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3510-NK-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 240213-0047]

RIN 0648-BL33

Proposed Papahānaumokuākea National Marine Sanctuary

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Proposed rule; notification of availability of draft environmental impact statement and draft management plan; request for public comments.

SUMMARY: NOAA proposes to designate marine portions of Papahānaumokuākea Marine National Monument as Papahānaumokuākea National Marine Sanctuary (proposed sanctuary) to protect nationally significant biological, cultural, and historical resources and to manage this special place as part of the National Marine Sanctuary System. The proposed sanctuary consists of an area of approximately 582,570 square statute miles (439,910 square nautical miles) of Pacific Ocean waters surrounding the Northwest Hawaiian Islands and the submerged lands thereunder. NOAA proposes to establish the terms of designation for the proposed sanctuary and proposes regulations to implement the designation of the national marine sanctuary. NOAA is also publishing a draft environmental impact statement (DEIS), prepared in coordination with the State of Hawai‘i, and a draft management plan (DMP). NOAA is soliciting public comments on the proposed rule, the DEIS and the DMP.

DATES: NOAA will consider all comments received by May 7, 2024. NOAA will host public meetings and will allow for comments in both English and Hawaiian (‘Ōlelo Hawai‘i) at the following dates and times:

Meeting #1: Virtual Meeting - April 6, 2024, 9 a.m. – 12 p.m. HST

Meeting #2: Honolulu, Oʻahu - April 8, 2024, 5 p.m.- 8 p.m. HST, Aloha Tower, Multipurpose Room 3, 1 Aloha Tower Drive, Honolulu, Hawaiʻi 96813

Meeting #3: Kāneʻohe, Oʻahu – April 9, 2024, 5 p.m.- 8 p.m. HST, Heʻeia State Park, 46-465 Kamehameha Hwy, Kāneʻohe, Hawaiʻi 96744

Meeting #4: Waiʻanae, Oʻahu – April 10, 2024, 5 p.m.- 8 p.m. HST, Waiʻanae District Park Gym, 85-601 Farrington Highway, Waiʻanae, Hawaiʻi 96792

Meeting # 5: Waimea, Kauaʻi – April 11, 2024, 5 p.m.- 8 p.m. HST, Waimea High School – Cafeteria, 9707 Tsuchiya Rd, Waimea, Hawaiʻi 96796

Meeting #6: Hanalei, Kauaʻi – April 12, 2024, 5 p.m.- 8 p.m. HST, location address to be determined.

Meeting #7: Hilo, Hawaiʻi – April 15, 2024, 5 p.m.- 8 p.m. HST, Mokupāpapa Discovery Center, 76 Kamehameha Ave, Hilo, Hawai'i 96720

Meeting #8: Kahaluʻu Kona, Hawaiʻi – April 16, 2024, 5 p.m.- 8 p.m. HST, Kahaluʻu Ma Kai Site- Kamehameha Schools, 78-6780 Ali'i Drive, Kailua-Kona, Hawai'i 96740

Meeting #9: Kahului, Maui – April 17, 2024, 5 p.m.- 8 p.m. HST, Maui Community College Dining Room, 310 W. Kaʻahumanu Avenue, Kahului, Hawaiʻi 96732

Meeting #10: Kaunakakai, Molokaʻi – April 18, 2024, 5 p.m.- 8 p.m. HST, location address to be determined.

Please check the website (*https://sanctuaries.noaa.gov/papahanaumokuakea/)* for the most up-to-date information on public meetings, including meeting locations and the virtual meeting link. NOAA may end a virtual or in-person meeting before the time noted above if all participants have concluded their oral comments.

ADDRESSES: You may submit comments on this document, identified by NOAA-NOS-2021-0114, by any of the following methods:

- *Electronic Submission:* Submit all electronic comments via the Federal eRulemaking Portal. Go to *https://www.regulations.gov* and search for docket NOAA-NOS-2021-0114

(note: copying and pasting the FDMS Docket Number directly from this document may not yield search results). Click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- *Mail:* Send any hard copy public comments by mail to PMNM-Sanctuary Designation, NOAA/ONMS, 1845 Wasp Blvd., Bldg 176, Honolulu, HI 96818.
- *Public Meetings*: Provide oral comments during public meetings, as described under DATES. Details and additional information about how to participate in these public meetings is available at *https://sanctuaries.noaa.gov/papahanaumokuakea/*

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (for example, name and address) voluntarily submitted by the commenter will be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA will accept anonymous comments (enter N/A in the required fields to remain anonymous).

