument, but has restructured existing staff to cover monument management duties.

The NOAA Office of Law Enforcement (OLE), USFWS's Office of Law Enforcement and the Commonwealth of the Northern Mariana Islands, Department of Land and Natural Resources, Division of Fish and Wildlife work in collaboration with USCG to ensure compliance with applicable laws in monument waters. Satellite-based vessel monitoring systems (VMS), dockside inspections, and at sea and aircraft patrols are used in the U.S. EEZ of the Pacific to monitor and enforce commercial U.S. fisheries laws and regulations, illegal, unreported and unregulated fishing, laws and regulations governing living marine resources, threatened and endangered species and the protection of marine mammals. The resources expended to enforce waters in the monuments come from the general NOAA OLE Enforcement and Surveillance budget. These resources support a basic surveillance capability to monitor compliance with the directives in the Presidential Proclamations or public laws.

Due to a variety of factors, the amount of funding expended for activities in Pacific Remote Islands Marine National Monument varies annually. Depending on a given year, additional funding support may be provided by several sources in the NOAA annual appropriations to implement exploration, research and management activities in the monuments. For instance, in the past, funding from the NOAA Coral Reef Conservation Program and the NOAA Fisheries Pacific Islands Fisheries Science Center has been allocated to monitor and explore the shallow coral reef areas in the Pacific Islands region, including all of the monuments. Additionally, NOAA partners provide tremendous benefit to overall research and management of the monuments, particularly due to their very remote locations and travel costs to conduct exploration, research and monitoring.

No external grants have been obtained for work in Pacific Remote Islands Marine National Monument. Annually, grants have been awarded by NOAA in order to pursue management objectives. Historically, grants have been for the purposes of research and monitoring and education and outreach, and vary in amount and availability each year.

# Papahānaumokuākea MNM

## Introduction

On June 15, 2006, President George W. Bush designated what was initially called the Northwestern Hawaiian Islands Marine National Monument (NWHI) by Presidential Proclamation 8031. On February 28, 2007, President Bush renamed NWHI Marine National Monument to Papahānaumokuākea Marine National Monument (PMNM) by Presidential Proclamation 8112. The name Papahānaumokuākea commemorates the union of two Hawaiian ancestors—Papahānaumoku and Wakea—who gave rise to the Hawaiian archipelago, the taro plant and the Hawaiian people. This area also encompasses a number of Federal conservation areas, including the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, Midway Atoll National Wildlife Refuge, Battle of Midway National Memorial and Hawaiian Islands National Wildlife Refuge.

On August 26, 2016, President Barack Obama expanded the monument by Presidential Proclamation 9478 extending it to the seaward limit of the U.S. Exclusive Economic Zone (EEZ), adding 442,781 square miles for a total 582,574 square miles of submerged lands and waters.

**Criterion I: the requirements and original objectives of the Act, including the Act’s requirement that reservations of land not exceed “the smallest areas compatible with the proper care and management of the objects to be protected”; and**

**Criterion II: whether designated lands are appropriately classified under the Act as “historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest”**

The original Proclamation reserved a national monument approximately 1,200 miles of the NWHI archipelago, out to a distance of 50 nautical miles (nm) from the approximate geographic center of 10 islands, atolls and reefs within the archipelago. This included approximately 139,793 square miles of emergent and submerged lands and waters of the NWHI. Within those 139,793 square miles, approximately 1,016 square miles are subject to State jurisdiction. Within the original designated monument, the State of Hawaii’s managed waters (Northwestern Hawaiian Islands Marine Refuge) extend 3 miles seaward of any coastline from Nihoa Island to Kure Atoll (with the exception of Midway Atoll). The State of Hawaii also manages Kure Atoll (Kure Atoll State Wildlife Sanctuary). The U.S. Fish and Wildlife Service (USFWS) is responsible for managing Midway Atoll National Wildlife Refuge (MANWR) (inclusive of waters extending 12 miles from the coastline) and Hawaiian Islands National Wildlife Refuge (HINWR) in which USFWS claims portions of waters surrounding the islands/atolls

within HINWR (islands/atolls from Nihoa Island to Pearl and Hermes Atoll). USFWS also manages the Battle of Midway National Memorial, which exists within MANWR. NOAA is responsible for managing all other marine areas within the monument.

Proclamation 8031 stated that the area reserved is the smallest area compatible with the proper care and management of the objects to be protected. Among the objects to be protected, the Proclamation identifies coral islands, seamounts, banks and shoals, which support a dynamic reef ecosystem with more than 7,000 marine species, of which approximately half are unique to the Hawaiian Island chain. This diverse ecosystem is home to many species of coral, fish, birds, marine mammals, and other flora and fauna, including the endangered Hawaiian monk seal, the threatened green sea turtle, and the endangered leatherback and hawksbill sea turtles. In addition, this area has great cultural significance to Native Hawaiians and a connection to early Polynesian culture worthy of protection and understanding.

Proclamation 9478 signed by President Barack Obama expanded Papahānaumokuākea Marine National Monument to protect an additional 75 seamounts, a non-volcanic ridge and the diverse biodiversity found on these important features of the seafloor surrounding the archipelago. It also sought to protect the foraging areas for numerous species such as endangered Hawaiian Monk seals, wide-ranging seabird species, five species of protected sea turtles and 24 species of marine mammals. The Proclamation cited research to show that many species identified as objects in Proclamation 8031 inhabit previously unknown geographical ranges that span beyond the original monument designation and can also provide important foraging habitat for the same species.

Proclamation 9478 also found that the area is of cultural significance stating it is:

“An integral part of cultural identity for the Native Hawaiian community. The deep sea, the ocean surface, the sky, and all the living things in the area adjacent to the Monument are important to this culture and are deeply rooted in creation and settlement stories. Native Hawaiian culture considers the Monument and the adjacent area a sacred place. This place contains the boundary between Ao, the world of light and the living, and Pō, the world of the gods and spirits from which all life is born and to which ancestors return after death. Long distance voyaging and wayfinding is one of the most unique and valuable traditional practices that the Native Hawaiian community has developed and continues to advance. Once on the verge of cultural extinction, new double-hulled sailing canoes, beginning with the Hōkūle‘a in the 1970s, are bringing voyaging and wayfinding to new generations. This traditional practice relies on celestial, biological, and natural signs, such as winds, waves, currents and the presence of birds and marine life. The open ocean ecosystem and its natural resources in the adjacent area play an important role within the cultural voyaging seascape within the Hawaiian Archipelago.”

The objectives of the original monument designation and its later expansion are to support non-commercial fishing, scientific research and development, and activities that will further the educational value of the monument; protect and preserve the marine area of the NWHI and the historic and scientific objects therein; and support Native Hawaiian exercise of traditional, customary, cultural, subsistence, spiritual and religious practices. Protection is focused on objects of scientific interest and include the reef

ecosystem with more than 7,000 marine species, of which approximately one quarter are unique to the Hawaiian Islands, including many species of coral, fish, birds, marine mammals, and other flora and fauna, including the endangered Hawaiian monk seal, the threatened green sea turtle, the endangered leatherback and hawksbill sea turtles, and numerous benthic seamounts.

Some of the monument's most recognized historical objects are the Battle of Midway's historical artifacts and remembrances. Midway is a circular-shaped atoll with three small islets. While its land area is small, about 1,535 acres, the atoll has approximately 85,929 acres of reef area. During World War II, Midway served as an important naval air station and submarine refit base. The atoll was attacked twice, first on December 7, 1941, and again during the pivotal Battle of Midway on June 4-6, 1942. American intelligence enabled U.S. forces to surprise and defeat a Japanese invasion bound for the atoll. Many interpret this battle as the watershed moment in the the Pacific War. In 2000, Secretary of the Interior Bruce Babbitt designated Midway Atoll National Wildlife Refuge as the Battle of Midway National Memorial, making it the first national memorial designated on a national wildlife refuge. All of the shipwrecks, including the recently discovered location of the USS *Yorktown* and plane-wrecks of the Battle of Midway, are found to the northwest of the original PMNM in the Midway Atoll Special Management Area and the expanded monument boundaries.

**Criterion III: the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land and Policy Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries; and**

**Criterion IV: the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries**

Proclamations 8031 and 9478 either prohibit or allow certain uses or activities by permit. Although both proclamations are largely consistent in what activities are prohibited or allowed in both the original and expanded monument, there are a few distinctions between the two areas. The following section addresses the effects of both proclamations on eight uses of the monument's designated Federal lands, Federal lands beyond the monument's boundaries and non-Federal lands within or beyond the monument's boundaries: 1) energy and mineral exploration or development, dredging and construction; 2) commercial fishing; 3) non-commercial fishing; 4) exploration and research; 5) vessel transit/innocent passage; 6) Native Hawaiian cultural practices and use; 7) education; and 8) recreation.

None of the prohibitions required by either Proclamation, and described herein, apply to activities and exercises of the U.S. Armed Forces, including those carried out by the U.S. Coast Guard (USCG). The proclamation only states that the U.S. Armed Forces ensure, by the adoption of appropriate measures not impairing operations or operation capabilities, that its vessels and aircraft act in a manner consistent, so far as is practicable, with the objectives of each proclamation.

(1.) Energy and mineral exploration or development and dredging and construction

Both Proclamations prohibit exploring for, developing or producing oil, gas or minerals within the monument; the expansion Proclamation adds that “any energy development” is also prohibited. Altering the monument’s submerged lands (e.g., dredging, construction) and explosives are similarly prohibited through the entire monument.

(2.) Commercial fishing

Historically, there were three commercial fisheries operating in the waters of the Northwestern Hawaiian Islands: the lobster fishery, bottomfish fisheries and pelagic fisheries, including the Hawaii longline fishery. In 1991, the Hawaii longline fishery was prohibited from fishing within 50 nm around the NWHI as it was designated by the Western Pacific Fishery Management Council and NOAA Fisheries as a protected species zone (PSZ). The NWHI PSZ was roughly the same area later designated in the Coral Reef Ecosystem Reserve and in the original monument proclamation. The non-longline pelagic fisheries continued in the area until the monument designation. The NWHI lobster fishery operated almost exclusively within 50 nm of the Hawaiian Archipelago. At the time of the monument’s designation, the NWHI bottomfish fishery was divided into two zones: the Ho’omalua Zone and the Mau Zone, which were both limited-entry fisheries with permits that allowed the holder access only to one of the two zones.

From 1998 to 2003, there was an average of 13 bottomfish vessels working in the Northwestern Hawaiian Islands. In 2003, the bottomfish fleet landed approximately 350,000 pounds, with a market value in excess of \$1 million. From 1984-1990, annual landings of spiny lobster averaged about one million pounds, but during the subsequent period from 1991-1999, landings never exceeded 350,000 pounds, with the landings for the last two years of that period being at historically low levels. In 2000, NOAA Fisheries took the precautionary step of suspending the Northwestern Hawaiian Islands lobster fishery by setting the annual catch limit (ACL) to zero while improving stock assessment methods. Proclamation 8031 required that any commercial lobster fishing permit shall be subject to a zero annual harvest limit effectively making the temporary closure permanent. Fishing for bottomfish and pelagic species became a restricted activity, which was allowed to continue for no more than five years.

In 2007, the Consolidated Appropriations Act of 2007 appropriated approximately \$6.7 million as compensation for fishermen in the lobster and bottomfish fisheries affected by the prohibition of commercial fishing within the original monument. NOAA Fisheries then proposed an approach to identify eligible fishermen to receive compensation. As a result of this process, a total of eight permit holders from the bottomfish fishery and 15 permit holders from the lobster fishery surrendered their permits and were compensated.

Proclamation 9478 directs the Secretaries to prohibit commercial fishing in the expansion area and to prohibit possessing commercial fishing gear in the expansion area except when stowed and not available for immediate use during passage without interruption through the expansion area. Historically in the expansion area, longline fishing, limited bottom fishing and seamount groundfish fishing were the primary commercial fisheries. Both shallow and deep-set longline fishing took place throughout the

monument expansion area. Bottomfish fishing primarily took place in the southeast end of the archipelago, and still occurs at Middle Bank and to the areas surrounding the monument's unchanged easternmost boundary. The seamount groundfish fishery occurred largely at Hancock Seamount to the northwest of Kure Atoll, but has been prohibited by moratorium for over twenty years. NOAA Fisheries reported that from 2010 to 2015, direct fishing revenues in the expansion area were approximately \$7.8 million per year, and that indirect revenues were \$9.1 million in industry and \$4.3 million in household income which equated with 75 jobs and \$561,000 in tax revenue. This was identified as the upper bounds of the potential economic impacts. While it is difficult to quantify the direct and indirect economic impacts since it will take time for these impacts to materialize, factors such as the loss of access to known seasonal and productive grounds, increased search distance and time, and increased competition with foreign fleets for grounds outside of U.S. EEZ may increase operational costs.

### (3.) Non-commercial fishing

Prior to the original monument designation, non-commercial fishing was principally in the Southeast end of the archipelago and decreased with the distance from the Main Hawaiian Islands. The original Proclamation allows the Secretaries to permit sustenance fishing under certain conditions. The 2006 Proclamation states: "Sustenance fishing means fishing for bottomfish or pelagic species that are consumed within the monument, and is incidental to an activity permitted under this proclamation." However, the Secretaries may not permit sustenance fishing in the Midway Atoll Special Management Area unless the USFWS determines it to be compatible with the purposes for which the Midway Atoll National Wildlife Refuge was established. Sustenance fishing must be conducted in a manner compatible with the designation Proclamation. NOAA Fisheries and USFWS issued regulations in 2006 to manage sustenance fishing in accordance with the Proclamation (71 Fed. Reg. 51,134 (August 29, 2006)).

Proclamation 9478 allows the Secretaries to permit non-commercial fishing in the expansion area, provided that the fish harvested, either in whole or in part, cannot enter commerce through sale, barter, or trade, and that the resource is managed sustainably. To date, neither NOAA Fisheries nor USFWS has issued regulations governing non-commercial fishing in the expansion area.

### (4.) Exploration and research

According to Proclamations 8031 and 9478, the Secretaries of Commerce and the Interior may issue a permit for research that is "designed to further the understanding of monument resources and qualities." Research in the monument has crossed most disciplines including oceanographic, geological, biological and atmospheric research. Despite the limited access to the area, there has been a wealth of research accomplished in the monument over time resulting in numerous discoveries of objects of historical and scientific interest.

Prior to designation, research in the monument was conducted primarily by NOAA's Southwest Fisheries Science Center and secondarily by domestic and foreign universities and research institutes. Between 2003 and 2006, a total of 23 research projects accessed the waters of the Northwestern Hawaiian Islands. Since the designation of the monument, 224 research permits have been issued.

(5.) Vessel transit/innocent passage

Prior to the original designation of the monument, there were no notification requirements for vessels transiting this area. For those vessels<sup>2</sup> transiting without interruption, Proclamation 8031 requires a minimum of 72 hours and a maximum of one month's notice to an official designated by the Secretaries; notification of departure within 12 hours is also required. During notification, vessels must provide: vessel position when making the notification; vessel name and International Maritime Organization identification number; name, address and telephone number of owner and operator; USCG documentation, State license or registration number; home port; intended actual route through the monument; general categories of hazardous cargo on boat; and length of the vessel and propulsion type.

In addition, all types of vessel transit in the original monument are subject to international standards. According to the International Maritime Organization (IMO), a Particularly Sensitive Sea Area (PSSA) is "an area that needs special protection through action by IMO because of its significance for recognized ecological or socio-economic or scientific reasons and which may be vulnerable to damage by international maritime activities." In 2008, IMO designated the original monument a PSSA for the dual purposes of protecting marine resources of ecological or cultural significance from damage by ships and keeping mariners safer. The PSSA established four special zones known as Areas to be Avoided on international nautical charts to direct ships away from coral reefs, shipwrecks and other ecologically or culturally sensitive areas that may pose a navigation hazard.

Conversely, vessel transit, including innocent passage, is not a prohibited or regulated activity under Proclamation 9478 for the expanded monument; therefore, vessel transit is not affected by the expansion.

(6.) Native Hawaiian cultural practices and use

Prior to the designation of the monument, there would have been limited opportunities for Native Hawaiians to visit the monument due to its distance from the Main Hawaiian Islands and the prohibitive cost of such an endeavor. Regardless, Native Hawaiian activities that took place before the designation and expansion of the monument were required to obtain a permit under the U.S. Fish and Wildlife Refuges Act for any activities occurring on land in either the Hawaiian Islands National Wildlife Refuge or the Midway Atoll National Wildlife Refuge. After the monument was designated in 2006, all Native Hawaiian cultural practices and uses that occur in the monument, including those types that took place before the monument's designation and expansion, require a Native Hawaiian permit according to the permit criteria set forth in both Proclamation 8031 and monument regulations. Under Proclamation 8031, Native Hawaiian practices are defined as "cultural activities conducted for the purpose of perpetuating traditional knowledge, caring for and protecting the environment, and strengthening cultural and spiritual connections to the Northwestern Hawaiian Islands that have demonstrable benefits to the Native Hawaiian community."

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<sup>2</sup> Foreign flag vessels are not subject to the restrictions of Proclamation 8031 except as in accordance with international law.

Since establishment of the monument, there have been 25 permits issued for Native Hawaiian practices. Examples of Native Hawaiian cultural practices and uses are intertidal monitoring (conducted by the ‘Opihi Partnership, combined with a research permit); traditional Polynesian wayfinding (navigation, sometimes combined with an education permit); and summer solstice cultural research on Mokumanamana. In addition, the State’s Office of Hawaiian Affairs recently became a fourth management co-trustee of the monument, in support of the historical and cultural significance of the Northwestern Hawaiian Islands to the Native Hawaiian community and the need to conserve the landscape for current and future generations through the allowance of these types of activities to continue in the entire monument.

#### (7.) Education

Prior to the monument’s designation, there would have been limited opportunities for educational activities that could take place in the monument due to its distance from the Main Hawaiian Islands and the prohibitive cost of such an endeavor. Under Proclamation 8031, the Secretaries may issue a permit for education that “will further the educational value of the Monument.” Similarly, under Proclamation 9478, the Secretaries may issue a permit for education that “will further the educational value of the Monument Expansion.” Since the establishment of the monument there have been 22 education permits issued, including for online and streaming events that enable the world to connect with a unique, but otherwise remote and difficult to access location.

#### (8.) Recreation

Prior to the monument’s designation, there were a limited amount of recreational activities that took place in the monument, primarily at Midway Atoll where charter fishing operations were sporadically conducted. Numerous game fishing catch records were made there but most operators could not sustain a business in this remote location. Under Proclamation 8031, recreational activity permits may be issued for activities in the Midway Atoll Special Management Area; recreational activities are not authorized anywhere else in the original monument. As defined in Proclamation 8031, recreational activities, are those activities “conducted for personal enjoyment that does not result in extraction of Monument resources and that does not involve a fee-for service transaction.” Proclamation 9478 does not require authorization for many recreational activities in the monument expansion area.

Since the establishment of the monument, there have been six recreation permits issued authorizing access to the monument; however, no permits for recreational activities have been issued since mid-2012 when USFWS closed Midway Atoll to most activities. Prior to that, activities that were permitted under a recreation permit included bird watching, snorkeling and visiting the Battle of Midway National Memorial.

