



**KAHEA**  
 THE HAWAIIAN-ENVIRONMENTAL ALLIANCE

Papahānaumokuākea Marine National Monument  
 Monument Management Board  
 6600 Kalanianaʻole Highway, Suite 300  
 Honolulu, Hawaiʻi 96812

July 21, 2009

Aloha Ms. Wilhelm, Ms. White, and Mr. Polhemus,

PROTECTING

NATIVE HAWAIIAN

CUSTOMARY &

TRADITIONAL RIGHTS

AND OUR FRAGILE

ENVIRONMENT

This letter is to notify you that the attached complaint and preliminary injunction have been filed in state court regarding the failure of the Department of Land and Natural Resources to abide by Hawaiʻi Revised Statutes Chapter 343, Hawaiʻi's environmental review statute.

As you know from our repeated testimony, we have known about these serious violations for some time. We had hoped that given sufficient time, the Monument Management Board would correct this violation. We were, however, disappointed to learn when the Natural Resources Science Plan for the Monument was released to the public that, despite commitments made in the Monument Management Plan, the Monument Management Board has no intention of completing a cumulative impact assessment in the foreseeable future.

A cumulative impact assessment is a document required by law and sound resource management. Understanding the harm that the Northwestern Hawaiian Islands has already suffered and how current human activity may add to that harm is crucial to deciding what human activities should be allowed, if any, in this fragile region. Hawaiʻi Administrative Rules § 11-200-8(b) specifically requires agency staff to assess whether *"the cumulative impact of planned successive actions in the same place, over time, is significant, or [whether] an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment."* This requirement is also echoed in the federal regulations that govern environmental review by the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service, specifically 40 CFR § 1508.7, 516 DM 6, and NOA § 216-6-5.05c. The Monument Management Board has issued hundreds of permits and seems content to continue to do so without this fundamental assessment, thus forcing us to seek enforcement through a court of law.

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KAHEA: the Hawaiian-Environmental Alliance is a non-profit 501(c)3 working to protect the unique natural and cultural resources of the Hawaiian islands. KAHEA translates to english as "the call."

We understand that this litigation may have serious consequences for current activities in the Monument. It is not our intention to undermine essential cultural, scientific, and monitoring activities in

the Northwestern Hawaiian Islands. Thus, we look forward to working with the Monument Management Board to ensure that the requirements of the law are fully satisfied as quickly as possible.

Please contact us through our attorney at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to be 'Miwa Tamanaha', with a stylized, cursive script.

Miwa Tamanaha  
Executive Director

A handwritten signature in black ink, appearing to be 'M. Townsend', with a cursive script.

Marti Townsend, J.D.  
Program Director