Copies of the proposed rule, the DEIS, DMP, maps of the proposed boundaries, and additional background materials can be downloaded or viewed at www.regulations.gov (search for docket #NOAA-NOS-2021-0114). Copies will also be available at *https://sanctuaries.noaa.gov/papahanaumokuakea/.*

FOR FURTHER INFORMATION CONTACT: Eric Roberts, Papahānaumokuākea Marine National Monument Superintendent, at *Eric.Roberts@noaa.gov* or 808-294-7470.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1431 *et seq*.) authorizes the Secretary of Commerce (Secretary) to designate and protect as national marine sanctuaries areas

of the marine environment that are of special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities. Day-to-day management of national marine sanctuaries has been delegated by the Secretary to NOAA. The primary objective of the NMSA is to protect the resources of the National Marine Sanctuary System.

NOAA proposes to designate marine portions of the Papahānaumokuākea Marine National Monument as a national marine sanctuary to provide comprehensive and coordinated management of the marine areas of Papahānaumokuākea to protect nationally significant biological, cultural, and historical resources. The original Papahānaumokuākea Marine National Monument (PMNM, 0-50 nm), and the Monument Expansion Area (MEA, 50-200 nm), (collectively "Monument"), located around the Northwestern Hawaiian Islands, were established under the Antiquities Act of 1906 (54 U.S.C. 320301 *et seq.*) through, respectively, Presidential Proclamation 8031 of June 15, 2006; as amended by Presidential Proclamation 8112 of February 28, 2007; and Presidential Proclamation 9478 of August 26, 2016. The Monument is administered jointly by four Co-Trustees—the Department of Commerce, the Department of the Interior, the State of Hawai'i, and the Office of Hawaiian Affairs.

In 2006, former President Bush established PMNM to protect and preserve the marine area of the Northwestern Hawaiian Islands and certain lands as necessary for the care and management of the historic and scientific objects therein. The Federal land and interests in land reserved included approximately 139,793 square miles of emergent and submerged lands and waters of the Northwestern Hawaiian Islands. NOAA and the United States Fish and Wildlife Service (USFWS) promulgated implementing regulations at 50 CFR part 404 for PMNM.

In 2016, Presidential Proclamation 9478 expanded the Monument into an adjacent area—the MEA—which includes the waters and submerged lands to the extent of the seaward limit of the United States Exclusive Economic Zone (U.S. EEZ) west of 163° West Longitude and covers an additional 442,781 square miles. Presidential Proclamation 9478 also directed the Secretary of

Commerce to consider initiating the process to designate the MEA and PMNM seaward of the Hawaiian Islands National Wildlife Refuge and Midway Atoll National Wildlife Refuge and Battle of Midway National Memorial as a national marine sanctuary to supplement and complement existing authorities. On December 27, 2020, the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2021, directed NOAA to initiate the process to designate the Monument as a national marine sanctuary.

The proposed sanctuary consists of a total area of approximately 582,570 square miles (439,910 square nautical miles). The precise boundary coordinates are defined in appendix A to the regulations at 15 CFR part 922, subpart W. The proposed sanctuary boundary encompasses the submerged lands, seamounts, and Pacific Ocean waters from the shoreline seaward to approximately 200 nautical miles west of 163° West Longitude surrounding the Northwest Hawaiian Islands which consist of the islands, atolls, and emergent lands stretching from Nihoa in the southeast to Kure Atoll in the northwest. The adjoining marine waters east of 163° West Longitude surrounding Nihoa extend seaward from the shoreline to approximately 50 nautical miles. This boundary reflects NOAA's preferred alternative, which is described in the DEIS as Alternative 1.

The proposed sanctuary is a place of unique environmental resources that provide large-scale ecosystem services for both the region and the world. The marine habitat includes several interconnected ecosystems, including coral islands surrounded by shallow reef, deeper reef habitat characterized by seamounts, banks, and shoals, mesophotic reefs with extensive algal beds, pelagic waters connected to the greater North Pacific Ocean, and deep-water habitats such as abyssal plains 5,000 meters below sea level. These ecosystems are connected as essential habitats for rare species such as the threatened green turtle and the critically endangered Hawaiian monk seal, as well as over 14 million seabirds that forage in the pelagic waters to nourish the chicks they are raising on the tiny islets. These waters are home to 20 cetacean species protected by the Marine Mammal Protection Act (MMPA), with some listed as

endangered under the Endangered Species Act (ESA). The importance of these waters to the Hawaiian humpback whale is only recently becoming understood. At least a quarter of the nearly 7,000 known marine species found in the region are found nowhere else on Earth.