**Criterion V: concerns of State, tribal and local governments affected by a designation, including the economic development and fiscal conditions of affected States, tribes and localities**

PMNM is managed by four co-managing agencies: DOC, DOI, the State of Hawai'i, and the Office of Hawaiian Affairs. Through DOC, NOAA has primary responsibility regarding the management of the marine areas of the monument, in consultation with the Secretary of the Interior. Through DOI, USFWS has sole responsibility for the areas of the monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with DOC. Through the State of Hawai'i, the Department of Land and Natural Resources has primary responsibility for the Northwestern Hawaiian Islands Marine Refuge and State Seabird Sanctuary at Kure Atoll. Nothing in the Proclamation diminishes or enlarges the jurisdiction of the State of Hawai'i. The State's Office of Hawaiian Affairs became a fourth management co-trustee, underscoring the historical and cultural significance of the Northwestern Hawaiian Islands to the Native Hawaiian community and the need to conserve the landscape for current and future generations through the allowance of these types of activities to continue in the entire monument. The Office of Hawaiian Affairs, a constitutionally established body set as a separate state entity independent of the executive branch of the State of Hawai'i, is responsible for representing the interests of the Native Hawaiian community pertaining to activities in the monument, including Native Hawaiian customary and traditional rights and practices exercised for subsistence, cultural and religious purposes under the Hawaii Constitution. NOAA, USFWS and Hawaii developed a comprehensive Management Plan for the original PMNM (MMP) designation area, which was finalized in 2008 with substantial input from and collaboration with the public. The MMP guides the work of the co-managing agencies for a period of 15 years.

*Original Designation*

In May 2000, President William J. Clinton tasked the Departments of Commerce and the Interior to hold public meetings in order to obtain input on potential protections for this vast and remote place. Between July and August of 2000, a total of 435 people attended seven meetings.

Taking into account this public input, on December 4, 2000, President Clinton issued Executive Order 13178 establishing the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, which includes the marine waters and submerged lands of the Northwestern Hawaiian Islands, extending approximately 1200 nm long and 100 nm wide. As part of the creation of the Reserve, the President established certain conservation measures that restrict activities throughout the Reserve and created Reserve Preservation Areas (RPAs) around various islands, atolls and banks within the reserve where consumptive or extractive uses were prohibited. The President initiated a 30-day period during which the public had the opportunity to submit comments on the conservation measures and his proposal to make the RPAs permanent. On behalf of the President, the Secretary of Commerce held seven public hearings in late 2000/early 2001 to accept written and oral comment. Approximately 8,400 comments were received and were a mix of original and form letter comments from around the country with a wide range of opinions. Using these comments as a guide, the proposed protections were made final via Executive Order 13196.

Executive Order 13196 required the Secretary of Commerce to initiate the process to designate the Reserve as a National Marine Sanctuary. In 2002, NOAA began holding public scoping meetings for the development of a Sanctuary Management Plan and Environmental Impact Statement. Over 14,000 comments were received during this public scoping process at seven locations in Hawaii and in Washington, D.C.

In June 2006, President George W. Bush used his powers under the Antiquities Act to designate the NWHI as a marine national monument. The information contained in Proclamation 8031, which created Northwestern Hawaiian Islands Marine National Monument, was based on the draft Sanctuary Management Plan and prior public input. After establishment of the monument, public information meetings were held on all main Hawaiian Islands to inform the public of the establishment of the monument and regulations. A total of 471 people attended meetings.

Between April and June 2007, the Departments of Commerce and the Interior held public scoping meetings for the development of a draft Monument Management Plan. During this process 298 letters were received and a summary report of these comments was created, which identified issues that had not been raised throughout the previous public input processes. Public hearings on the draft PMNM Management Plan and associated Environmental Assessment were held between April and July 2008. A total of 231 attended the meetings and an additional 6,347 written comments were received during this process.

By the end of the public process and the final issuance of the Management Plan in December 2008, over 57,000 public comments were received and considered during the designation process.

### *Expansion*

On January 29, 2016, a group of Native Hawaiian leaders wrote to President Barack Obama and asked him to expand the PMNM. They described the cultural significance of NWHI, and emphasized its scientific importance as an intact large-scale ocean ecosystem that supported wildlife of many kinds, including endangered Hawaiian monk seals, sea turtles and sea birds. Culturally, Native Hawaiian beliefs identify this region as the place of creation; historically, the islands were used by Native Hawaiians. This group of Native Hawaiian leaders praised the initial establishment of the PMNM as a positive first step, but they advocated further action to preserve the region and proposed, generally, to expand the PMNM out to the full 200 nautical miles of the U.S. EEZ, except for the Main Hawaiian Islands (MHI).

This proposal drew support from the environmental and scientific communities, and the Pew Environmental Group developed a proposal that would expand PMNM's boundaries consistent with the request of the Native Hawaiian leaders. Fishermen and many community leaders opposed the proposal, including Hawaiian State Senator Kouchi who sent a letter on April 28, 2016, and County of Kauai Mayor Carvalho who sent his letter on May 5, 2016. Additionally, 30 members of the Hawaii State House of Representatives wrote a letter opposing the Native Hawaiian Proposal on May 3, 2016. Senator Kouchi, Mayor Carvalho, the State House Representatives and U.S. Senator Brian Schatz all requested

that Hawaii stakeholders and residents have an opportunity to engage and provide input to the expansion proposal and key stakeholder concerns were addressed before any decisions were made.

In May 2016, a delegation from Washington, D.C., which included representatives from the Council on Environmental Quality, NOAA, the Department of the Interior and the U.S. Navy met with a series of key constituents in Hawaii on the proposed expansion of PMNM. Meetings were held with the Governor of the State of Hawaii, the Mayor of the City and County of Honolulu, the Hawaii State Senate President, members of the Hawaii State House of Representatives, the fishing community, the Western Pacific Fishery Management Council, representatives of the Native Hawaiian community, researchers, and local and national non-governmental organizations to hear input from each of these organizations on the potential pros and cons of expansion; approximately 400 people were involved in these various meetings.

On August 1 and 2, 2016, two public meetings were held in Honolulu and Kauai to hear additional public input on a proposed plan for expansion that had been proposed by U.S. Senator Brian Schatz. A total of 118 public comments were received at meetings that were attended by approximately 450 people. In addition, 6,061 petitions were submitted in support as well as 696 written comments. The majority of the comments were supportive of the expansion.

On August 24, 2016, the Governor of the State of Hawaii, David Y. Ige, drafted a letter to President Barack Obama expressing support for the expansion of PMNM as proposed by Senator Schatz in his June 16, 2016 letter. Governor Ige acknowledged input from constituents, opponents and proponents in his letter as well as requested that the Office of Hawaiian Affairs be added as a fourth co-trustee of PMNM.

In August, 2016, the Mayor of County of Kauai, Bernard Carvalho Jr. and Hawaii Senate President, Ronald Kouchi, both sent letters to President Obama acknowledging that they had previously sent a letter in opposition to the expansion, but that after speaking with local fisherman and Kauai ocean users, were supportive of an expansion provided that it excluded any expansion of the current southeastern boundary east of the 163 degree West Longitude towards the Main Hawaiian Islands; this longitude was selected in response to public comments and fishing constituent concerns.

On August 26, 2016, the President issued Proclamation 9478, expanding the PMNM. Commercial fishing was prohibited in the expansion area; however, recreational fishing may be permitted pursuant to the Proclamation.

In the recent request by DOI for public comment on the monument designation and expansion, Governor Lolo M. Moliga of American Samoa wrote requesting revocation of Pacific monuments or revocation of fishing regulations within Pacific monuments, on the grounds that it has negatively impacted the local tuna industry and that existing fishing regulatory processes are adequate. Governor Moliga, Governor Eddie B. Calvo of Guam and Governor Ralph D.C. Torres of CNMI also wrote a collaborative letter requesting that fishing provisions applicable to all marine national monuments be removed, on the grounds that the monument restrictions are unnecessary and impede their local socioeconomic and cultural stability. The Western Pacific Fishery Management Council also sent a letter requesting that monument designations in the western Pacific are unnecessary and fishing restrictions should be vacated.

Members of Congress Bishop of Utah and Radewagen of American Samoa wrote a joint letter requesting that all marine national monument fishing restrictions be vacated. Other public comments submitted during this period were in support of the monument designation and expansion citing economic and environmental benefits as well as protections of cultural heritage. Letters of support for the PMNM came from Senator Schatz of Hawaii, Representative Hanabusa of Hawaii, House and Senate Minority Leadership, Governor Ige of Hawaii, State of Hawaii Office of Hawaiian Affairs, State of Hawaii Department of Land and Natural Resources and the Northwest Hawaiian Islands Coral Reef Ecosystem Advisory Council. Senate and House Minority Leadership sent a letter requesting that all national monuments' boundaries remain intact based on the environmental and economic benefits they provide. *(Please note, the comments highlighted in this section are only reflective of those sent directly to DOC/NOAA as of July 20, 2017 and not those collected by DOI through the online regulations.gov portal.)*

#### **Criterion VI: the availability of Federal resources to properly manage designated areas**

PMNM is managed by DOC and DOI in consultation with the State of Hawaii and the Office of Hawaiian Affairs. These co-managing agencies developed a comprehensive MMP for the original PMNM designation area, which was finalized in 2008 with substantial input from and collaboration with the public. The MMP guides the work of the co-managing agencies for a period of 15 years, and includes forecasts of projected costs associated with management. The Office of Hawaiian Affairs became the fourth co-management agency in 2017.

NOAA's Office of National Marine Sanctuaries (ONMS) budget funds most of the activities in the MMP. The ONMS budget funds 9 full-time staff positions, including one for the State of Hawaii's Department of Land and Natural Resources, and contract support to undertake the daily management activities and programs including resource protection, research, inter-agency coordination and education and outreach.

More broadly, within existing appropriations for fisheries research and management, NOAA currently allocates approximately \$3 million dollars annually for science and management activities in the Pacific marine national monuments designated in 2009 (Marianas Trench, Pacific Remote Islands, Papahānaumokuākea and Rose Atoll). For instance, funding from the NOAA Coral Reef Conservation Program has been used to monitor and explore the shallow coral reef areas in the Pacific Islands region, including all four of the Pacific marine national monuments. In addition, NOAA's Office of Marine and Aviation Operations has provided 610 ship days, worth approximately \$8.54 million, to conduct ONMS-sponsored research in the monument. The NOAA Pacific Islands Fisheries Science Center also invests funding toward research and monitoring for the Hawaiian monk seal and green sea turtles in PMNM. In summary, NOAA simultaneously maximizes the expenditure of appropriated funds and attainment of research and management objectives by working collaboratively with different parts of the agency.

In addition to NOAA, USFWS received \$1.8 million in congressionally directed funds for Fiscal Year 17 for all USFWS managed marine national monuments in the Pacific. This funding has assisted the

management of the monument through staffing, logistics and planning efforts. USFWS has not established new positions for the monument, but has restructured existing staff to cover monument management duties.

No external grants have been obtained for work in the monument. Annually, grants have been awarded by NOAA in order to pursue management objectives. Historically, grants have been for the purposes of research and monitoring and education and outreach, and vary in amount and availability each year.

Enforcement measures include infrequent (less than quarterly) randomly aerial patrols and surface patrols by USCG, electronic surveillance 24 hours per day by both USCG and NOAA Office of Law Enforcement, and formal permitting processes. All U.S. flagged vessels that are approved to enter the monument are required to carry vessel monitoring systems that track their access through the monument. Since June 2006, there have been approximately 5-8 fisheries enforcement actions in the original monument. NOAA has and will continue to seek out new technologies and collaboration opportunities to supplement existing enforcement capabilities. However, based on current fishing effort and an enforcement threat analysis, there is low risk of fishing violations in PMNM.

# Rose Atoll MNM

## Introduction

President George W. Bush designated Rose Atoll Marine National Monument (RAMNM) on January 6, 2009, by Presidential Proclamation 8337, which is located east of American Samoa. The monument was established for the purpose of protecting the dynamic reef ecosystem that is home to a very diverse assemblage of terrestrial and marine species, many of which are threatened or endangered. The monument was established in the interest of the public to preserve the lands, submerged lands and waters and environment around Rose Atoll for the care and management of the objects of historic and scientific interests.

Within the monument designation area, Rose Atoll is also designated as a National Wildlife Refuge, established on July 5, 1973, by cooperative agreement between the Government of American Samoa and the U.S. Fish and Wildlife Service (USFWS). Proclamation 8337 directed the Secretary of Commerce to initiate the process to add the marine areas of the monument to the Fagatele Bay National Marine Sanctuary in accordance with the National Marine Sanctuaries Act, including its provision for consultation with an advisory council, to further the protection of the objects identified in the proclamation. In 2012, the area was added to the National Marine Sanctuary of American Samoa, through a multi-year public process to review and update the sanctuary management plan. The monument is referred to as the sanctuary's Muliāva unit. Muliāva, part of the Kingdom of Manu'a, means end of the channel. Culturally, the name remains a reference to traditional knowledge of the ocean. Rose is the name appropriate for the color of the corals surrounding Rose Island. The atoll is known to Samoans as "Nu'u o Manu" or Village of Seabirds.

**Criterion I: the requirements and original objectives of the Act, including the Act's requirement that reservations of land not exceed "the smallest areas compatible with the proper care and management of the objects to be protected"; and**

**Criterion II: whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest"**

The Proclamation created a square boundary for the monument, the outer edges of which lie approximately 50 nautical miles (nm) from the mean lower water line of Rose Atoll. The square boundary aids mariners and others to discern the location of the boundary of the monument in an otherwise open ocean system. RAMNM encompasses 13,451 square miles of emergent and submerged lands and waters

around Rose Atoll. Except for the emergent lands and internal waters at Rose Atoll, which are also under the jurisdiction of the Government of American Samoa, the entire monument area designated is in Federal waters.<sup>3</sup>

The atoll is known to Samoans, as “Nu’u O Manu” (“Village of seabirds”). Few relatively undisturbed islands remain in the world, and Rose Atoll is a unique habitat for Central Pacific turtle and seabird species. The Proclamation designating RAMNM identifies the lands, submerged lands and waters and marine environment around Rose Atoll, which includes diverse and productive coral reefs and numerous pelagic and seabird species as “objects of historic or scientific interest” worthy of protection. Rose Atoll is known for the pink hue of fringing reef caused by the dominance of coralline algae, which is the primary reef-building species that dominates the reef and makes it distinctive and different from those found at other Samoan islands. The diverse assemblage of species found within RAMNM includes roughly 100 species of stony corals. Species that have faced depletion elsewhere, some of which have declined worldwide by as much as 98%, are found in abundance at Rose Atoll, including giant clams, Maori wrasse and large parrotfishes. Humpback whales, pilot whales and porpoise genus *Stenella* have all been spotted at Rose Atoll. The atoll also serves as nesting grounds for endangered marine turtle species and the marine waters are home to many large predators such as shark species, snappers, jacks and groupers. Rose Atoll and its surrounding waters also support critical populations of more than a dozen shorebirds and seabirds.

**Criterion III: the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land and Policy Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries; and**

**Criterion IV: the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries**

Proclamation 8337 either prohibits or allows certain uses or activities by permit. The following section addresses the effects of the Proclamation on four uses of the monument’s designated Federal lands, Federal lands beyond the monument’s boundaries and non-Federal lands within or beyond the monument’s boundaries: 1) commercial fishing; 2) non-commercial fishing; and 3) exploration and research; and 4) traditional Samoan cultural uses and practices. None of the prohibitions required by the Proclamation, and described herein, apply to activities and exercises of the U.S. Armed Forces, including those carried out by the U.S. Coast Guard (USCG). The Proclamation only states that the U.S. Armed

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<sup>3</sup> On February 1, 1975, President Gerald Ford, by Proclamation No. 4347, exempted Rose Atoll from a general conveyance of submerged lands around American Samoa to the American Samoa government. He stated the submerged lands around Rose Atoll would be under the joint jurisdiction of the Department of Commerce and the Department of the Interior.

Forces ensure, by the adoption of appropriate measures not impairing operations or operation capabilities, that its vessels and aircraft act in a manner consistent, so far as is practicable, with the objectives of the Proclamation.

Although the Proclamation does not include a specific prohibition on actions, such as energy or mineral exploration and development or recreational activities (except non-commercial fishing), it does state: “the Secretaries of Commerce and the Interior shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation or as otherwise provided for by law.”

#### (1.) Commercial fishing

Fishing in American Samoa is a mixture of commercial, subsistence, traditional and sport fishing. Commercial fisheries include spearfishing from boats, bottomfishing, trolling, mixed bottomfishing-trolling and longline fishing.

Proclamation 8337 requires the Secretary of Commerce to prohibit commercial fishing within the monument. On June 3, 2013, NOAA Fisheries issued regulations under the authority of the MSA, establishing requirements for fishing in RAMNM (78 Fed. Reg. 32,996 (June 3, 2013)), including a prohibition on commercial fishing in RAMNM (50 C.F.R. § 665.963).

The historical data on landings value have not been reported in such a way as to distinguish whether the catch was, or was not, caught inside of the boundaries of the monument. Catch and effort data has location information, but there are no estimates available for the portion taken within what is now RAMNM; therefore, there are no estimates to compare the amount of fish caught in the monument waters prior to designation.

Prior to 2001, the American Samoa longline fleet was comprised primarily of small, locally-built catamaran alias. In 2001, the fleet expanded markedly with the addition of 25 modern longline vessels. By March of 2002, approximately 48 alias and 28 large longline vessels were actively working out of Pago Pago Harbor on the island of Tutuila. The average annual gross revenue for the average American Samoa large longliner was estimated to be \$657,063, with an annual net revenue of \$177,207.20. In May 2005, a limited entry program was enacted for the American Samoa longline fishery, with a maximum of 60 permits which could be issued. The 60 permits were distributed among four vessel classes based on size: 22 in Class A (<40 feet [ft.]), 5 in Class B (40-50 ft.), 12 in Class C (50-70 ft.), and 22 in Class D (>70 ft.). In 2009, 50 permits were issued in the American Samoa longline fishery, and 26 boats were active in the fleet: one was Class A, five were Class C and 20 were Class D.

Prior to 2001, commercial landings and revenue in the longline fishery were less than \$2 million, and the primary source of landings was from the smaller-sized vessels. Between 2000 and 2010, the fishery landings varied, the first peak occurred in 2002 when the fleet generated 15.5 million pounds, valued at \$13.9 million; and a second peak in 2007 when the fleet generated 14.35 million pounds, valued at \$14.18 million. By this time, the alia fleet had dwindled to only a couple active vessels as some sought permits for larger, more profitable vessels while others were not able to continue operating on low profit margins.

