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

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

• Establish a new Office of Sanctuaries and Refuges within NOAA.

• Extend protections established by Hawai’i to the Reserve boundary in federal waters; mirroring the visionary state Refuge, which prohibits all commercial activity in the refuge area.

• Incorporate the current U.S. Fish and Wildlife Service NWHI Refuge boundaries, while continuing to recognize USFWS’s crucial management role.

• Provide seamless management between US Fish and Wildlife NWHI Refuge, the state refuge, and the proposed federal refuge.

• Replace current Reserve Council with a new Refuge Council, consisting of 2 Native Hawaiian, 3 scientists, 2 conservationists as voting members, with the state, Interior/USFW, Coast Guard, sanctuary program, Marine Mammal Commission participating as non-voting members.

• Ensure all federal agency decisions are exclusively based on protecting the natural resources and cultural heritage of the NWHI, thus Native Hawaiian traditional and customary rights are fully protected.

• Extend boundaries northwest of Kure Atoll, creating largest protected Refuge in the world.

• Ensure all human activities are “limited to those entirely consistent with preservation and protection in the true nature of a fully protected refuge.”

• Require that management decisions be based on the precautionary approach.

• Prohibit commercial use and any sale of refuge resources.

• Prohibit exploration for oil, gas, mineral; drill, dredge, altering of seabed.

• Compensate the small commercial fishery, which consists of only 9 boats, by purchasing existing permits.

• Enforce a substantial penalty schedule with criminal charges, including seizure of vessels, civil penalties up to $100,000/day, and rewards to those who report violations.

• Prohibit interfering with enforcement, resisting, impeding, intimidating, or bribing.

• Prohibit interfering with search or inspection, submitting false information, and violating any regulation or permit associated with this act.

• Access permits granted only for limited research, Native Hawaiian use, sustenance fishing, marine debris removal, "other activities in furtherance of purposes and policies" of the Act.

• Midway would be open to recreational fishing (catch and release) via permits from USFW.

• All vessels over 25 ft would have to be certified free of alien species by inspector, mandatory VMS and federal observer and a $1 million vessel grounding bond would be required.

Immediate Benefits

• Full protection for the monk seals, seabirds, turtles, coral, and countless unnamed species in the area.

• Eliminates the five-year sanctuary rulemaking review process by prohibiting all fishing. This Act ensures that the refuge area will be permanently protected.

• The Act accurately reflects broad and consistent public concern, comment and input from the NWHI Coral Reef Ecosystem Reserve Council.

• Prevents efforts by the sanctuary program to introduce eco-tourism, wreck diving adventures, cruise ships, spear fishing or other activities to generate revenues.