The area of the proposed sanctuary is also a sacred place to Native Hawaiians, who regard the islands and wildlife as kūpuna, or ancestors. The region holds deep cosmological and traditional significance for living Native Hawaiian culture. Papahānaumokuākea is as much a spiritual as well as a physical geography, deeply rooted in Native Hawaiian creation and settlement stories. Since Native Hawaiian culture considers nature and culture to be one and the same, the protection of one of the last nearly pristine, natural, marine ecosystems in the archipelago is seen as being akin to preserving the living culture.

The area of the proposed sanctuary also includes the location of the Battle of Midway, a turning point in World War II for the allies in the Pacific Theater. Research indicates that there are 60-80 military vessels and hundreds of aircraft on the seafloor. In addition to Navy steamers and aircraft, there are whaling ships, Japanese junks, Hawaiian fishing sampans, Pacific colliers, and other vessels from the 19th and 20th centuries. Of these, the locations of more than 30 vessel wreck sites have been confirmed by diving or bathymetric surveys, with only a handful of those identified by vessel name or otherwise evaluated.

B. Purpose and Need for Action

The National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1431 *et seq*.) authorizes the Secretary to designate national marine sanctuaries to meet the purposes and policies of the NMSA, including:

- "to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities" (16 U.S.C. 1431(b)(2));
- "to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and

ecological processes" (16 U.S.C. 1431(b)(3));

- "to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archaeological resources of the National Marine Sanctuary System" (16 U.S.C. 1431(b)(4));
- "to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas" (16 U.S.C. 1431(b)(5));
- "to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities" (16 U.S.C. 1431(b)(6));

NOAA's proposed action is to designate marine areas of Papahānaumokuākea as a national marine sanctuary. The purpose of this action is to provide comprehensive and coordinated management of the marine areas of Papahānaumokuākea to protect nationally significant biological, cultural, and historical resources. Additionally, the purpose of the designation is to implement the provisions of Executive Order 13178, Presidential Proclamation 9478, and the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2021.

Accordingly, NOAA is proposing to designate this area as a national marine sanctuary to:

- Develop objectives and actions that ensure lasting protection consistent with the existing Monument proclamations;
- Safeguard natural and cultural values of the marine environment;
- Apply additional regulatory and non-regulatory tools to augment and strengthen existing protections for Papahānaumokuākea ecosystems, wildlife, and cultural and maritime heritage resources;
- Authorize NOAA to assess civil penalties for violations of provisions of the NMSA and regulations and permits issued pursuant to the NMSA (16 U.S.C. 1437(d));

- Impose liability for destruction, loss of, or injury to sanctuary resources and provide natural resource damage assessment authorities for destruction, loss of, or injury to any sanctuary resource (16 U.S.C. 1443); and
- Require interagency consultation for any Federal agency action that is likely to destroy, cause the loss of, or injure any sanctuary resource (16 U.S.C. 1434(d));

C. Designation Process

1. Notice of Intent to Designate a National Marine Sanctuary

On November 19, 2021, NOAA initiated the process to designate marine portions of the Monument as a national marine sanctuary by publishing a Notice of Intent to Conduct Scoping and to Prepare an Environmental Impact Statement for the Proposed Designation of a National Marine Sanctuary within Papahānaumokuākea Marine National Monument (86 FR 64904). The notice of intent stated that NOAA would prepare a DEIS per the requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq*.) and the NMSA. The notice of intent (NOI) also announced NOAA's intent to fulfill its responsibilities under the National Historic Preservation Act (NHPA; 54 U.S.C. 300101 *et seq*.). The State of Hawai'i published its EIS preparation notice on December 8, 2021. Following publication of these notices, NOAA conducted four virtual public scoping meetings. During the 74-day public comment period from November 19, 2021 through January 31, 2022, 73 individuals and organizations provided written input. An estimated 165 people attended the four scoping meetings, with 9 people providing oral comments. The Summary of Scoping Input on the Notice of Intent and EIS Preparation Notice and State of Hawai'i Responses to Public Scoping Comments are included in the DEIS as appendix G.