The American Samoa longline fleet principally fishes in the U.S. Exclusive Economic Zone (EEZ) around American Samoa except for a Large Vessel Prohibited Area around Tutuila and Swain's Island. The U.S. EEZ around American Samoa is bounded on all sides by the EEZs of other island nations (including Cook Islands, Tokelau, Samoa, Tonga and Niue) that are generally off-limits to American Samoa fishermen. In places, the shared U.S. EEZ boundaries with Pacific Island nations are less than 200 nm from American Samoa's shores, further limiting the area available to American Samoan longliners for fishing. In 2009, when the monument was established, the area available for the longline fishery was further reduced (2013 is when regulations were formally promulgated). The Proclamation did not restrict all commercial fishing activity in the Pacific Remote Islands Area EEZ but rather modified the spatial extent in which the fishery can occur. While it is difficult to quantify the direct and indirect economic impacts since it will take time for these impacts to materialize, factors such as the loss of access to known seasonal and productive grounds, increased search time and increased competition with other vessels operating in open areas of the U.S. EEZ will certainly be measurable over time. The impact was not immediately apparent and from 2008 to 2010, the longline fishery annually landed approximately 9.8 million, 10.6 million and 10.6 million pounds, respectively, with values of \$9.5 million, \$10.2 million and \$10.5 million, respectively. By the end of 2013, the majority of the vessels in the American Samoa longline fleet were not active in the fishery, due to a decline in the albacore catch-per-unit-effort, increasing fuel prices and a sharp drop in the market price for albacore tuna. In 2016, conditions improved slightly when NOAA Fisheries temporarily lifted restrictions in a portion of the Large Vessel Prohibited Area for American Samoa longliners. This relief ended when a Federal court vacated the rule (*American Samoa v. National Marine Fisheries Service*, Civ. No. 16-00095 LEK (D. Haw. March 20, 2017)); the litigation in this case is ongoing and has not reached a final disposition.

## (2.) Non-commercial fishing

Non-commercial fishing in American Samoa is a mixture of subsistence, traditional, recreational and sport fishing. Non-commercial fisheries include the use of spears and slings, rods and reels, bamboo poles, throw nets and gill nets.

Proclamation 8337 sets forth non-commercial and sustenance fishing as a management objective. Accordingly, non-commercial and sustenance fishing is allowed by permit; traditional indigenous fishing is also allowed, in consultation with the Government of American Samoa.

On June 3, 2013, NOAA Fisheries issued regulations under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) establishing requirements for fishing in RAMNM (78 Fed. Reg. 32,996 (June 3, 2013)), including provisions for non-commercial and recreational fishing. Under NOAA Fisheries' regulations (50 C.F.R. Part 665, Subpart I), community residents of American Samoa may apply for a non-commercial permit to fish in the monument. Charter businesses established legally under the laws of American Samoa may also apply for recreational charter permits to fish in the monument. However, all fishing is prohibited within 12 nm of emergent land within RAMNM. Permit holders who harvest fish resources under a non-commercial fishing permit may engage in customary exchange, which helps to preserve traditional, indigenous and cultural fishing practices, on a sustainable

basis; however, customary exchange by fishermen engaged in recreational fishing is not allowed. Customary exchange means the non-market exchange of marine resources between fishermen and community residents, including family and friends of community residents, for goods, and/or services for cultural, social or religious reasons. Customary exchange may include cost recovery through monetary reimbursements and other means for actual trip expenses, including but not limited to ice, bait, fuel or food, that may be necessary to participate in fisheries in the Western Pacific.

Since commercial fishing was prohibited and non-commercial fishing regulations went into effect in 2013, NOAA Fisheries has not received any non-commercial fishing permit applications for fishing within RAMNM. The distances from the main island of Tutuila (168 miles) and from the closest island Ta'u (81 miles) of the Manu'a group are prohibitive in terms of non-commercial fishing trips to the monument. Based on interviews done by the Samoa Studies Institute of the American Samoa Community College, which were part of a 2012 NOAA grant, all of the fishermen interviewed from the Manu'a Islands indicated that they had never been to the atoll, but that previous generations had made fishing trips to the island. Besides the distance to Rose Atoll, present-day fishermen also indicated that the designation of the atoll as a national wildlife refuge in 1973 also played a part in fishermen not making trips to the atoll.

### (3.) Exploration and research

Monument designation did not have any effect on exploration or research because neither the proclamation nor its enabling regulations prohibit those activities. Exploration and research are cited in the Proclamation as objectives to benefit the science, management and local, national and international communities.

Prior to monument designation, limited exploration and research was conducted primarily by NOAA Fisheries' Pacific Islands Fisheries Science Center and international institutes and universities. For instance, research and monitoring occurred through the bi-annual/tri-annual NOAA Fisheries Rapid Assessment and Monitoring Program. Since the monument was designated, research interest and collaboration activity has increased as management plans are implemented.

### (4.) Traditional Samoan cultural uses and practices

Proclamation 8337 does not prohibit or regulate traditional Samoan cultural uses or practices; however, it is important to note the benefits of monument designation cited by local Samoans.

**Criterion V: concerns of State, tribal and local governments affected by a designation, including the economic development and fiscal conditions of affected States, tribes and localities**

Prior to monument designation, public engagement and solicitation for comments was conducted in American Samoa and Washington, D.C. On October 9, 2008, the public was invited to participate in roundtable format conversations in both Pago Pago and Washington D.C. about the scientific, historical and cultural resources, and the potential for protection and coordinated management of marine areas in the Pacific. The public was also invited to provide comments during a formal 60-day public comment period (i.e., August 25, 2008 to October 25, 2008). The public meetings included the Chairman of the Council on Environmental Quality and other Federal representatives, including NOAA and USFWS. Public comments were submitted to and compiled by the Council on Environmental Quality, where any such record is likely housed. Notable public comments received included comments from Governor Togiola Tulafono of American Samoa, the Secretary of Samoan Affairs Tufele Liamatua and the Director of American Samoa Department of Commerce Faleseu Eliu Paopao, who voiced support for the designation of Rose Atoll as a monument. At the time, Tufele was the highest ranking chief from Ta'u, and Faleseu is also a chief from Ta'u, which is the closest island to Rose Atoll. Conversely, the Western Pacific Fishery Management Council, U.S. Congressman from American Samoa Eni Faleomavaega Hunkin and members of local longline fishing boat associations voiced concern with monument designation processes and associated prohibited activities anywhere in the Pacific.

After designation in November 2009, the RAMNM Intergovernmental Committee held a public meetings in Pago Pago, Ta'u and Ofu to provide information and answer questions on: USFWS responsibility to develop a Comprehensive Conservation Plan for Rose Atoll National Wildlife Refuge; NOAA's responsibility to develop non-commercial fishing regulations; NOAA's responsibility associated with designating the marine portion of Rose Atoll Marine National Monument as a national marine sanctuary; and how these three plans would be eventually merged into one "umbrella" document. The nature of the questions asked were focused on the opportunity for the management plans to offer education, science, research, recreation, enforcement and employment opportunities within the Manu'a Islands and Tutuila communities.

On November 21, 2009, Samoa News To'asavili published an article that described a stakeholder meeting by the Intergovernmental Committee for Rose Atoll to gain public input on management planning for the monument. Opposition to the monument was voiced by members of the public, lawmakers, and government leaders who expressed concerns over the lack of public engagement in the designation process, the prohibition on fishing within monument boundaries and the overreach of Federal government in designation of the monument.

In 2010, "Oral Traditions of Rose Atoll (Muliāva)," the Samoan Studies Institute researched the oral traditions of Rose Atoll by interviewing and surveying the American Samoan people of Manu'a Islands (population 1,143), who consider Muliava part of the islands that make up Manu'a. The study was in response to the opposition expressed due to the lack of inclusion of the American Samoan people at the first stakeholder meeting held after monument designation. A total of 265 Manu'a residents were surveyed; 45% responded that they disliked the idea of Rose Atoll (Muliāva) being declared a marine national monument, 42% responded that they liked the idea of monument designation, and 13% responded with "don't know."

In the recent request by DOI for public comment on the monument designations, Governor Lolo M. Moliga of American Samoa wrote requesting revocation of Pacific monuments or revocation of fishing regulations within Pacific monuments, on the grounds that it has negatively impacted the local tuna industry and that existing fishing regulatory processes are adequate. Governors Moligo, Eddie G. Calvo of Guam and Ralph D.G. Torres of the Commonwealth of the Northern Marianas Islands also wrote a collaborative letter requesting that fishing provisions applicable to all marine national monuments be removed, on the grounds that the monument restrictions are unnecessary and impede their local socioeconomic and cultural stability. The Western Pacific Fishery Management Council also sent a letter requesting that monument designations in the western Pacific are unnecessary and fishing restrictions should be vacated. Members of Congress Bishop of Utah and Radewagen of American Samoa wrote a joint letter requesting that all marine national monument fishing restrictions be vacated. Senate and House Minority Leadership sent a letter requesting that all national monuments' boundaries remain intact based on the environmental and economic benefits they provide. *(Please note, the comments highlighted in this section are only reflective of those sent directly to DOC/NOAA as of July 20, 2017 and not those collected by DOI through the online regulations.gov portal.)*

#### **Criterion VI: The availability of Federal resources to properly manage designated areas**

RAMNM is co-managed by NOAA and USFWS, in consultation with the Government of American Samoa Departments of Commerce and Marine and Wildlife Resources who collaborate in the stewardship of RAMNM. A specific monument management plan for RAMNM has not been prepared as there are overlapping management plans associated with the various management needs at the site: the Western Pacific Fishery Management Council American Samoa Fishery Ecosystem Plan; the National Marine Sanctuary of American Samoa Management Plan; and the USFWS Rose Atoll National Wildlife Refuge Comprehensive Conservation Plan. Members of the Intergovernmental Committee, which includes all co-managing agencies, are looking into potential management gaps between these plans and intend to develop necessary plans to cover those gaps, if needed.

Within existing appropriations for fisheries research and management, NOAA currently allocates approximately \$3 million dollars annually for science and management activities in the Pacific marine national monuments designated in 2009 (Marianas Trench, Pacific Remote Islands, Papahānaumokuākea and Rose Atoll). Since the four Pacific marine national monuments have been designated, NOAA Fisheries established eight full-time (four Pacific Islands Regional Office and four Pacific Islands Fisheries Science Center) staff positions and four part-time staff positions (one Pacific Islands Regional Office and three Pacific Islands Fisheries Science Center) to provide for the management and research within the monuments. Duties are shared among the personnel who work with the local governments in American Samoa, Saipan and Hawaii. NOAA also allocates funding from appropriations from the Office of National Marine Sanctuaries budget line to manage RAMNM and the encompassing National Marine Sanctuary of American Samoa. Those funds go towards hiring dedicated staff in American Samoa who focus on management, science and public awareness activities associated with RAMNM management needs.

Additionally, funding from the NOAA Coral Reef Conservation Program and the NOAA Fisheries Pacific Islands Fisheries Science Center have been used to monitor and explore the shallow coral reef areas in the Pacific Islands region, which includes all of the monuments. NOAA partners provide benefit to overall research and management of the monuments, particularly due to their very remote locations and travel costs to conduct exploration, research and monitoring.

In addition to NOAA, USFWS received \$1.8 million in congressionally directed funds for Fiscal Year 17 for all USFWS managed marine national monuments in the Pacific. This funding has assisted the management of the monument through staffing, logistics and planning efforts. USFWS has not established new positions for Rose Atoll, but has restructured existing staff to cover monument management duties.

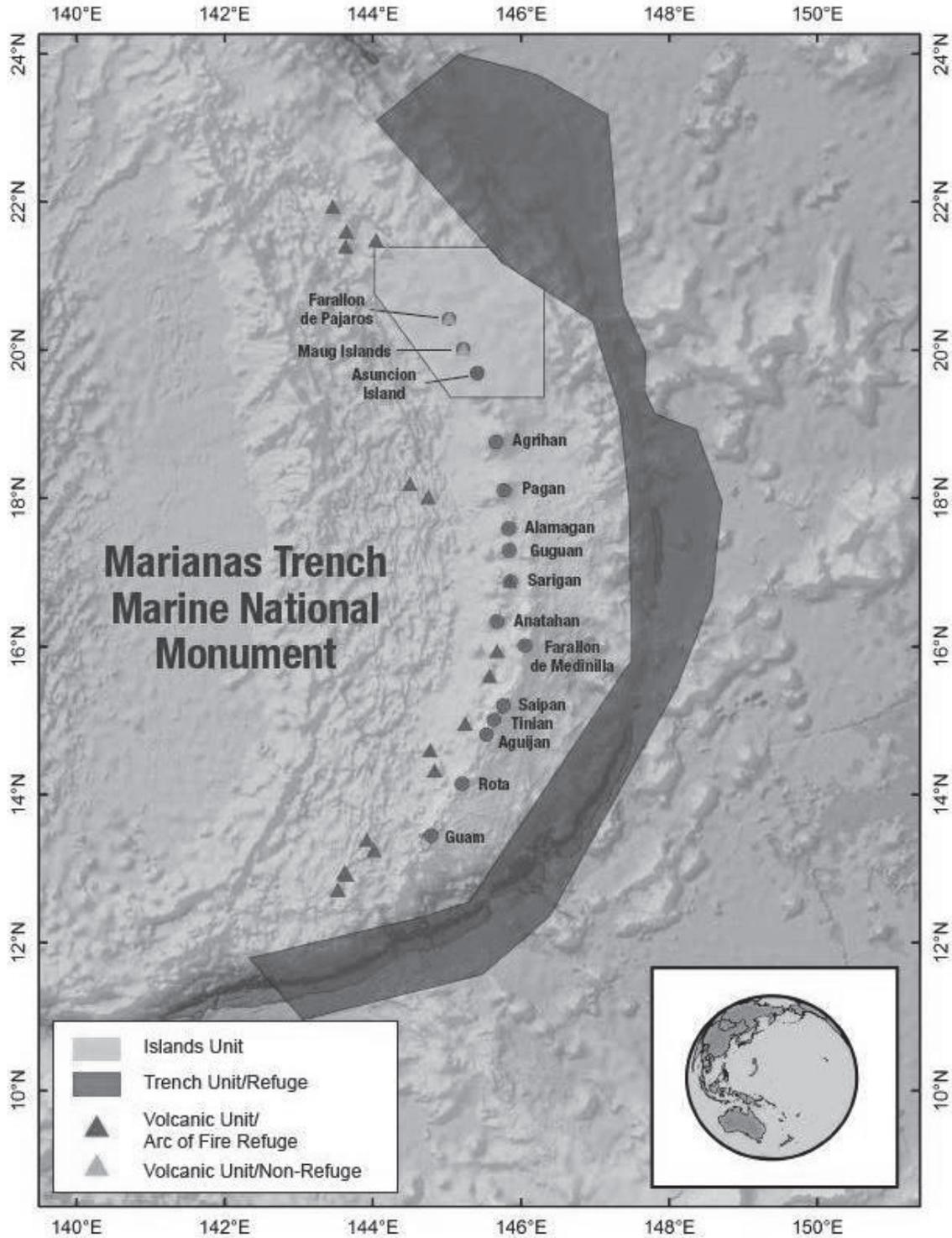
No external grants have been obtained for work in the monument. Annually, grants have been awarded by NOAA in order to pursue management objectives. Historically, grants have been for the purposes of research and monitoring and education and outreach, and vary in amount and availability each year.

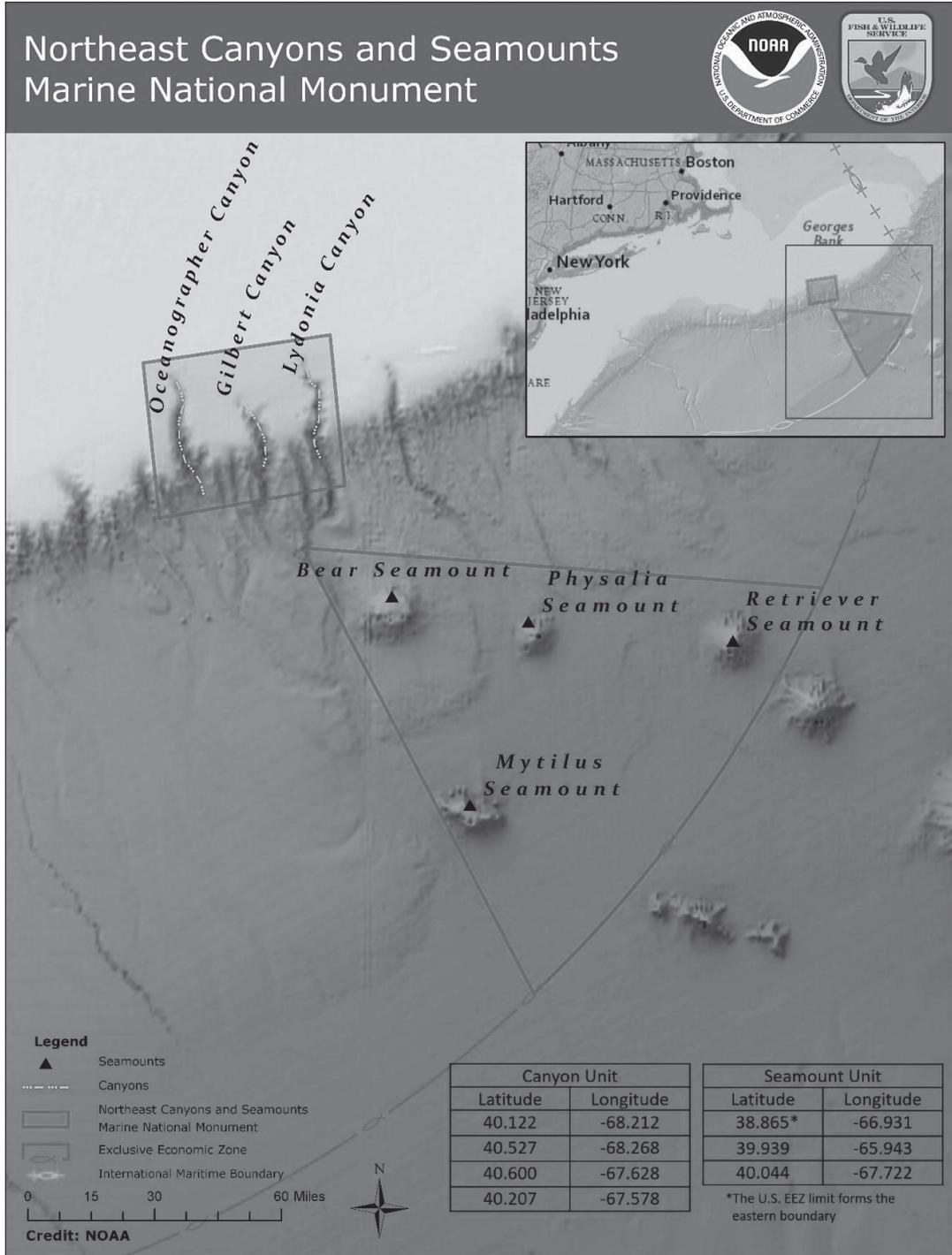
The resources expended to provide enforcement in monument waters come from the general NOAA Office of Law Enforcement (OLE) Enforcement and Surveillance budget. These resources support a basic surveillance capability to monitor compliance with the directives in the Presidential Proclamations or public laws. Additional investment in emerging surveillance technologies may improve the ability to provide protection to monument waters and those within the U.S. EEZ.

