



NOV 30 2005

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

November 28, 2005

Honorable Ed Case, Congressman  
U.S. House of Representatives, Second District  
115 Cannon House Office Building  
Washington, DC 20515

Dear Congressman Case:

Thank you for your letter of November 3, 2005, regarding H. R. 2376, the Northwestern Hawaiian Islands National Marine Refuge Act of 2005. While I appreciate that you are concerned that the National Marine Sanctuary Act will not provide optimum protection for this area, I still feel that the process is more inclusive and allows for a much greater level of discussion on how the region will be managed.

Discussions thus far on the levels of protection for the Northwestern Hawaiian Islands (NWHI) have focused on limiting fishing activities. My administration has made its position on the continuance of fishing in the NWHI very clear. The creation of the NWHI Marine Refuge ensures the highest levels of protection for the critical coral reef resources in the State's waters, and we have called on the federal government to consider similar levels of protection for federal waters.

However, in addition to discussions on the amount of extractive activity that is allowed in the NWHI, there needs to be a broader discussion on the opportunities for other non-extractive activities that may be permitted. Your Legislation does not allow for this discussion to proceed.

I do not necessarily agree with your assessment that the Sanctuary process limits the opportunity for optimum protection. In addition, we have had experience with the need to re-evaluate the Sanctuary management plan every five years and to also renegotiate the agreements for the State's waters and the State's role in co-management. Our experiences with this process are based on the co-management agreements we currently have in place with the Hawaiian Islands Humpback Whale National Marine Sanctuary. This has been a beneficial agreement for the State to date.

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The Executive Orders that created the NWHI Coral Reef Ecosystem Reserve also called for the creation of a Memorandum of Agreement (MOA) between the State, the National Oceanic and Atmospheric Administration (NOAA) and the Department of Interior (DOI). The State has taken the lead on crafting this MOA. We recently heard that the DOI is ready to sign this MOA. We are awaiting a similar notification from NOAA. While this MOA will go a long way in defining mechanisms for co-management of the region, it does not include any shared jurisdictional arrangements.

I do not feel that a MOA is the best mechanism to provide for co-management. Without the ability to have clear, shared jurisdiction between the State and our federal partners, I do not feel that each jurisdiction has to compromise on or agree to a shared vision for co-management.

Peter Young, Chairperson of the Board of Land and Natural Resources, has discussed your concerns with me, and I encourage you to continue to have future discussions with him regarding amendments or a reintroduction of this Legislation. I encourage you to work with us towards language and legislation that I will feel comfortable in supporting.

Sincerely,



LINDA LINGLE

cc: Peter Young