2. Development of Proposed Terms of Designation and Proposed Regulations

Section 304(a)(4) of the NMSA requires that the terms of designation include: (1) the geographic area that is proposed to be included within the sanctuary; (2) the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or

esthetic value; and (3) the types of activities that would be subject to regulation by the Secretary to protect these characteristics. Section 304(a)(4) of the NMSA also specifies that the terms of designation may be modified only by the same procedures by which the original designation was made.

The purpose and need for the sanctuary provide the overarching basis for developing the proposed regulations. The designation of the proposed sanctuary would not replace the area's current status as a marine national monument. The proposed rule would supplement the existing provisions for management of the Monument and further protect resources in the Northwest Hawaiian Islands. To draft these regulations, NOAA reviewed the following, which currently guide Monument management:

- Executive Order 13178- Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, December 4, 2000;
- Presidential Proclamation 8031- Establishment of the Northwestern Hawaiian Islands Marine National Monument, June 15, 2006;
- Presidential Proclamation 8112, Amending Proclamation 8031 of June 15, 2006 to Read "Establishment of the Papahānaumokuākea Marine National Monument," February 29, 2007;
- Regulations implementing Presidential Proclamations 8031 and 8112 at 50 CFR part 404; and
- Presidential Proclamation 9478- Papahānaumokuākea Marine National Monument Expansion, August 26, 2016.

These executive orders, presidential proclamations, and regulations served as benchmarks for drafting the proposed rule for the proposed sanctuary. The proposed rule would only add to, and would not diminish, Monument management measures and protections. NOAA has adopted the management measures from these benchmarks, and, in a few areas, added onto those measures to allow for consistency in regulation and management across the proposed sanctuary.

The proposed rule unifies management of the area by removing discrepancies and gaps in prohibitions, regulated activities, and permit criteria, providing clarity and comprehensive protection for the proposed sanctuary.

In developing this proposed rule and the proposed sanctuary terms of designation, NOAA also considered: (1) information received through public scoping comments, cooperating agency review, and coordination with the Monument Co-Trustees through the seven-member Monument Management Board (MMB), which consists of NOAA ONMS, NOAA National Marine Fisheries Service, USFWS Ecological Services, USFWS Refuges, Hawai‘i Department of Land and Natural Resources (DLNR) Division of Aquatic Resources, DLNR-Division of Forestry and Wildlife, and the Office of Hawaiian Affairs (OHA); and (2) information from analysis of issues in the DEIS, interagency coordination, and internal staff analysis and expertise. NOAA also consulted with the Western Pacific Regional Fishery Management Council as required under the NMSA.

A detailed discussion of the proposed rule is contained below in section III, subsections A through M. The proposed terms of designation are contained below in section II, and are incorporated as an annex to the DMP.

3. Development of Draft Management Plan

A DMP has been prepared in accordance with NMSA section 304(a)(2)(C). Management plans are site-specific documents that ONMS uses to manage individual sanctuaries. The DMP: (1) articulates the sanctuary's vision, mission, goals, and objectives; (2) describes the management activities and initiatives that NOAA proposes to conduct; and (3) provides strategies and assessment measures to guide the sanctuary's short and mid-range management. The DMP for the sanctuary is included as appendix A to the DEIS.

4. Draft Environmental Impact Statement

In accordance with National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq*.), the NMSA, and the Hawai‘i Environmental Policy Act (HEPA, Chapter 343 HRS, HAR Chapter

11-200.1), NOAA is releasing a DEIS for the proposed national marine sanctuary designation in conjunction with the publication of this proposed rule. NOAA is the lead Federal agency in the preparation of the environmental impact statement. The USFWS, State of Hawai'i, and the Department of the Navy are cooperating agencies for the NEPA process. The DEIS (https://sanctuaries.noaa.gov/papahanaumokuakea/) describes the purpose and need for the proposed action of designating a national marine sanctuary, identifies a range of alternatives including the preferred alternative, provides an assessment of resources and uses in the area, and evaluates the potential environmental consequences of the proposed designation including by comparing the beneficial and adverse impacts among alternatives.