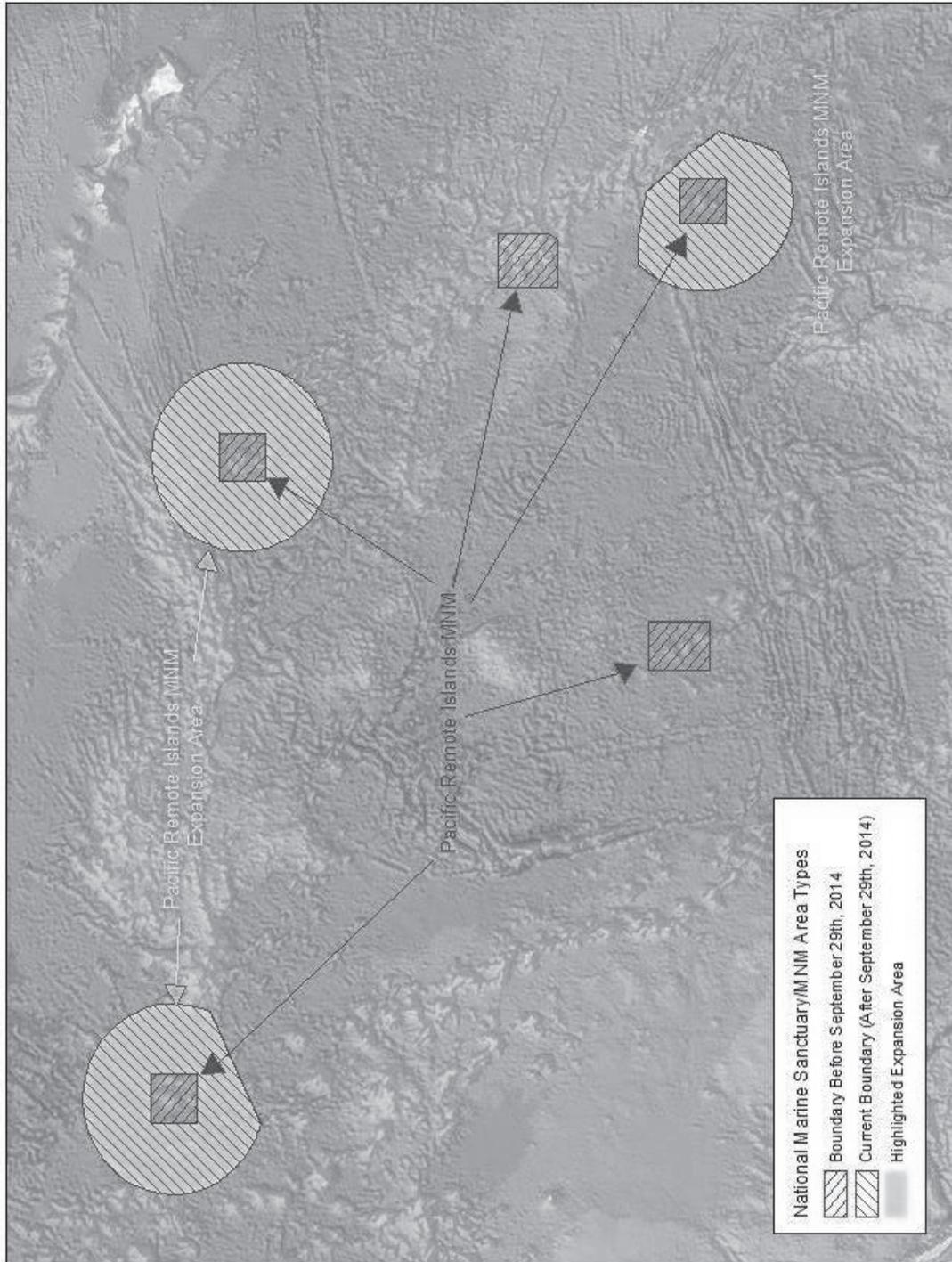
NOAA OLE, USFWS Office of Law Enforcement and the U.S. Coast Guard (USCG) work collaboratively to ensure compliance with applicable laws in monument waters. Satellite-based vessel monitoring systems (VMS), dockside inspections, at sea and aircraft patrols are used in the Pacific U.S. EEZ to monitor and enforce commercial U.S. fisheries laws and regulations, illegal, unreported and unregulated fishing, laws and regulations governing living marine resources, threatened and endangered species, and the protection of marine mammals.

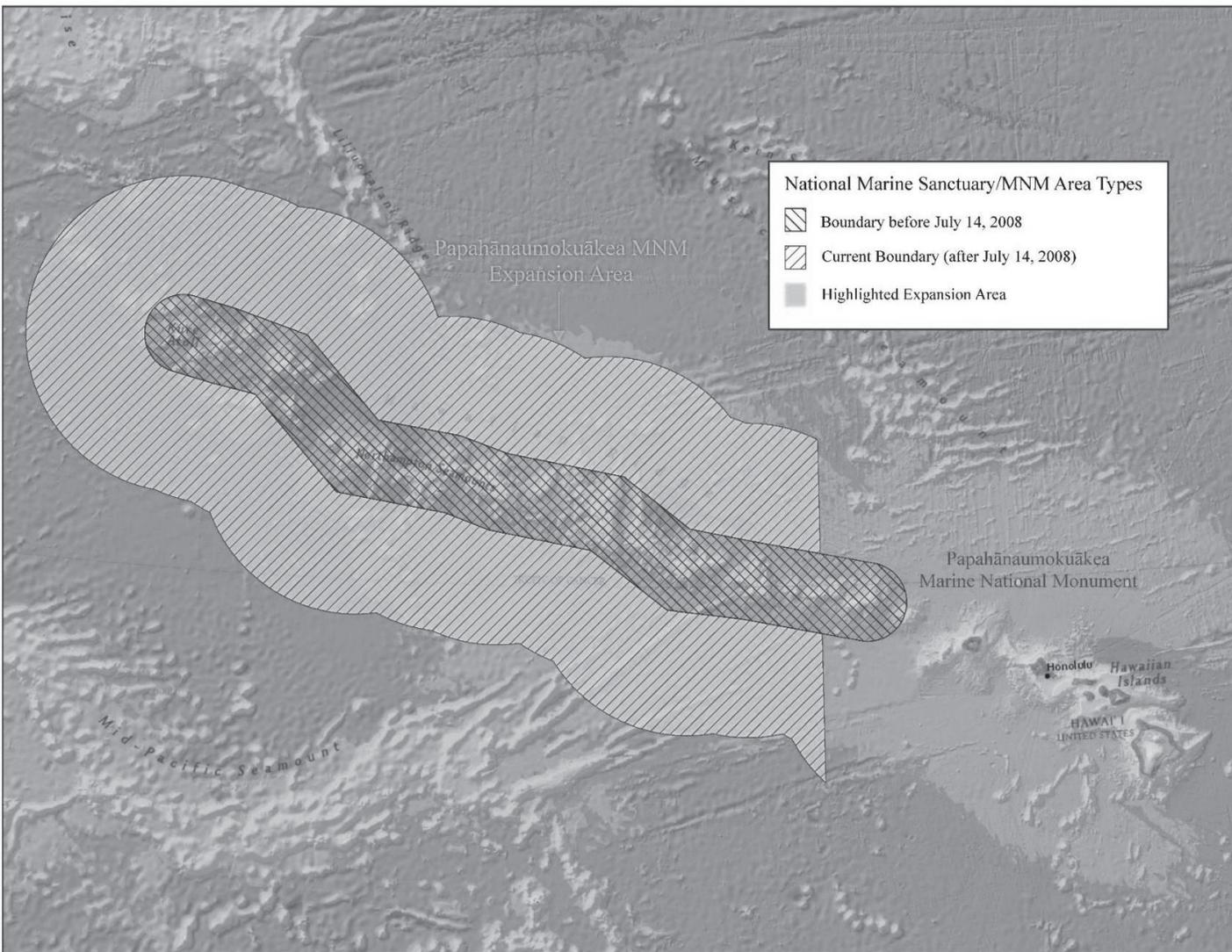
All large-scale U.S. commercial fishing vessels in the Western and Central Pacific must install a VMS device that transmits the vessel's movements and global position coordinates to a monitoring center, via secure satellite communication channels. Their travel patterns are then tracked by the NOAA OLE's Pacific Islands Division. This real-time data is also received and jointly monitored by USCG, which uses it to prioritize their surface-vessels and aircraft patrols of the monuments. Further, this VMS information is made available to authorized U.S. fishing vessel owners in the Pacific Islands Region who can use this near real-time positional data to supervise the movements of their vessels around the boundaries of the monuments, and areas closed to fishing.

## Site Maps

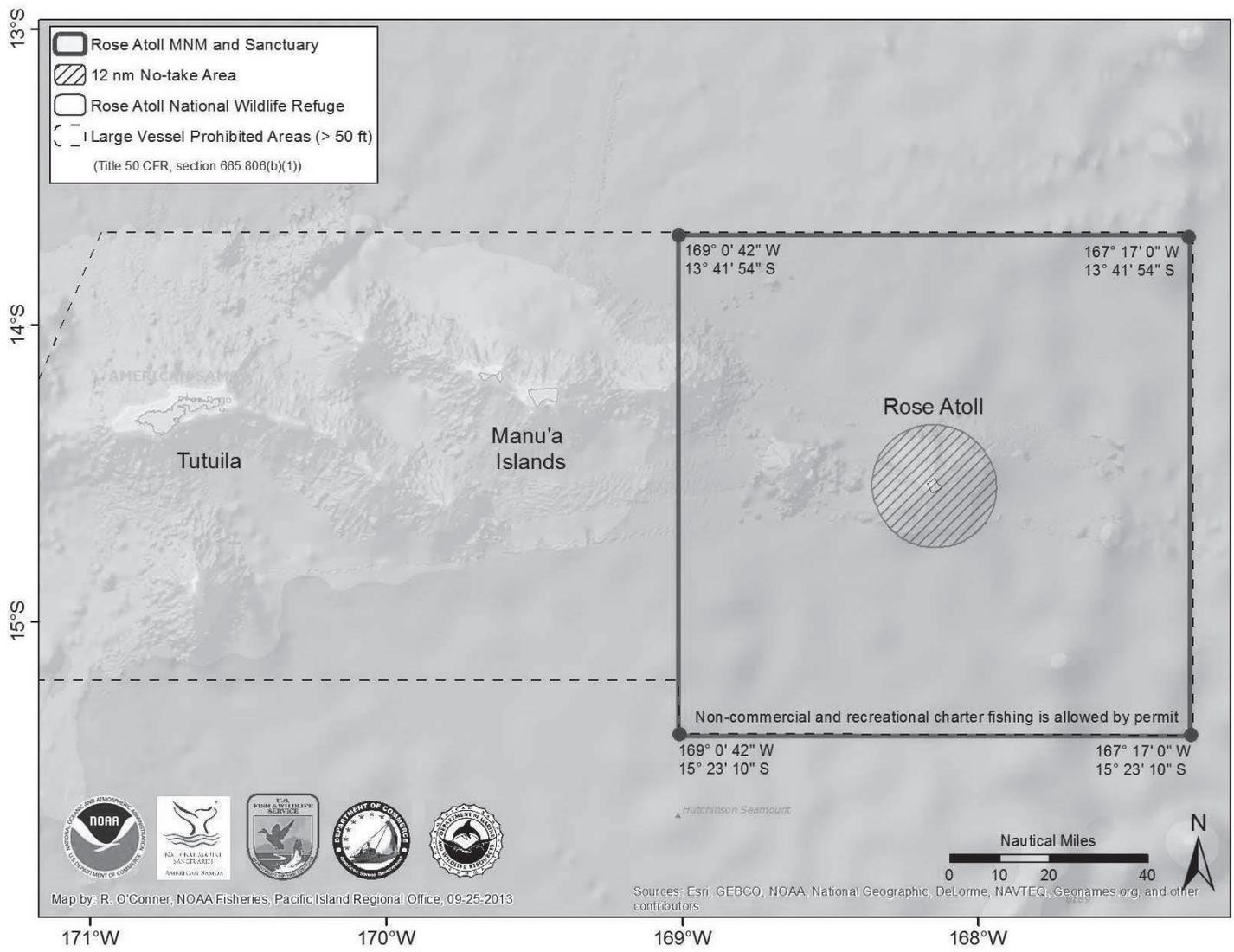








Draft Review of Marine National Monuments Pursuant to EO 13792 updated 7/28/17



Draft Review of Marine National Monuments Pursuant to EO 13792 updated 7/28/17

**Additional Information Requested on Executive Order on the Review  
of Designations Under the Antiquities Act**

**USDA Forest Service Response: Giant Sequoia National Monument**  
(Sequoia National Forest)

**a. Any legislative language, including legislation in appropriations bills:**

- 2001 Appropriations Bill:

The Committee recommends \$6,822,000 for the Pacific Northwest Assistance programs as requested, a decrease of \$1,034,000 from the 2000 level. This funding includes \$500,000 to continue the University of Washington and Washington State University technology transfer extension activities begun last year. The Committee encourages the Forest Service to consider funding grant requests for economic development coming from communities adversely impacted by the recent Presidential declaration of a Giant Sequoia National Monument in California.

<https://www.gpo.gov/fdsys/pkg/CRPT-106hrpt646/html/CRPT-106hrpt646.htm>

- 2001 Appropriations Bill Conference Report:

SEC. 326. For fiscal years 2002 and 2003, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

Section 326 retains the text of section 326 as proposed by the House which gives preference to dislocated workers for certain restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Section 329 as proposed by the Senate consisted of virtually identical text, except for language extending the length of authorization.

[https://www.doi.gov/sites/doi.gov/files/migrated/budget/appropriations/2002/upload/ih\\_rpt107\\_234.pdf](https://www.doi.gov/sites/doi.gov/files/migrated/budget/appropriations/2002/upload/ih_rpt107_234.pdf)

**b. Alternative options available for protection of resources applicable at each monument, such as Native American Graves Protection and Repatriation Act, Paleontological Resources Preservation Act, Archaeological Resources Protection Act, Historic Preservation Act and agency-specific laws and regulations:**

The laws and regulations below may not provide a mechanism to protect all of the resources in the Giant Sequoia National Monument. For instance, the National Historic Preservation Act 1966 as amended, the Native American Graves Protection and Repatriation Act 1990 as amended, the Archaeological Resources Protection Act 1979 as amended, and the American Indian Religious Freedom Act 1978, while individually useful, do not address impacts beyond site boundaries.

- National Historic Preservation Act, (NHPA);
- Native American Graves Protection and Repatriation Act, (NAGPRA);

- Paleontological Resources Preservation Act, (PRPA);
- Archaeological Resources Protection Act, (ARPA);
- American Indian Religious Freedom Act (AIRFA);
- Clean Water Act (Federal);
- State (CA) Porter-Cologne Water Quality Control Act;
- Federal Cave Resources Protection Act of 1988;
- Federal and State Endangered Species Act;
- Migratory Birds Protection Act;

An additional option, while less permanent than a National Monument designation, would have been to develop management requirements that were addressed in the Proclamation as part of a Forest Plan Revision process.

**Designated wilderness areas (name, acreage), wilderness study areas (name if there is one, acreage, type), and/or areas managed to preserve wilderness or roadless characteristics but not formal study area. Please note if there are none in any given monument so there is no question:**

There are 2 designated wilderness areas and 1 inventoried Roadless area within the Giant Sequoia National Monument:

- Monarch Wilderness: 8,760 acres within the monument (Congressionally designated in 1984)
- Golden Trout Wilderness: 4,530 acres within the monument (Congressionally designated in 1978)
- Moses Inventoried Roadless Area: 15,110 acres (recommended for Wilderness in the Record of Decision, August 2012)

**d. Outstanding R.S. 2477 claims within a monument – type of road claimed and history:**

There are no R.S. 2477 claims within the Giant Sequoia National Monument.

**e. Maps – details later, but please alert your map staff that requests will come, and feedback on whether your bureau or USGS is better map source:**

The map packet accompanying the Giant Sequoia National Monument Management Plan may be found at:

<https://www.fs.usda.gov/detail/sequoia/landmanagement/planning/?cid=stelprdb5398848>

**f. Cultural or historical resources, particularly Tribal, located near a monument but not within the boundary that might benefit from inclusion in the monument:**

The Forest Service is not aware of cultural or historical resources, particularly Tribal, located nearby but not within the monument that would benefit from inclusion in the monument.

**g. Other – suggestions for potentially useful information from HQ or field staff welcome:**

None at this time.

**Additional Information Requested on Executive Order on the Review  
of Designations Under the Antiquities Act**

**USDA Forest Service Response: San Gabriel Mountains National Monument**  
(Angeles National Forest)

**a. Any legislative language, including legislation in appropriations bills:**

Prior to national monument designation, HR 4858 was introduced in the 113<sup>th</sup> Congress by Congresswoman Judy Chu. This resolution, the San Gabriel National Recreation Area Act, contained land that was ultimately designated as the San Gabriel Mountains National Monument. Since national monument designation, Congresswoman Chu introduced the San Gabriel Mountains Foothills and Rivers Protection Act. This resolution, introduced as HR 3820 in the 114<sup>th</sup> Congress and as HR 2323 in the 115<sup>th</sup> Congress, would add an additional 109,143 acres for inclusion within the San Gabriel Mountains National Monument.

**b. Alternative options available for protection of resources applicable at each monument, such as Native American Graves Protection and Repatriation Act, Paleontological Resources Preservation Act, Archaeological Resources Protection Act, Historic Preservation Act and agency-specific laws and regulations:**

The following could provide some options to protect specific resources found in San Gabriel Mountains National Monument:

- National Historic Preservation Act, (NHPA)
- Native American Graves Protection and Repatriation Act, (NAGPRA)
- Paleontological Resources Preservation Act, (PRPA)
- Archaeological Resources Protection Act, (ARPA)

All of these laws provide protections for the resources specified in the San Gabriel Mountains National Monument Proclamation (Eldoradoville, Mt. Wilson Observatory, San Dimas Experimental Forest, and Aliso-Arrastre Special Interest Area), in addition to over 700 additional known cultural resource sites contained within the monument. In the Angeles National Forest's "Need for Change" document, it was found that existing Federal laws, Executive Orders, regulations, statutes, and agency policy provided an appropriate level and range of protections for all cultural resources within a monument this size and comprising such a wide range of resource types. For protection from unauthorized activities, the Archaeological Resources Protection Act provides a range of protections and penalties, both criminal and civil. For any authorized activity, the Angeles National Forest complies with the National Historic Preservation Act, in particular Sections 106 and 110, which provides the most robust set of regulations for the protection of archaeological resources within the monument. Under this Act, all areas are currently managed as assumed eligible historic properties unless formally determined ineligible for the National Register of Historic Places.

The Forest Service views the monument designation as increasing protection for the cultural resources of the San Gabriel Mountains National Monument through greater public outreach efforts and increasing interpretive potential for monument objects. It has also offered significant new protections through increased awareness, public participation, partnerships with site stewardship groups and tribes, prioritization for site stabilization, and rehabilitation of at-risk historic properties. The restoration of the 100-year-old Jackson Lake Rock House/Ranger residence, which is a contributing historic property to the Big Pines National Register District, is an example of the monument designation's effect on forest priorities. Funding for this restoration and rehabilitation was a direct result of the monument designation, and through the Forest Service's partnership with Historicorps, allowed for the building to be saved from demolition.

**c. Designated wilderness areas (name, acreage), wilderness study areas (name if there is one, acreage, type), and/or areas managed to preserve wilderness or roadless characteristics but not formal study area. Please note if there are none in any given monument so there is no question:**

There are four designated wildernesses within the San Gabriel Mountains National Monument:

- Sheep Mountain Wilderness: 39,482 acres
- San Gabriel Wilderness: 36,118 acres
- Magic Mountain Wilderness: 11,938 acres
- Pleasant View Ridge Wilderness: 27,040 acres

There is one recommended wilderness within the San Gabriel Mountains National Monument:

- Sheep Mountain: 12,727 acres

There is approximately an additional 30,000 acres of Inventoried Roadless Area that is outside of wilderness or recommended wilderness areas within the monument.

**d. Outstanding R.S. 2477 claims within a monument – type of road claimed and history:**

There are no R.S. 2477 claims within the San Gabriel Mountains National Monument.

**e. Maps – details later, but please alert your map staff that requests will come, and feedback on whether your bureau or USGS is better map source:**

Maps will be provided upon request.

**f. Cultural or historical resources, particularly Tribal, located near a monument but not within the boundary that might benefit from inclusion in the monument:**

One historic National Register District, the Mt. Lowe Incline Railway, was not included within the monument boundary. It is significant under criteria A, B, and C and is located adjacent to the southwestern boundary of the monument.

**g. Other – general questions or comments**

The San Gabriel Mountains Community Collaborative, a 45-member collaborative comprised of a wide variety of stakeholders, was established in conjunction with the monument designation.

Angeles National Forest staff has strived to include the diverse population of the greater Los Angeles area as part of the public engagement of the monument planning effort. Spanish translation services were available at all formal public meetings for the monument plan, and one meeting was held entirely in Spanish. Portions of the draft monument plan were translated into Spanish. Angeles National Forest staff also gave presentations on the monument plan at various Asian language group meetings.

## Call for Data Related to Review of National Monuments under EO 13792 (April 26, 2017)

### USDA Forest Service Response: Sand to Snow National Monument (San Bernardino National Forest)

#### 1. Documents Requested

##### a. Resource Management Plans/Land Use Plans

The Sand to Snow National Monument has not yet initiated a monument management plan.

For the portion of the monument that lies within the San Bernardino National Forest, the 2006 San Bernardino National Forest Land Management Plan will be followed in the interim. This plan can be accessed at:

<https://go.usa.gov/xNpBU>

##### b. Record of Decision

The Sand to Snow National Monument has not yet initiated a monument management plan. The 2008 San Bernardino National Forest Land Management Plan will be followed in the interim.

##### c. Public Scoping Documents

Public scoping has not yet been initiated for the Sand to Snow Monument Management Plan. The first public comment period post-designation associated with Sand to Snow National Monument will be the DOI Notice of Opportunity for Public Comment.

##### d. Presidential Proclamation

Presidential Proclamation 9396 of February 12, 2016.

#### 2. Information on activities permitted at the Monument, including annual levels of activity from the date of designation to the present:

**The designation date for the Sand to Snow Monument was February 12, 2016.**

##### a. Recreation - annual visits to site

There is currently no visitation data available to address this question. The Forest Service develops visitation estimates for each national forest once every 5 years through its National Visitor Use Monitoring (NVUM) program. The portion of the monument administered by the Forest Service is located within the San Bernardino National Forest. Visitation data for the San Bernardino National Forest was last obtained in fiscal year 2014. Specific visitation information for the Forest Service portion of the monument will be tracked beginning in fiscal year 2019.

##### b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

i. There are no producing oil and gas wells and no coal developments in Sand to Snow National Monument. While public lands in the Sand to Snow National Monument are now withdrawn from mineral leasing, valid existing rights are protected under the Proclamation. Therefore, development on existing leases can occur.

- ii. There are no authorized federal oil and gas leases are within the boundary of the Sand to Snow National Monument.
  - iii. There are no authorized or pending Applications for Permit to Drill (APD) are associated with these leases.
  - iv. There are no renewable energy rights-of-way are present within the boundary of the Sand to Snow National Monument.
  - v. There are no major transmission lines are within the boundaries on the National Forest System lands within the Sand to Snow National Monument. The Proclamation allows for new, upgrades, and expansions of transmission and telecommunication infrastructure within Sand to Snow National Monument.
  - vi. To date, no new requests for energy transmission or energy generation projects have been proposed in the boundaries of Sand to Snow National Monument.
- c. Minerals - annual mineral production on site
- i. There are no active locatable mining operations on the Sand to Snow National Monument within lands administered by the Forest Service.
  - ii. There are no mining claims within the Sand to Snow National Monument within lands administered by the Forest service.
  - iii. While public lands in the monument are now withdrawn from mineral exploration under the General Mining Act of 1872, valid existing rights are protected under the monument Proclamation.
- d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)
- Active timber production does not occur within the Sand to Snow National Monument.
- Timber harvesting or tree removal is not allowed in designated wilderness areas, per the Wilderness Act of 1964, and no woodcutting is authorized in San Gorgonio Wilderness.
- Collection of forest products, as well as firewood for personal noncommercial use, is allowed under the Proclamation outside of wilderness and in land use areas where the activity is authorized. The San Bernardino National Forest does not track the specific areas of firewood cutting, so there is no way to determine if wood cutting is occurring within the monument.
- e. Grazing Annual grazing on site (AUMs permitted and sold)
- No Forest Service-permitted livestock grazing allotments currently exist within the San Bernardino National Forest and the Sand to Snow National Monument.
- f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available
- i. Subsistence activities are those that provide the bare essentials for living: food, water, and shelter. The Federal Subsistence Management Program provides opportunities for subsistence way of life in Alaska on federal public lands and waters. There are no formal subsistence programs outside of Alaska. Sand to Snow National Monument provides for collection by Native Americans of traditional medicinal and ceremonial plants, edible plants, herbs, and materials for crafting traditional items. The Forest Service Pacific Southwest Region and the San Bernardino National Forest have a common gathering policy with tribes that ensures traditional practitioners have access to plants. The San Bernardino National

Forest issues Administrative passes to tribes but no gathering permit is required. The San Bernardino National Forest policy also emphasizes local collaboration, implementation, and issue resolution.

- ii. The total number of tribal members who have used Sand to Snow National Monument for traditional hunting or fishing activities is unknown. The Forest Service does not collect information related to the number of licensed hunters/fishermen. The California Department of Fish and Wildlife collects this data.
- g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available
  - i. On February 23, 2017 the San Bernardino National Forest and BLM convened a meeting with the San Manuel Band of Mission Indians, a recognized tribe as having an ancestral connection to the area within or adjacent to the Sand to Snow National Monument. The following represented tribes will be included in further discussions as well as for the proposed designations: Agua Caliente Band of Cahuilla Indians, Cahuilla Band of Mission Indians, Morongo Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians. Other federally recognized tribes associated with Sand to Snow National Monument will also be contacted.
  - ii. Tribes use the lands within Sand to Snow National Monument for ceremonies and visitation of sacred sites. Traditions of gathering medicinal and ceremonial plants, edible plants, herbs, and materials for crafting items such as footwear, are still practiced by tribal members.
  - iii. There are dozens of recorded archaeological sites are located within Sand to Snow National Monument. The majority of these sites are prehistoric (predating the 1800s). These prehistoric sites include pottery, stone tool (lithic) scatters, remains of cooking features (hearths), rock shelters, prehistoric roads, and 1,700 petroglyphs and pictographs. An important prehistoric travel corridor between the San Bernardino Mountains, interior deserts, and the California Coastal regions is also found within Sand to Snow National Monument. Known historic resources include cattle ranching/grazing related items such as structures, foundations, infrastructure such as corrals, wells, check-dams, and fencing. Bonnie Bell, a known 1850s stagecoach stop, was located in Whitewater Canyon. Other historic resources include those related to mining, evidence of which are found in the form of old cabins, mine shafts, prospecting pits, and refuse deposits.
  - i. The San Bernardino National Forest has not completely surveyed the monument for cultural resources, and the total percentage of the monument that has been surveyed for cultural resources is relatively low.

**3. Information on activities occurring during the 5 years prior to designation:**

a. Recreation - annual visits to site

The Forest Service National Visitor Use Monitoring (NVUM) program measures visitor use at the level of the national forest once every 5 years. The monument is included within the San Bernardino National Forest. Visitation data for the San Bernardino National Forest was last obtained in fiscal year 2014.

Data from the National Visitor Use Monitoring program was used to estimate visitation to the portion of the San Bernardino National Forest that lies within the area which was subsequently

included in the monument designation:

Year	Visitation (Thousands of visits)
2014	45

- b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

  - i. There were no energy production from coal, oil and gas occurred during the five years prior to designation (2011-2015).
  - ii. There were no energy transmission infrastructure was constructed within the Sand to Snow National Monument during the five years prior to designation within lands administered by Forest Service.
- c. Minerals - annual mineral production on site

There were no commercial mineral production occurred during the five years prior to monument designation on lands administered by Forest Service.
- d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

Active timber production does not occur within the area of the Sand to Snow National Monument. No commercial harvests for merchantable timber occurred within area during the five years from 2011 through 2016.

Timber harvesting or tree removal is not allowed in designated wilderness areas, per the Wilderness Act of 1964, and no woodcutting is authorized in San Gorgonio Wilderness.

Collection of forest products, as well as firewood for personal noncommercial use, is allowed under the Proclamation outside of wilderness and in land use areas where the activity is authorized. The San Bernardino National Forest does not track the specific areas of firewood cutting so there is no way to determine if wood cutting is occurring within the monument.
- e. Grazing - annual grazing on site (AUMs permitted and sold)

No Forest Service-permitted livestock grazing allotments currently exist within the San Bernardino National Forest and the Sand to Snow National Monument.
- f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

  - i. Subsistence activities are those that provide the bare essentials for living: food, water, and shelter. The Federal Subsistence Management Program provides opportunities for subsistence way of life in Alaska on federal public lands and waters. There are no formal subsistence programs outside of Alaska. Prior to the designation of the Sand to Snow National Monument, the San Bernardino National Forest did and still does provide for the collection, by Native Americans, of medicinal and ceremonial plants, edible plants, herbs, and materials for crafting traditional items. Prior to the designation of the Sand to Snow National Monument, the San Bernardino National Forest had, and still has, a gathering policy with tribes that ensures traditional practitioners have access to plants. Gathering permits are given but not required for Native Americans. San Bernardino National Forest

policy, then as now, also emphasizes local collaboration, implementation, and issue resolution.

- ii. Prior to the designation of the Sand to Snow National Monument, the total number of tribal members that have used portions of San Bernardino National Forest lands for traditional hunting or fishing activities is unknown. The San Bernardino National Forest does not collect information related to the number of licensed hunters/fishermen. This information is collected by the California Department of Fish and Wildlife.
- g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available
  - i. See response to 2.g.

4. Information on activities that likely would have occurred annually from the date of designation to the present **if the Monument had not been designated:**

**The following answers to this question would be highly speculative. The question is best answered with qualitative (rather than quantitative) data.**

a. Recreation - annual visits to site

There is no data available to address this question.

b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

i. Due to the brief time since designation and the lack of any historic production, it is unlikely that any activities resulting in production of coal, oil and gas, would have occurred in the absence of monument designation up to the present.

ii. No federal oil and gas leases were contained within Sand to Snow National Monument before or after monument designation.

iii. The San Bernardino National Forest has not received any new application for an energy transmission or energy-generating facility in the last ten years in the area occupied by Sand to Snow National Monument. The absence of applications supports the likelihood that monument designation has not affected production of energy on Forest Service administered lands within the Monument boundary.

c. Minerals - annual mineral production on site

i. Due to the short time since monument designation, it is unlikely that any additional mineral production would have occurred from the date of designation to present because there were no pending applications or permits.

d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

The majority of acres that now makes up the Sand to Snow National Monument within the San Bernardino National Forest are found within the San Gorgonio Wilderness. Additionally, all of the land that makes up the remaining acres are not identified in the San Bernardino National Forest Land Management Plan as suitable for timber harvest activities.

e. Grazing - annual grazing on site (AUMs permitted and sold)

No Forest service-permitted livestock grazing allotments currently exist within the San Bernardino National Forest and the Sand to Snow National Monument.

- f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available.

No change in informal subsistence participation of traditional Native American use has been detected since monument designation.

- g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available.

The San Bernardino National Forest does not have sufficient information to predict how monument designation would affect cultural uses and values on the public lands inside the monument boundary.

- 5. Changes to boundaries - dates and changes in size

There have been no changes to monument boundaries since monument designation.

- 6. Public Outreach prior to Designation - outreach activities conducted and opportunities for public comment

The public process preceding Sand to Snow National Monument designation is outlined in the document 6.1 Workshop Results.

- 7. Terms of Designation

Refer to the Proclamation for the terms of designation. No additional actions (e.g., legislated land exchanges or Congressional budget provisions, etc.) have affected the terms of monument designation since the Presidential Proclamation of the Sand to Snow National Monument.

**Additional Information Requested on Executive Order on the Review  
of Designations Under the Antiquities Act**

**USDA Forest Service Response: Berryessa Snow Mountain National Monument  
(Mendocino National Forest)**

**a. Any legislative language, including legislation in appropriations bills:**

Prior to national monument designation, the following bills were introduced in the House and Senate. Neither bill made it out of committee.

- H.R.761 - Berryessa Snow Mountain National Monument Act, sponsored by Representative Mike Thompson during the 114<sup>th</sup> Congress (2015-2016).

<https://www.congress.gov/bill/114th-congress/house-bill/761>

- S.393 - Berryessa Snow Mountain National Monument Act, sponsored by Senator Barbara Boxer during the 114<sup>th</sup> Congress (2015-2016).

<https://www.congress.gov/bill/114th-congress/senate-bill/393>

**b. Alternative options available for protection of resources applicable at each monument, such as Native American Graves Protection and Repatriation Act, Paleontological Resources Preservation Act, Archaeological Resources Protection Act, Historic Preservation Act and agency-specific laws and regulations:**

The laws and regulations below may not provide a mechanism to protect all of the resources in the Forest Service portion of Berryessa Snow Mountain National Monument. For instance, the National Historic Preservation Act 1966 as amended, the Native American Graves Protection and Repatriation Act 1990 as amended, the Archaeological Resources Protection Act 1979 as amended, and the American Indian Religious Freedom Act 1978, while individually useful, do not address impacts beyond site boundaries. For these laws to be fully effective, there must be sufficient resources for law enforcement and prosecution. Other alternatives may include increased levels of site monitoring, electronic surveillance, public education, and higher visibility of Forest Service personnel on the ground.

Federal and State Law:

- National Historic Preservation Act, (NHPA);
- Native American Graves Protection and Repatriation Act, (NAGPRA);
- Paleontological Resources Preservation Act, (PRPA);
- Archaeological Resources Protection Act, (ARPA);
- American Indian Religious Freedom Act (AIRFA);
- Clean Water Act (Federal);
- State (CA) Porter-Cologne Water Quality Control Act;
- Federal Cave Resources Protection Act of 1988;

- Federal and State Endangered Species Act;
- Migratory Birds Protection Act;

Agency-specific laws and regulations:

- Northwest Forest Plan Aquatic Conservation Objectives;
  - Programmatic Agreement among the U.S. Forest Service, Pacific Southwest Region, the California State Historic Preservation Officer, the Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding processes for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by the National Forests of the Pacific Southwest Region (Regional PA, 2013);
  - Regional Forester's Sensitive Species list, Species of Conservation Concern.
- c. **Designated wilderness areas (name, acreage), wilderness study areas (name if there is one, acreage, type), and/or areas managed to preserve wilderness or roadless characteristics but not formal study area. Please note if there are none in any given monument so there is no question:**

There is one designated wilderness within the Forest Service portion of Berryessa Snow Mountain National Monument:

- Snow Mountain Wilderness: 60,077 federal acres

d. **Outstanding R.S. 2477 claims within a monument – type of road claimed and history:**

There are no R.S. 2477 claims within the Forest Service portion of Berryessa Snow Mountain National Monument.

e. **Maps – details later, but please alert your map staff that requests will come, and feedback on whether your bureau or USGS is better map source:**

The Forest Service is prepared to provide maps upon request.

f. **Cultural or historical resources, particularly Tribal, located near a monument but not within the boundary that might benefit from inclusion in the monument:**

Significant nearby heritage resources are protected through prior inclusion in the adjacent Yuki Wilderness.

g. **Other – suggestions for potentially useful information from HQ or field staff welcome:**

None at this time.

**Call for Data Related to Review of National Monuments under EO 13792 (April 26, 2017)**

**USDA Forest Service Response: Giant Sequoia National Monument**  
 (Sequoia National Forest)

**1. Documents Requested:**

- a. Resource Management Plans/Land Use Plans

Giant Sequoia National Monument Management Plan, August 2012:  
[https://www.fs.usda.gov/detail/sequoia/landmanagement/planning/?cid\\_stelprdb5400271](https://www.fs.usda.gov/detail/sequoia/landmanagement/planning/?cid_stelprdb5400271)

- b. Record of Decision

Giant Sequoia National Monument Record of Decision, August 8, 2012 (see link above).

- c. Public Scoping Documents

Reference the collaboration, public engagement for the development of the Giant Sequoia National Monument Management Plan and accompanying scientific advisory board's work in 2003 and a subsequent scientific review panel in 2011 in the above documents associated with the Giant Sequoia National Monument Management Plan and Record of Decision (August 2012). (see link above).

- d. Presidential Proclamation

Proclamation 7295 of April 15, 2000.

**2. Information on activities permitted at the monument, including annual levels of activity from the date of designation to the present:**

- a. Recreation - annual visits to site

The Forest Service develops visitation estimates for each national forest once every 5 years through its National Visitor Use Monitoring (NVUM) program. This monument is located within the Sequoia National Forest. Visitation data for the Sequoia National Forest was last obtained in fiscal year 2016.

Data from the National Visitor Use Monitoring program was used to estimate visitation to the portion of the Sequoia National Forest that lies within the monument. The most recent visitation estimates are:

Year	Visitation (Thousands of visits)
2011	368
2016	400

Anecdotal evidence from agency staff, volunteers, and partners have reported an increase in usage to the area since monument designation. This is likely a result of the many new

partnerships and the extra exposure the Monument receives through media sources inside and outside the agency.

- b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

There are no oil or gas wells and no coal developments in the Giant Sequoia National Monument.

There are two hydroelectric projects located within the monument. Southern California Edison operates the 2.5 megawatt Lower Tule Hydroelectric Project (Lower Tule Project) (Federal Energy Regulatory Commission Project No. 372-008) in the Middle Fork of the Tule River. The Lower Tule Project generates an average of 17.9 gigawatt hours (GWh) of renewable energy annually. Approximately 200 feet of 66-kilovolt transmission line is associated with the Lower Tule Project. Pacific Gas and Electric Company operates the 7.9 megawatt Tule River Hydroelectric Project (Tule River Project) (Federal Energy Regulatory Commission Project No. 1333-001) on the North Fork of the Middle Fork of the Tule River. The Tule River Project generates an average of 31.8 GWh of renewable energy annually. Approximately 15.27 miles of 70-kilovolt (kV) transmission line is associated with the Tule River Project. Monument designation did not change the production rates for these hydroelectric projects.

- c. Minerals - annual mineral production on site

New mining claims are prohibited within the monument. The Proclamation withdrew the area from the 1872 Mining Law and other mining laws. Existing mining claims with a valid discovery of a valuable mineral deposit as of the date of the designation constituted valid existing rights.

- d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

Year	Volume (Thousand Board Feet - MBF)
2000	4,515
2001	9,534
2002	892
2003	3,702
2004	688
2005	933
2006	950
2007	901
2008	503
2009	1,289
2010	1,330
2011	557
2012	480
2013	382
2014	302

<b>Year</b>	<b>Volume</b> (Thousand Board Feet - MBF)
2015	307
2016	324

e. Grazing - annual grazing on site (AUMs permitted and sold)

<b>Year</b>	<b>AUMs Permitted</b>	<b>AUMs Authorized</b>
2000	11,820	11,820
2001	11,034	11,034
2002	12,030	11,508
2003	12,030	11,123
2004	11,727	10,358
2005	11,727	10,346
2006	11,716	10,346
2007	11,716	10,439
2008	11,716	11,557
2009	10,821	10,536
2010	11,104	10,819
2011	10,801	9,553
2012	11,104	10,819
2013	11,096	10,692
2014	11,096	7,365
2015	11,107	8,668
2016	11,300	8,999

“AUMs Permitted” are the livestock permitted in the grazing permit. “AUMs Authorized” are the livestock authorized in the permittee billing, and are not uncommon to be less than permitted AUMs based on actual use. Note that declines in authorized use since 2010 primarily reflect nonuse of the permits for resource benefit due to drought conditions. Permitted use remains relatively constant and changes primarily reflect permits that have become vacant for various reasons, or feed that is no longer available due to growth of brush, or other reasons not related to management of the monument.

f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

Subsistence activities are those that provide the bare essentials for living: food, water, and shelter. The Federal Subsistence Management Program provides opportunities for subsistence way of life in Alaska on federal public lands and waters. There are no formal subsistence

programs outside of Alaska. The Forest Service does provide for the collection of certain natural materials, including firewood, Christmas trees, posts and poles. Hunting and fishing are regulated by the State of California.

The Forest Service is unable to quantify the extent of access by Indian tribal members for traditional cultural, spiritual, and tree and forest product, food, and medicine gathering purposes within the Sequoia National Forest and particularly within the Giant Sequoia National Monument.

In general however, tribes have expressed interest in collecting oak acorns, deer grass, fern, Pinyon, and various berries. Some spiritual/culturally important areas within the Monument are managed by the Forest Service, but frequency of use is not tracked for the most part. One example of tribal use on the Sequoia National Forest that is tracked is the Monache Gathering event. This is a cultural/spiritual gathering that takes place every year following National Historic Preservation Act (NHPA) Undertaking Clearances processes, accompanying a special use permit to allow the Native American religious gathering with cultural, educational, and spiritual focus in two different camp sites located within the monument on the Western Divide Ranger District. The special use permit authorizes a temporary sweat lodge, cooking facilities, and portable toilets. This event and any similar events when proposed would be considered and authorized regardless of monument status.

- g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

1,013 sites were recorded at the time of designation, including prehistoric sites, historic sites, trails, and standing structures. Approximately 30 recorded sites have been added to the baseline inventory since monument designation.

**3. Information on activities occurring during the 5 years prior to designation:**

- a. Recreation - annual visits to the site

There is no Forest Service recreation use data available for the period prior to the designation of the monument in 2000.

- b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

Monument designation did not change the production rates for these hydroelectric projects. See response 2b

- c. Minerals - annual mineral production on site

Incidental amounts of mineral materials were previously sold within the Giant Sequoia National Monument under the authority of the Minerals Material Act of 1947. The Proclamation withdrew the monument lands from disposition under laws relating to minerals. There are no active mining claims within the monument.

- d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

Year	Volume (Thousand Board Feet - MBF)
1995	7,027
1996	12,594
1997	27,094
1998	11,268
1999	5,498

- e. Grazing - annual grazing on site (AUMs permitted and sold)

Year	AUMs Permitted	AUMs Authorized
1995	12,692	10,808
1996	12,692	11,014
1997	12,862	11,969
1998	12,157	10,664
1999	12,134	11,168

See 2.e for explanation of "AUMs Permitted" and "AUMs Authorized."

- f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

See response 2f.

- g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

1,013 sites were recorded at the time of designation, including prehistoric sites, historic sites, trails, and standing structures.

**4. Information on activities that likely would have occurred annually from the date of designation to the present if the Monument had not been designated:**

- a. Recreation - annual visits to site

There is no data available to address this question.

Anecdotal evidence from agency staff, volunteers, and partners have reported an increase in usage to the area since monument designation. This is likely a result of the many new partnerships and the extra exposure the Monument receives through media sources inside and outside the agency.

- b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

No significant change is attributed since monument designation (see response 2b). Leasable minerals do not occur in any substantive form on the Sequoia National Forest. There are two hydropower developments licensed within the monument area. These developments are not within the watershed areas of a giant sequoia grove and is currently in the re-licensing process with the Federal Energy Regulatory Commission (FERC).

c. Minerals - annual mineral production on site

No significant change is attributed since monument designation. Insignificant, i.e. locatable minerals not highly sought on the Sequoia National Forest are located within area that was designated as the Giant Sequoia National Monument. There are two lode claims for gold and one for rose quartz within the monument. None of the claims are patented.

d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

5 to 7 million board feet (MMBF) estimated. 5 to 7 MMBF would likely have been offered for sale. However appeals, objections, and litigation would have likely compromised actual sale, regardless of monument designation.

e. Grazing - annual grazing on site (AUMs permitted and sold)

No significant change attributed. Unaffected by monument designation.

f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

No change attributed. Unaffected by monument designation.

g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

No change attributed. Unaffected by monument designation.

**5. Changes to boundaries - dates and changes in size:**

The monument was designated at 327,769 acres. Since then, 1,774.21 acres have been acquired and 65.60 acres have been conveyed within the monument boundary. This net increase in Federal acres within the boundary of the monument would most likely have occurred regardless of monument designation.

**6. Public Outreach prior to Designation - outreach activities conducted and opportunities for public comment:**

In February 2000, President Clinton asked the Secretary of Agriculture to consult with appropriate Federal, State, local, and Tribal officials and agencies prior to making a recommendation regarding designation. The Forest Service responded to this request by meeting with interested State, Federal, local, and Tribal officials. The Forest Service also held two public meetings in Visalia and Fresno, California to provide the public an opportunity to express their views regarding creation of a national monument in Sequoia National Forest. Additionally, the Forest Service encouraged written

comments at the public meetings, through individual contacts, newspaper articles and through a website designed for the purpose.

## **7. Terms of Designation:**

There were no actions such land exchanges, lease buy-outs, or similar economic or quasi-economic actions as a result of the designation. Refer to the Proclamation (2000) and subsequent Giant Sequoia National Monument Management Plan (2012).

- The Proclamation required the Secretary to appoint a Science Advisory Board in consultation with the National Academy of Sciences. The primary purpose of the board was to provide scientific guidance during the development of the initial management plan by the agency.
- The designated wilderness areas (Monarch and Golden Trout) and congressionally designated special management areas encompassed within the monument would continue to be managed in accordance with statutes and policies that pertain to them.
- Currently authorized livestock grazing, recreation and non-recreation special uses, recreation activities, hunting, and similar activities were largely unaffected and remained subject to applicable laws and regulations, and therefore remained subject to regulation and limitation under such provisions for reasons other than establishment of the monument.
- Use of existing rights-of-way: The area covered by the Proclamation included hundreds of miles of roads and trails, including state highways and county roads. Use of existing rights-of-way are generally subject to the same standards described above regarding currently authorized uses.
- Scheduled timber harvest: No portion of the monument may be considered to be suited for timber production and no part of the monument can be used in a calculation or provision of a sustained yield of timber from Sequoia National Forest. Except for timber sales that were at the time of designation (Proclamation) under contract and for personal use fuel wood, removal of trees within the monument may only take place if clearly needed for purposes of ecological restoration and maintenance, or public safety. [The Giant Sequoia Management Plan identifies "Clearly needed" criteria for felling and removal of timber for the purposes of ecological restoration, maintenance or public safety.]
- Prescribed fire projects, cultural treatments, wildlife, fisheries, watershed improvements and regularly scheduled facility, road, and trail maintenance activities are consistent with the goals of the monument.
- Motorized and mechanized use: After December 31, 2000 all motorized vehicle use was limited to designated roads, which is consistent with the Proclamation and the subsequent Sequoia National Forest 2009 Motorized Travel Management Record of Decision.
- New mining claims are prohibited. The Proclamation withdrew the area from the 1872 Mining Law and other mining laws. Existing mining claims with a valid discovery of a valuable mineral deposit as of the date of the designation constituted valid existing rights.

## **USDA Forest Service**

### **Executive Summary of Review of National Monuments under EO 13792 (April 26, 2017)**

#### **National Monuments in California Managed by the Forest Service**

#### **Introduction**

The Pacific Southwest Region of the U.S. Forest Service manages four national monuments in California that are currently being considered under Executive Order 13792 of April 26, 2017. These include:

1. Berryessa Snow Mountain National Monument (page 2)
2. Giant Sequoia National Monument (page 3)
3. San Gabriel Mountains National Monument (page 6)
4. Sand to Snow National Monument (page 9)

Designation of these four monuments was initiated and broadly supported by local communities, Native American Tribes, and California delegation members. General public support for and engagement in these monuments continues today.

The Berryessa Snow Mountain and Sand to Snow National Monuments are collaboratively managed with the Bureau of Land Management (BLM).

The following is a summary of key information pertaining to each of the four national monuments in California that are managed by the Forest Service and currently under review. This information is provided as a context overview and intended to supplement the monument-specific information provided in response to the Department of Interior data requests related to Executive Order 13792.

## **1. Berryessa Snow Mountain National Monument**

### **Key Information about Berryessa Snow Mountain National Monument**

Berryessa Snow Mountain National Monument was established by Presidential Proclamation 9298 on July 10, 2015. The Proclamation designated “approximately 330,780 acres” of which 60% are managed by the Forest Service and 40% managed by BLM. Multiple-use activities are allowed in the monument that are compatible with the protection of resources and objects identified in the Presidential Proclamation. The resources identified in the Proclamation include unique geology, watersheds, the Bartlett Springs fault zone, serpentine soils that host a vast array of botanical resources, early prehistoric settlements and traditional gathering sites for Native American cultures, historic 1860’s Nye Cabin, headwaters and waterways that harbor native fish, wildlife habitat and migration corridors. Multiple-use activities are subject to decisions made in current and future agency resource management planning efforts which include public participation in the development of the monument management plan.

### **Summary of Public Engagement Prior to Designation**

The Forest Service held two tribal meetings in 2014. Former Secretary of the Interior Sally Jewell participated in a public meeting with Congressmen Mike Thompson and John Garamendi on December 19, 2014 to hear from local communities. The establishment of Berryessa Snow Mountain National Monument was the result of a grassroots effort of regional and community support for interagency protection and enjoyment of these lands.

### **Summary of Public Scoping in Development of Resource Management Plan**

The U.S. Forest Service and BLM Interdisciplinary Team is in the process of developing a monument management plan. Public scoping has not begun. Three community conversations and two informational meetings were hosted by the Forest Service and BLM in 2016.

### **Summary of National Monument Activities since Designation**

Tuleyome and the Forest Service sponsored hikes to celebrate the 10<sup>th</sup> anniversary of the Northern California Coastal Wild Heritage Wilderness Act with fourth and fifth grade students from Lake and Mendocino counties. Two Passport in Time projects will occur within the Monument boundary in 2017.

### **Summary of Activities in Area for Five Years Preceding Designation**

Prior to designation, the Forest Service hosted the University of California Davis Archaeological Field School in 2015. Data from the Forest Service National Visitor Use Monitoring program yields an estimate of about 28,000 visits per year to this part of the Mendocino National Forest in fiscal year 2013.

### **Summary of Available Economic Information since Designation**

There is currently no available economic information for the Forest Service portion of Berryessa Snow Mountain National Monument since its designation in 2015.

### **Summary of Any Boundary Adjustments since Designation**

There have been no boundary adjustments since designation.

## 2. Giant Sequoia National Monument

### **Key Information about Giant Sequoia National Monument**

The Giant Sequoia National Monument was designated by Presidential Proclamation 7295 on April 15, 2000. Prior to designation, the area was part of the general forest area within Sequoia National Forest. The monument was designated at 327,769 acres. Since then, an additional 1,774.21 acres have been acquired and 65.60 acres have been conveyed within the monument boundary. The monument is administered by the Forest Service as part of the Sequoia National Forest and includes 38 of the 39 Giant Sequoia (*Sequoiadendron giganteum*) groves located within the Sequoia National Forest, about half of the giant sequoia groves currently in existence. The monument is managed in two sections of the Sequoia National Forest: the northern section is part of the Hume Lake Ranger District; and the southern section, located directly south of Sequoia National Park, is part of the Western Divide Ranger District.

On September 4, 2012, Forest Supervisor Kevin Elliott released a new Giant Sequoia National Monument Management Plan. The monument management plan guides restoration efforts for giant sequoia ecosystems, watersheds, habitat for old-forest dependent wildlife, and the protection of mountain communities. In the 2012 Record of Decision, Regional Forester Randy Moore selected Alternative B and one element of Alternative E (Moses Wilderness recommendation) as the basis for the monument management plan. The monument management plan gives direction to protect and maintain the objects of interest, restore and maintain ecosystems, and provide for visitor enjoyment of the monument.

For the purposes of managing the monument, and based on Forest Service and public interpretation of the Proclamation, the management strategies and objectives being used for conservation and management of the Monument include:

- The naturally-occurring giant sequoia groves and their associated ecosystems, individual giant trees, rare and endemic plant species such as the Springville clarkia, and other species listed as threatened or endangered by the Endangered Species Act (ESA), or sensitive by the Forest Service.
- The ecosystems and outstanding landscapes that surround the giant sequoia groves.
- The diverse array of rare animal species, including the Pacific fisher, the great gray owl, the American marten, the northern goshawk, the peregrine falcon, the California spotted owl, the California condor, several rare amphibians, the western pond turtle, and other species listed as threatened or endangered by the ESA, or sensitive by the Forest Service.
- The paleontological resources in meadow sediments and other sources that have recorded ecological changes in such markers as fire regimes, volcanism, vegetation, and climate.
- The limestone caverns and other geological features, including granite domes, spires, geothermally-produced hot springs and soda springs, and glacial and river-carved gorges.

- Cultural resources, both historic and prehistoric, which provide a record of human adaptation to the landscape and land use patterns that have shaped ecosystems.

### **Summary of Public Engagement Prior to Designation**

In February 2000, President Clinton asked the Secretary of Agriculture to consult with appropriate Federal, State, local, and Tribal officials and agencies prior to making a recommendation regarding designation. The Forest Service responded to this request by meeting with interested State, Federal, local, and Tribal officials. The Forest Service also held two public meetings in Visalia and Fresno, California to provide the public an opportunity to express their views regarding creation of a national monument in Sequoia National Forest. The Forest Service also encouraged written comments at public meetings, through individual contacts, newspaper articles, and a website designed for the purpose.

### **Summary of Public Scoping in Development of Resource Management Plan**

After the scoping period and development of draft alternatives, the interdisciplinary team used the public input to develop and analyze the alternatives considered in detail. The Draft Environmental Impact Statement and Draft Management Plan were released and available for public comment between August 6 and December 3, 2010.

The Forest Service heard from more than 79,000 respondents on the Draft Environmental Impact Statement and draft monument management plan. Concerns raised by the public were used to improve and make corrections to the analysis in the Final Environmental Impact Statement and the Giant Sequoia Monument Management Plan. The Record of Decision, final monument plan, and Final Environmental Impact Statement were published September 4, 2012.

### **Summary of National Monument Activities since Designation**

Public recreation activities continue to include nature viewing, scenic driving, trails, bicycling, climbing, cross-country skiing, and snowshoeing, paved parking areas, picnic areas, and campgrounds. Visitation estimates, derived from the Forest Service National Visitor Use Monitoring program, were 368,000 for fiscal year 2011 and 400,000 for fiscal year 2016. There are two hydroelectric projects on the Giant Sequoia National Monument. Volunteer trail maintenance and trash cleanup and other conservation projects have also occurred by The Giant Sequoia National Monument Association, which was founded in 2009. This nonprofit organization, founded in 2009, supports responsible recreational use of the national monument while providing stewardship and protection for the resources it contains. Timber is removed from the monument only as needed. The Proclamation is very clear that the national monument is not to be used for commercial timber harvest, and that trees can only be removed after an evaluation determines a clear need to do so.

Approximately 30 cultural sites have been added to baseline inventory of 1,013 recorded sites since designation.

**Summary of Activities in Area for Five Years Preceding Designation**

There is no Forest Service recreation use data available for the period prior to the designation of the monument. The two hydroelectric projects were in effect prior to the designation. Annual timber production in 1995 was 7,027 million board feet. Grazing permitted in 1995 consisted of 12,692 animal unit months (AUMs), and the authorized amount included 10,808 AUMs. In addition, 1,013 cultural sites were recorded at the time of designation, including prehistoric sites, historic sites, trails and standing structures.

**Summary of Available Economic Information since Designation**

According to the Giant Sequoia National Monument Scientific Advisory Board, there is need to economically restore forest conditions in the Giant Sequoia National Monument (GSNM) so that it is less prone to catastrophic wildfire. Ample precedent exists for trying to recover costs, such as for hazard tree removal. The cost of the hazard tree removal in the Giant Sequoia National Monument could be at least partly offset by sale of the removed trees, so long as safety or ecological needs alone, not economics, have motivated any tree removal. Given that trees will be removed only "if clearly needed for ecological restoration and maintenance or public safety" in accordance to the proclamation, most removed trees would be in the smaller diameter classes. It is thus unlikely that ecologically-motivated forest restoration within the national monument will be fully economically self-sustaining. Additionally, the quality and quantity of outputs may be insufficient to fully maintain a local market.

Impacts from the past five-year drought have impacted the GSNMA in the same manner as it has affected non-Monument lands on Sequoia NF and neighboring Forests. There exists a risk associated with losing trees and irreplaceable ecosystem should a catastrophic fire occur. This risk also aligns with economic loss of recreational opportunity and access to sacred sites. As one method to remedy this, our tree mortality strategy, aligned with Region 5 has been to focus tree felling and removal in areas considered high hazard (e.g., areas along roads, private lands, inholdings, summer home tracts). Under this focus, 95% of the tree mortality work has occurred in GSNM.

**Summary of Any Boundary Adjustments since Designation**

The national monument was designated at 327,769 acres. Since then, 1,774.21 acres have since been acquired and 65.60 acres have been conveyed within the monument boundary; increasing the total acreage to 329,608.81. These acreage adjustments are within the exterior boundary of the monument and would most likely have occurred regardless of monument designation.

### **3. San Gabriel Mountains National Monument**

#### **Key Information about San Gabriel Mountains National Monument**

The San Gabriel Mountains National Monument was established by Presidential Proclamation 9194 on October 10, 2014. The Proclamation designated 346,177 acres and states that this acreage is “the smallest area compatible with the proper care and management of the objects to be protected.” The national monument is managed by the U.S. Forest Service. The Forest Service manages for multiple use within the monument (hunting, fishing, recreation, and valid existing rights such as mining, etc.), while protecting the vast array of historic and scientific resources identified in the Proclamation and providing opportunities for scientific study of those resources. Some of the resources identified in the Proclamation include cultural resources such as the Aliso-Arrastre Special Interest Area and Eldoradoville, portions of the Pacific Crest National Scenic Trail and designated wilderness areas, Mt. Wilson Observatory and the San Dimas Experimental Forest, habitat for numerous rare and endangered species, watersheds, and unique scenic areas and vegetation communities. Overall, multiple-use activities are allowed in the San Gabriel Mountains National Monument that are compatible with the protection of resources and objects identified in the Presidential Proclamation. Multiple-use activities are subject to decisions made in current and future Forest Service resource management planning efforts which include public participation in the development of the San Gabriel Mountains National Monument Management Plan. National monuments managed by the Forest Service continue to allow for multiple uses according to the National Forest Management Act and the resources, objects and values identified in the Proclamation.

#### **Summary of Public Engagement Prior to Designation**

The establishment of San Gabriel Mountains National Monument was the result of a grassroots effort of regional and community support for protection and enjoyment of these lands. Local elected officials and environmental groups championed the designation of the monument. Prior to national monument designation, HR 4858 was introduced in the 113<sup>th</sup> Congress by Congresswoman Judy Chu. This resolution, the San Gabriel National Recreation Area Act, contained land that was ultimately designated as the San Gabriel Mountains National Monument.

A meeting was held in Baldwin Park in August 2014 to solicit public comment for the establishment of the San Gabriel Mountains National Monument, with U.S. Forest Service Chief Tom Tidwell in attendance. Tribal and Native American outreach efforts also occurred informally prior to designation, comprising discussions with federally recognized tribes and one informal meeting with the local Native American community.

#### **Summary of Public Scoping in Development of Resource Management Plan**

Scoping on the need to change and proposed action began in June 2015. Five public open houses were held during this scoping period which lasted through August 11, 2015.

Over 1,545 unique comments from 917 interested parties were received. The draft Environmental Assessment and monument management plan were available for public comment between August 19 and November 1, 2016. A total of 5 public meetings were held in addition to 1 webinar. Forest Service staff also attended several meetings on the monument management plan at the request of interested parties. Over 1,000 unique comments were received from 283 interested parties. Forest Service staff also continue to engage with San Gabriel Mountains Community Collaborative, and make formal presentations as requested. This representative group was formed in 2015, and is managed by the National Forest Foundation to represent various interests and local communities surrounding the national monument. There are 45 members in this group which is comprised of public, non-profit, and private parties.

### **Summary of National Monument Activities since Designation**

Since Presidential Proclamation of the national monument in 2014, the Forest Service has worked in collaboration with other Federal agencies, nonprofits, and local communities to develop a monument management plan scheduled for completion in 2017. Though the designation came with no new funding, the Forest Service and partners have garnered more than \$1.6 million to mobilize local youth to restore watersheds, collaborate with communities, and promote conservation education. The Forest Service has engaged with local transportation partners to discuss options for providing shuttle services to underserved communities within the Los Angeles area, and sponsored the Chantry Flats Pilot Shuttle project aimed at reaching communities who may not previously have had access to visit the national monument. The Forest Service has partnered with the Watershed Conservation Authority in the development of the Cattle Canyon Improvement Project to provide infrastructure improvements that will allow for better management of recreation resources and improve riparian habitat conditions. Despite several large fires that occurred in the monument during the year, data from the Forest Service National Visitor Use monitoring program yields an estimate of over 1.7 million visits to the monument in fiscal year 2016. The Forest Service has increased efforts aimed at conservation education, such as providing transportation grants to area fourth-graders to visit the national monument as part of the Every Kid in a Park program, and has hired a dedicated team of Field Rangers aimed at promoting conservation education messages to the visiting public. Restoration of areas impacted by wildfires within the monument continues in an on-going effort, and fuels reduction programs including prescribed burning are active. The Forest Service continues to work with a large number of partners and volunteers to accomplish the forest's mission.

### **Summary of Activities in Area for Five Years Preceding Designation**

Prior to designation, activities within the monument were essentially as they are today. However, the monument designation has allowed the Forest Service to leverage partnerships and additional funding to increase resources. The increase of efforts towards conservation education is a direct result of monument designation, as the Field Ranger program did not exist on the Angeles National Forest prior to designation. The forest is utilizing the additional

resources leveraged through monument designation to increase staffing in programs such as Field Rangers and Conservation Crews, and to provide better facilities and infrastructure for visitors such as through the Cattle Canyon project.

**Summary of Available Economic Information since Designation**

The San Gabriel Mountains National Monument plays a vital role in the local economy. Many people are employed by businesses under special use permit within the monument, such as ski resorts, shooting ranges, and organization camps, and these businesses help stimulate the local economy. Visitors to the national monument generate business and contributed to the economy in the many gateway communities surrounding the national monument. Forest Service staff actively coordinates with representatives of local communities and organizations such as the Chamber of Commerce.

**Summary of Any Boundary Adjustments since Designation**

There have been no changes to geographical boundaries of the San Gabriel Mountains National Monument. However, approximately 4,030 acres of the monument are located within the proclaimed boundary of the San Bernardino National Forest. Subsequent to designation of the monument, the Regional Forester officially adjusted the administrative boundaries of the Angeles and San Bernardino National Forests so that the Angeles National Forest administers the entire San Gabriel Mountains National Monument.

#### **4. Sand to Snow National Monument**

##### **Key Information about Sand to Snow Mountain National Monument**

Sand to Snow National Monument was established by Presidential Proclamation 9396 on February 12, 2016. Prior to designation, the area was managed by the BLM Palm Springs South Coast and Barstow Field Offices and the U.S. Forest Service San Bernardino National Forest, which has continued since designation. The Forest Service manages for multiple use within the monument (hunting, fishing, recreation, and other valid existing rights), while protecting the vast array of historic and scientific resources identified in the Proclamation and providing opportunities for scientific study of those resources. The resources identified in the Proclamation include cultural/heritage resources comprising of rock art, grinding stones, evidence of human habitation, old cabins, cattle paths, mine shafts, early European settler refuse deposits, and building remnants. Biological resources include bighorn sheep, mountain lion, Arroyo toad, desert tortoise, mule deer, the extensive year round freshwater marsh habitat of Big Morongo Canyon, and endemic plant species. Geologic resources include nearly 2 billion year old rocks from the Proterozoic Eon, hundreds of springs that arise from South Fork Meadows, the headwaters of the Santa Ana River; and two branches of the world famous San Andreas Fault. Overall, multiple use activities are allowed in the monument that are compatible with the protection of resources and objects identified in the Presidential Proclamation. Multiple use activities are subject to decisions made in current and future Forest Service resource management planning efforts which include public participation. National monuments and other conservation areas managed by the Forest Service continue to allow for multiple uses according to the Federal Land Policy and Management Act (subject to Proclamation language).

##### **Summary of Public Engagement Prior to Designation**

In 2009, 2011 and 2015, Senator Dianne Feinstein introduced legislation to designate the Sand to Snow area as a national monument. In October 2015, the Senator hosted several meetings with tribal leaders and stakeholders. The public meeting in Palm Springs attracted more than 600 people. Stakeholders speaking in favor of this designation included local business owners, representatives from the California travel and tourism industry, environmental preservation groups, recreationists, sporting enthusiasts, academics, and representatives of local faith-based groups.

On October 13, 2015, with tribal representatives from the Agua Caliente Band of Cahuilla Indians, the Cahuilla Band of Mission Indians, the Colorado River Indian Tribes, the Fort Mojave Indian Tribe, the Morongo Band of Mission Indians, the San Manuel Band of Mission Indians, the Death Valley Timbisha-Shoshone Tribe, and the Twenty-Nine Palms Band of Mission Indians to discuss tribal concerns and opportunities of the proposed monument designation. The designation was overwhelmingly supported by tribal representatives.

### **Summary of Public Scoping in Development of Resource Management Plan**

Public scoping for the Sand to Snow National Monument Management Plan has not yet been initiated. The first post-designation opportunity for public comment regarding development of the monument management plan will be the Department of Interior Notice of Opportunity for Public Comment. The date for the Notice has not yet been determined.

### **Summary of National Monument Activities since Designation**

After the designation of monument, the San Bernardino National Forest and BLM California Desert District jointly hosted a series of public workshops in July 2016. Four workshops took place in communities adjacent to the national monument: Yucaipa (July 13), Big Bear (July 14), Yucca Valley (July 19), and Desert Hot Springs (July 21), California. Each workshop conducted the same set of activities, focused on providing basic information about the newly designated monument and requesting information from workshop participants. Press releases and fliers were used to promote these workshops to the general public.

Sand to Snow National Monument is a well-known and popular destination for many recreational activities including horseback riding, backpacking, rock hounding/mineral collecting, viewing historic sites/areas, target shooting, photography, environmental/outdoor classroom education, wildflower viewing, hiking/biking/running/walking, off-highway vehicle use on designated routes, nature study, picnicking, hunting, and wildlife. There is no oil, coal, or gas potential. The Forest Service has worked with neighboring communities, organizations, and agencies on numerous stewardship projects, community events, environmental/outdoor education, and outreach efforts since designation.

### **Summary of Activities in Area for Five years Preceding Designation**

During the preceding five years, new Forest Service management actions on National Forest managed lands did not take place inside the present boundary of the monument. Fire suppression activities were, by far, the most impactful of activities on the Sand to Snow National Monument. Estimated recreation visitation to the monument in fiscal year 2014 was about 45,000 visits.

### **Summary of Available Economic Information since Designation**

Peer-reviewed information and analysis of the economic impact since the designation of the Sand to Snow National Monument in 2016 is currently not available. The San Bernardino National Forest has not commissioned an economic study and no other economic study is known to be underway.

Employment data from the Bureau of Labor Statistics or from the California Employment Development Department for communities adjacent to the national monument are not available for immediately before and subsequently since designation of the national monument.

### **Summary of Any Boundary Adjustments since Designation**

There have been no boundary adjustments since Designation, February 12, 2016.

**Additional Information Requested on Executive Order on the Review  
of Designations Under the Antiquities Act**

**USDA Forest Service Response: Sand to Snow National Monument**  
(San Bernardino National Forest)

**a. Any legislative language, including legislation in appropriations bills:**

On December 21, 2009, Senator Dianne Feinstein introduced the California Desert Protection Act of 2010 (S.2921) to provide for the conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area. Title XIV of the Act covers establishment of the Sand to Snow National Monument.

Subsequently, Senator Feinstein introduced the California Desert Protection Act of 2011 (S. 138) on January 25, 2011, to provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area. Title XIV of the Act covers establishment of the Sand to Snow National Monument.

Senator Feinstein introduced the California Desert Conservation and Recreation Act of 2015 (S.414) on February 09, 2009, to provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area. Title XIV of the Act covers establishment of the Sand to Snow National Monument.

**b. Alternative options available for protection of resources applicable at each monument, such as Native American Graves Protection and Repatriation Act, Paleontological Resources Preservation Act, Archaeological Resources Protection Act, Historic Preservation Act and agency-specific laws and regulations:**

The following could provide options to mitigate impacts to specific resources found in Sand to Snow National Monument. Protection would likely occur on a site-by-site or resource-by-resource basis and also would take a significant amount of time to accomplish under these various laws. These laws may not provide the proper mechanism to protect all cultural or tribal resources in Sand to Snow National Monument, but may provide a method for mitigating activities. The Presidential Proclamation established the protection, conservation and restoration of more than 100 resources, objects, and values in Sand to Snow National Monument, including historic resources associated with early European settlement and cultural/tribal resources.

- National Historic Preservation Act (NHPA): The provisions of the Sand to Snow National Monument Proclamation identifies that cultural heritage objects shall be managed in a manner that promotes their protection and provides for limitations on uses that have the potential to adversely affect them. This would indicate a need for emphasis upon preservation, and the need for a mechanism for the avoidance of adverse effects to historic or cultural resources. This would also indicate a requirement for compliance with Section 106 of the National Historic Preservation Act. As the Sand to Snow National Monument Management Plan has not been drafted, nor has the scoping process begun for the monument management plan, the level of

emphasis towards the preservation of cultural and historic resources in the Sand to Snow National Monument is yet unknown. This increased protection would also apply any historic properties identified within the monument. Limitations on potential effects will directly benefit historic properties within the monument.

- Native American Graves Protection and Repatriation Act (NAGPRA): Requirements and protections under the Native American Graves Protection and Repatriation Act would apply to the same degree within the Sand to Snow National Monument as elsewhere.
- Paleontological Resources Preservation Act (PRPA): Paleontological resources are not mentioned in the Proclamation. Requirements and protections of the Paleontological Resources Preservation Act would apply to the same degree within the Sand to Snow National Monument as elsewhere.
- Archaeological Resources Protection Act (ARPA): Requirements and protections under the ARPA would apply to the same degree within the Sand to Snow National Monument as elsewhere.
- American Indian Religious Freedom Act (AIRFA): The Proclamation for the Sand to Snow National Monument references many significant heritage objects and values that are important to local tribal beliefs. As a result, tribal places of religious importance and their protection and access benefit directly from the Proclamation's provisions of the Sand to Snow National Monument, which augment American Indian Religious Freedom Act requirements.
- Federal Water Pollution Control Act (Clean Water Act): On the Sand to Snow National Monument, several neighboring communities obtain domestic water which originates in the Monument. The Proclamation acknowledges and protects these existing uses.
- Watershed Protection and Flood Prevention Act (WPFPA): Requirements and protections under the WPFPA would apply to the same degree within the Sand to Snow National Monument as elsewhere.
- Executive Order 11988 - Floodplain Management: EO 11988 requirements and protections would apply to the same degree within the Sand to Snow National Monument as elsewhere.
- Wild and Scenic Rivers Act: Within the Sand to Snow National Monument, the Whitewater River, including portions of its various forks, is eligible for classification as a wild and scenic river.

**c. Designated wilderness areas (name, acreage), wilderness study areas (name if there is one, acreage, type), and/or areas managed to preserve wilderness or roadless characteristics but not formal study area. Please note if there are none in any given monument so there is no question:**

The 96,595-acre San Geronio Wilderness is managed by both the U.S. Forest Service and the BLM, with the Forest Service managing 57,967 acres of the wilderness area.

There are no Wilderness Study Areas located within the San Bernardino National Forest, however, other land use zones within the national monument that are managed to preserve wilderness, roadless or related characteristics include:

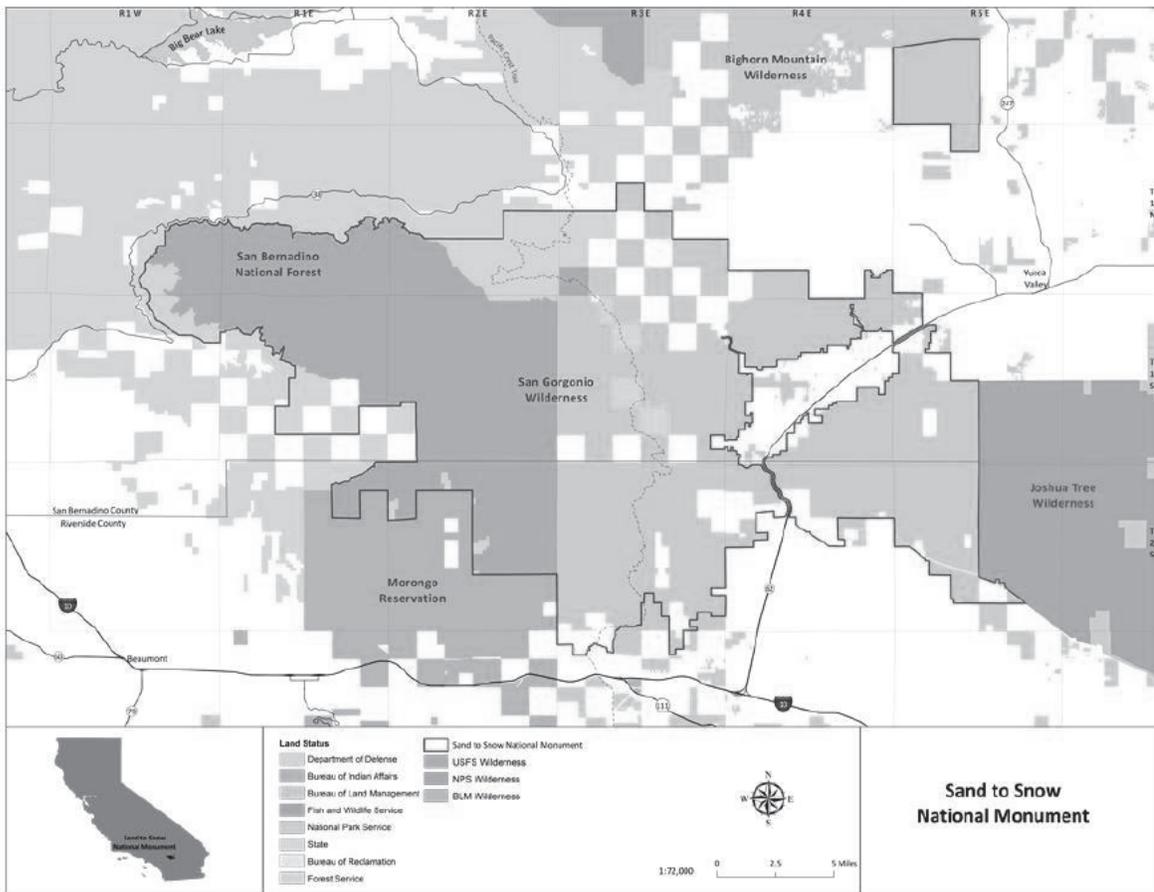
- Three (3) Inventoried Roadless Areas: 3,963 acres

- Back Country: 4,651 acres
- Back Country Motorized Use Restricted: 247 acres
- Back Country Non-motorized: 3,359 acres
- Recommended Wilderness: 4,316 acres

**d. Outstanding R.S. 2477 claims within a monument – type of road claimed and history**

There are no R.S. 2477 category roads on FS managed lands within the Sand to Snow National Monument.

**e. Maps – details later, but please alert your map staff that requests will come, and feedback on whether your bureau or USGS is better map source:**



**f. Cultural or historical resources, particularly Tribal, located near a monument but not within the boundary that might benefit from inclusion in the monument:**

The western half of the Sand to Snow National Monument shares its southeastern boundary with the northern boundary of the Reservation of the Morongo Band of Mission Indians. The Federal agencies managing the monument work in concert with the Morongo Band of Mission Indians to

conserve and protect cultural/heritage resources and provide resource management technical advice.

**g. Other – general questions or comments**

The Sand to Snow National Monument is a result of the culmination of efforts between many groups working in cooperation to connect lands, from the desert floor to the top of San Geronio Mountain, the highest mountain in Southern California. This cooperative effort has resulted in a land link which begins in the San Geronio Wilderness on its western boundary, and continues to its eastern boundary adjacent to Joshua Tree National Park. The national monument now serves as outdoor destination and offers numerous recreation opportunities for the 18.5 million people who live and work in the metropolitan areas of Palm Springs, Riverside, and Los Angeles, California.

Effective management of the monument is achieved by incorporating and leveraging the support and assistance of numerous partnerships with local communities and organizations. This intentionally collaborative approach and resulting conservation framework is achieved through active engagement with a wide variety of interested parties, which assists the Forest Service in accomplishing its multiple-use mission and encourages public participation in land use planning and management.

## Call for Data Related to Review of National Monuments under EO 13792 (April 26, 2017)

### USDA Forest Service Response: San Gabriel Mountains National Monument (Angeles National Forest)

#### 1. Documents Requested:

##### a. Resource Management Plans/Land Use Plans

The Angeles National Forest is nearing completion of the San Gabriel Mountains National Monument Management Plan. Until a monument management plan is in place, the agency continues to operate under the Proclamation and the existing land and resource management plan. This plan can be accessed at:

<https://www.fs.usda.gov/main/angeles/landmanagement/planning>

The draft San Gabriel Mountains National Monument Management Plan and Environmental Assessment was released for public comment in August 2016. The draft plan can be accessed at:

[http://data.ecosystem-management.org/nepaweb/nepa\\_project\\_exp.php?project=46964](http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=46964)

##### b. Record of Decision

The Final Decision Notice / Finding of No Significant Impact for the monument management plan is expected to be signed in early 2018. A Record of Decision will not be signed for the San Gabriel Mountains National Monument, as an Environmental Assessment is being prepared for the monument management plan.

##### c. Public Scoping Documents

A scoping letter describing the need to change and proposed action was sent to approximately 3,200 interested groups, individuals, and agencies in June 2015.

A notice of intent to prepare an Environmental Assessment was published in the Federal Register on June 12, 2015.

Copies of the Federal Register Notice of Intent to prepare an Environmental Assessment and the scoping letter on the need to change can be accessed at:

[http://data.ecosystem-management.org/nepaweb/nepa\\_project\\_exp.php?project=46964](http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=46964)

Five public open houses were held during the scoping period, with a variety of printed materials available in English and Spanish. Over 1,545 unique comments from 917 interested parties were received during this scoping period which concluded August 11, 2015.

The Forest Service released a draft of Chapters 1 and 2 of the Draft Environmental Assessment on the project website in May, 2016 to increase public awareness and engagement by allowing additional time to review and understand the proposed plan before the official public comment period.

Copies of the Draft Environmental Assessment were made available at the Angeles National Forest Supervisor's Office and on the project website on August 19, 2016, providing a 60-day public comment period until October 17, 2016. The comment period was extended with additional 14 days to November 1, 2016 in response to requests by the public.

The Forest Service held 4 public meetings in English with Spanish translation services, 1 public

meeting in Spanish, and 1 webinar during the public comment period on the Draft Environmental Assessment. During and after the comment period, Forest Service staff continued public engagement by responding individually to over 120 inquiries by e-mail and telephone. Forest Service staff attended several meetings at the request of interested community groups. These groups included organizations focused on social justice and underserved communities, such as the Asian Pacific Policy and Planning Council (A3PCON), San Gabriel Mountains Forever, and The City Project. The Forest Service received and considered responses from 283 interested groups, individuals, and agencies in the form of letters, emails, and website submissions that contained over 1,000 individual unique comments and concerns.

d. Presidential Proclamation

Presidential Proclamation 9194, "Establishment of the San Gabriel Mountains National Monument", was signed October 10, 2014.

**2. Information on activities permitted at the SGMNM, including annual levels of activity from the date of designation to the present:**

a. Recreation - annual visits to site

- The Forest Service develops visitation estimates for each national forest once every 5 years through its National Visitor Use Monitoring (NVUM) program. The monument is located within the Angeles National Forest. Visitation data for the Angeles National Forest was last obtained in fiscal year 2016. The 2016 forest-wide visitor use estimate is less than the forest-wide estimate for 2011. The difference reflects the closure of many recreation sites in the San Gabriel Mountains National Monument due to a large fire in the San Gabriel Canyon during the scheduled 2016 NVUM.

Data from the National Visitor Use Monitoring program was used to estimate visitation to the portion of the Angeles National Forest that lies within the monument. The most recent visitation estimate is:

Year	Visitation (Thousands of visits)
2016	1,738

b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

There are no oil and gas wells and no coal developments in the San Gabriel Mountains National Monument. A 4.95 megawatt capacity hydropower system is located within the monument, as well as an intake and conduit for an additional 3 megawatt capacity hydropower system. Actual production numbers are not available for either of these systems, but production would be unchanged by Monument designation. Approximately 94 miles of electrical transmission line is located within the monument. A project to replace 25.1 miles of low-voltage electric line with high-voltage line occurred within the monument. This project was initiated prior to designation and concluded after designation.

c. Minerals - annual mineral production on site

Mineral material, specifically river rock, was previously sold within the San Gabriel Mountains National Monument from a location at the San Gabriel Off-Highway Vehicle area. These were sold under the authority of the Minerals Material Act of 1947. The Mineral Materials Act of 1947

does not provide for authority to sell materials within a national monument. Therefore, zero mineral materials are currently being sold within the monument.

There are approximately 80 active mining claims within the monument. There is one active mine with an approved operating plan, known as the North Star Mine. The North Star Mine is located in Arrastre Canyon and is an anorthocite-syenite deposit that has been in production since 1988. Annual mineral production is unknown but would be unchanged by monument designation.

d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

The only timber produced on the San Gabriel Mountains National Monument is fuelwood. The annual average for the 2 years reported subsequent to monument designation was reported to be 977 CCF. The monument designation has no effect on annual timber production, therefore any differences from prior years are due to other factors.

e. Grazing - annual grazing on site (AUMs permitted and sold):

No grazing allotments exist within the San Gabriel Mountains National Monument.

f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

Participation rates for subsistence activities within the San Gabriel Mountains National Monument are mostly unknown. The monument Proclamation provides specific direction regarding gathering activities, specifically Tribal gathering. The monument Proclamation states "The plan will provide... for continued...access by Indian tribal members for traditional cultural, spiritual, and tree and forest product-, food-, and medicine-gathering purposes". Since the monument designation, the national forest has seen a significant increase in interest and concern for gathering and use of traditional resources by the local Native American community on the forest and within the monument. Since the expiration of the agency combined U.S Forest Service and BLM policy on tribal gathering and collecting, the monument Proclamation language provides some assurance to the local Native American community that the Forest Service would continue to facilitate this activity by Tribes.

Forest products such as mistletoe and seeds are also harvested within the monument. The average annual amount harvested under permit for the 2 years reported subsequent to monument designation was 405 pounds.

The Angeles National Forest does not keep records of hunting or fishing efforts or harvest rates. The California Department of Fish and Wildlife is responsible for the management of the animals including setting fishing/hunting regulations and take limits. The California Department of Fish and Wildlife is also responsible for enforcing those regulations and take limits. Data from the California Department of Fish and Wildlife can be found at the link below, but the data cannot be isolated specifically to the monument. Hunt zone 11 within the data set best corresponds to the San Gabriel Mountains National Monument, however it includes a broader area than the monument. The monument designation would have negligible impact on hunting and fishing rates.

<https://www.wildlife.ca.gov/hunting/deer#5477272-harvest-statistics>

g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

Out of a total of 703 sites, 22 new cultural resources were identified within the San Gabriel Mountains National Monument in the past 3 years since its designation in October, 2014. The resource types were predominately Native American subsistence and procurement sites. Half of

the 22 sites were identified during Section 110 volunteer activities and projects, the other were identified during Section 106 project compliance of Forest Service authorized operations or permitted undertakings.

**3. Information on activities occurring during the 5 years prior to designation:**

a. Recreation – annual visits to sites

The Forest Service National Visitor Use Monitoring (NVUM) program measures visitor use at the level of the National Forest once every 5 years. The monument is included within the Angeles National Forest. Visitation data for the Angeles National Forest prior to designation of the monument was obtained in fiscal year 2011.

Data from the National Visitor Use Monitoring program was used to estimate visitation to the portion of the Angeles National Forest that lies within area which was subsequently included in the monument designation:

Year	Visitation (Thousands of visits)
2011	2,045

b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

See response 2b.

c. Minerals - annual mineral production on site

Mineral material, specifically river rock, was previously sold within the San Gabriel Mountains National Monument from a location at the San Gabriel Off-Highway Vehicle area. An average of 89 tons annually were sold within the monument for the 5 years prior to designation.

There are approximately 80 active mining claims within the monument. There is one active mine with an approved operating plan, known as the North Star Mine. The North Star Mine is located in Arrastre Canyon and is an anorthocite-syenite deposit that has been in production since 1988. Annual mineral production is unknown but would be unchanged by monument designation.

d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

The only timber produced on the San Gabriel Mountains National Monument is fuelwood. The annual average for the 3 years prior to monument designation was reported to be approximately 3,955 CCF within the monument.

e. Grazing - annual grazing on site (AUMs permitted and sold)

No grazing allotments exist within the San Gabriel Mountains National Monument.

f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

See Response 2f.

Forest products such as mistletoe and seeds are also harvested within the San Gabriel Mountains National Monument. The average annual amount harvested under permit for the 3 years prior to monument designation was 1,068 pounds.

g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available:

From 2010 to 2014, 66 new cultural sites were identified within the area that would eventually be the boundary of the San Gabriel Mountains National Monument. These represent both historic and Native American site types.

**4. Information on activities that likely would have occurred annually from the date of designation to the present if the Monument had not been designated:**

a. Recreation - annual visits to site

There is no data to address this question.

Anecdotal evidence from agency staff and private sector partners have reported an increase in visitation to a number of specific sites since designation of the monument. Because of monument designation, the Angeles National Forest has also increased efforts in outreaching to underserved communities, providing transportation grants for participation in the Every Kid in a Park program and sponsoring the Chantry Flats Pilot Shuttle project, which is a gateway to the monument.

b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

See response 2b.

c. Minerals - annual mineral production on site

Mineral material, specifically river rock, was previously sold within the San Gabriel Mountains National Monument from a location at the San Gabriel Off-Highway Vehicle area. These were sold under the authority of the Minerals Material Act of 1947. The Mineral Materials Act of 1947 does not provide for authority to sell materials within a national monument. If the S San Gabriel Mountains National Monument had not been designated, it is estimated that annual sales would remain at the same level as in prior years, therefore it is estimated that 89 tons would have been sold annually.

There are approximately 80 active mining claims within the monument. There is one active mine with an approved operating plan, known as the North Star Mine. The North Star Mine is located in Arrastre Canyon and is an anorthocite-syenite deposit that has been in production since 1988. Annual mineral production is unknown but would be unchanged by monument designation.

d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

The only timber produced on the San Gabriel Mountains National Monument is fuelwood. The annual average for the 2 years reported subsequent to monument designation was reported to be 977 CCF. As the monument designation has no effect on timber production, the estimated levels would remain the same.

e. Grazing - annual grazing on site (AUMs permitted and sold)

No grazing allotments exist within the San Gabriel Mountains National Monument.

f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

See Response 2f.

Forest products such as mistletoe and seeds are also harvested within the San Gabriel Mountains National Monument. The average annual amount harvested under permit for the 2 years reported subsequent to monument designation was 405 pounds. As the monument designation has no effect on forest products, the estimated levels would remain the same.

- g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

There has been essentially been no change to cultural uses, values, or number of sites as a result of the monument designation. Since approximately 11 of the sites discovered since designation were discovered during volunteer activities, it is possible that fewer volunteer activities would have occurred without the monument designation, thus less sites would have been discovered.

**5. Changes to boundaries - dates and changes in size:**

There have been no changes to geographical boundaries of the San Gabriel Mountains National Monument. However, approximately 4,030 acres of the monument are located within the proclaimed boundary of the San Bernardino National Forest. Subsequent to designation of the monument, the Regional Forester officially adjusted the administrative boundaries of the Angeles and San Bernardino National Forests so that the Angeles National Forest administers the entire San Gabriel Mountains National Monument.

**6. Public Outreach prior to Designation - outreach activities conducted and opportunities for public comment:**

- A meeting was held in Baldwin Park in August 2014 to solicit public comment for the establishment of the San Gabriel Mountains National Monument, with U.S. Forest Service Chief Tom Tidwell in attendance.
- Tribal and Native American outreach efforts also occurred informally prior to designation, comprising discussions with federally recognized tribes and one informal meeting with the local Native American community.

**7. Terms of Designation:**

Refer to the Proclamation for the terms of the designation. No land exchanges or economic actions have occurred as a result of the designation.

## Call for Data Related to Review of National Monuments under EO 13792

### USDA Forest Service Response: Berryessa Snow Mountain National Monument (Mendocino National Forest)

#### 1. Documents Requested:

a. Resource Management Plans/Land Use Plans

The 1995 Mendocino National Forest Land and Resource Management Plan will be followed in the interim.

b. Record of Decision

The Berryessa Snow Mountain National Monument Management Plan is currently being prepared.

c. Public Scoping Documents

Public scoping has not yet been initiated for a Berryessa Snow Mountain National Monument Management Plan.

d. Presidential Proclamation

Presidential Proclamation 9298 of July 10, 2015.

#### 2. Information on activities permitted at the Monument, including annual levels of activity from the date of designation to the present:

a. Recreation - annual visits to site

There is currently no visitation data available to address this question. The Forest Service develops visitation estimates for each national forest once every 5 years through its National Visitor Use Monitoring (NVUM) program. The portion of the monument administered by the Forest Service is located within the Mendocino National Forest. Visitation data for the Mendocino National Forest was last obtained in fiscal year 2013, which predates designation of the monument in 2015. Specific visitation information for the Forest Service portion of the monument will be tracked beginning in fiscal year 2018.

Anecdotal evidence on visitation reveals minimal to no increase in visitation since designation. Specifically, there has been no increase in calls or visits to the ranger office. In addition, access to the monument is very challenging due to distance of highways and road conditions (i.e., only dirt roads). It can take up to 3 hours in some places to access the monument boundary. The Forest has also experienced road damage due to winter storms. This has restricted access to interior portions of the monument.

b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

There are no producing oil and gas wells and no coal developments in the Forest Service portion of the Berryessa Snow Mountain National Monument.

c. Minerals - annual mineral production on site

There are no active mining operations or claims in the Forest Service portion of Berryessa Snow Mountain National Monument.

d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

No timber was produced since the date of monument designation, as there were no commercial timber projects planned for this area.

e. Grazing - annual grazing on site (AUMs permitted and sold)

From the date of designation, the three allotments located within the monument were billed a total of 2,314 Animal Unit Months (AUMs) in 2016 and 2017. In 2016, the Forest Service grazing fee was \$1.35 per AUM and in 2017, the Forest Service grazing fee was \$1.87 per AUM.

f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

The Federal Subsistence Management Program provides opportunities for subsistence way of life in Alaska on federal public lands and waters. There are no formal subsistence programs outside of Alaska. The Forest Service does provide for the collection of certain natural materials, including firewood, Christmas trees, posts and poles. Hunting and fishing are regulated by the State of California.

g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

The National Forest System lands included in the monument contain significant historic, cultural, and recreational resources. There are 426 documented pre-historic and historic sites. Five new sites were documented by the University of California, Davis in 2015. Multiple examples of seasonal camps, permanent villages, quarries, tool and food processing sites, and ceremonial sites, as well as historic sites with remnants of old sawmills, railroads, homesteaders' cabins, and hot spring / mineral spring resorts.

**3. Information on activities occurring during the 5 years prior to designation:**

a. Recreation - annual visits to site

The Forest Service National Visitor Use Monitoring (NVUM) program measures visitor use at the level of the national forest once every 5 years. The monument is included within the Mendocino National Forest. Visitation data for the Mendocino National Forest was last obtained in fiscal year 2013.

Data from the National Visitor Use Monitoring program was used to estimate visitation to the portion of the Mendocino National Forest that lies within the area which was subsequently

included in the monument designation:

Year	Visitation (Thousands of visits)
2013	28

- b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

There were no producing oil and gas wells and no coal developments in the Forest Service portion of the Berryessa Snow Mountain National Monument five years prior to designation. There is no energy transmission infrastructure in the Forest Service portion of the Berryessa Snow Mountain National Monument.

- c. Minerals - annual mineral production on site

There were no active mining operations or claims in the Berryessa Snow Mountain National Monument.

- d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

In the five years prior to designation there were 4,000 CCF produced.

- e. Grazing - annual grazing on site (AUMs permitted and sold)

During the five years prior to monument designation, the three allotments located within the subsequently designated monument were billed a total of 2,314 permitted Animal Unit Months (AUMs). The Forest Service grazing fee during the five years prior to monument designation was \$1.35 per AUM.

- a. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

There is currently no means available to track this information.

- b. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

See response to 2.g.

**4. Information on activities that likely would have occurred annually from the date of designation to the present if the Monument had not been designated:**

- a. Recreation - annual visits to site

Forest-wide visitation at the Mendocino National Forest (MNF) reached 28,000 visits in 2013. While, there is no way to extrapolate the number of visits specifically to the monument area for this particular data set (this level of extrapolation will be accomplished in 2018 during the next sampling period), it is anticipated based on past visitation to the MNF, that visitation, at the very least, would have remained consistent if not increased.

- b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy

transmission infrastructure on site (if any)

There is no potential to produce oil, gas, or coal developments in the Forest Service portion of the Berryessa Snow Mountain National Monument. No interest has been expressed in developing geothermal energy or energy transmission infrastructure in the Forest Service portion of the monument.

c. Minerals - annual mineral production on site

It is unlikely that any mineral production would have occurred from the date of designation to present because there were no pending applications or permits.

d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

Under the monument proclamation timber harvest is allowed to continue but no projects were proposed prior to designation nor have been proposed since designation. Therefore, it is unlikely that designation of the monument has impacted timber production.

e. Grazing - annual grazing on site (AUMs permitted and sold)

Designation of the monument has not changed the number of permitted Animal Unit Months (AUMs). Under the monument proclamation, grazing is allowed to continue, so long as it is consistent with protecting the Monuments objects of interest. Grazing continues to be subject to laws, regulations, and policies followed by the Forest Service.

f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

There is no evidence at this time that designation of the monument has impacted participation rates in subsistence activities. Under the monument proclamation, collection of forest products for personal use may continue.

g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

There is no evidence that cultural uses of the Forest Service portion of the Berryessa Snow Mountain National Monument have changed as a result of designation or would have changed in the absence of designation. The monument proclamation requires that the Forest Service continue to provide access to members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).

**5. Changes to boundaries - dates and changes in size:**

There have been no changes to boundaries.

**6. Public Outreach prior to Designation - outreach activities conducted and opportunities for public comment:**

The Forest Service held two tribal meetings in 2014. Former Secretary of the Interior Sally Jewell participated in a public meeting with Congressmen Mike Thompson and John

Garamendi on December 19, 2014 to hear from local communities. The establishment of Berryessa Snow Mountain National Monument was the result of a grassroots effort of regional and community support for interagency protection and enjoyment of these lands.

**7. Terms of Designation:**

Refer to Proclamation for the terms of designation. No additional background (e.g., legislated land exchanges or Congressional budget provisions, etc.).