The DEIS analyzes four alternatives; including a "no action" alternative, in which the area would not be designated as a national marine sanctuary; and three boundary alternatives:

- Alternative 1 is coextensive with the marine portions of the Monument. The boundary includes the marine environment surrounding the Northwestern Hawaiian Islands from the shoreline of the islands and atolls seaward to 200 nautical miles, including all State waters and waters of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, Midway Atoll and Hawaiian Islands National Wildlife Refuges, and State of Hawai‘i Northwestern Hawaiian Islands Marine Refuge. The area encompassed in Alternative 1 is approximately 582,570 square miles (439,910 square nautical miles).
- Alternative 2 includes the marine environment from the shoreline of the islands and atolls seaward to 50 nautical miles. This alternative includes all State waters and waters of the Reserve, Midway Atoll and Hawaiian Islands National Wildlife Refuges, and State of Hawai‘i Northwestern Hawaiian Islands Marine Refuge. This alternative does not include the MEA. The area encompassed in Alternative 2 is approximately 139,782 square miles (105,552 square nautical miles).
- Alternative 3 has the same boundaries as Alternative 1, excluding waters within

the Midway Atoll and Hawaiian Islands National Wildlife Refuges. The area encompassed in Alternative 3 is approximately 581,263 square miles (438,923 square nautical miles).

5. Agency-Preferred Alternative

NOAA is identifying Alternative 1 as the agency-preferred alternative (preferred alternative) based on its comparative merits; this alternative serves as the foundation of this proposed rule (section 3.3 of the DEIS presents a map and an additional explanation of the reasons for this selection). NOAA selected its preferred alternative after considering input from the Monument Management Board, the State of Hawai‘i, cooperating agencies, and public scoping meetings. Through the analysis in the DEIS, NOAA has found that the preferred alternative would provide numerous beneficial impacts, including increased protection and conservation of resources, and improved coordination of conservation and management. NOAA has also considered the potential adverse impacts of the preferred alternative and anticipates that there would be no significant adverse impacts to biological and physical resources, cultural and historic resources, or socioeconomic resources.

NOAA's identification of Alternative 1 as the preferred alternative is based on the need for additional resource protection, scientific research, and public education in areas that would be excluded by selecting the boundaries of Alternatives 2 or 3. Alternative 1 includes the MEA, an area which would benefit from the establishment of a NOAA permitting process, and the promulgation of sanctuary regulations to protect resources. Alternative 1 also includes the waters of Midway Atoll and Hawaiian Islands National Wildlife Refuges National Wildlife Refuges, which are the areas of the proposed sanctuary subject to the highest level of human activity.

Based on the public comments NOAA receives on the draft designation documents and NOAA's experience administering the national marine sanctuary program, pursuant to NEPA and the Administrative Procedure Act, NOAA may choose to select a different alternative in the final rule and final EIS that is within the geographic and regulatory scope of the alternatives

currently considered in the DEIS, and that is a logical outgrowth of this proposed rule.

II. Proposed Sanctuary Terms of Designation

Section 304(a)(4) of the NMSA as amended, 16 U.S.C. 1434(a)(4), requires that the terms of designation be described at the time a sanctuary is designated, including: (1) the geographic area proposed to be included within the sanctuary; (2) the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or aesthetic value; and (3) the types of activities that will be subject to regulation by the Secretary of Commerce to protect these characteristics. The following represents the proposed terms of designation:

Under the authority of the National Marine Sanctuaries Act, as amended (the "Act" or "NMSA"), 16 U.S.C. 1431 *et seq*., approximately 439,910 square nmi (582,570 square mi) of the waters of the Pacific Ocean surrounding the Northwestern Hawaiian Islands are hereby designated as a National Marine Sanctuary for the purpose of providing long-term protection and management of the ecological, cultural, and historical resources and the conservation, recreational, scientific, educational, and aesthetic qualities of the area.

Article I: Effect of Designation

The NMSA authorizes the issuance of such regulations as are necessary and reasonable to implement the designation, including managing and protecting the ecological, cultural, and historical resources and the conservation, recreational, scientific, educational, and aesthetic qualities of Papahānaumokuākea National Marine Sanctuary (the "Sanctuary"). Section 1 of Article IV of these terms of designation lists those activities that may be regulated on the effective date of designation, or at some later date, in order to protect Sanctuary resources and qualities. Listing an activity does not necessarily mean that it will be regulated. However, if an activity is not listed it may not be regulated, except on an emergency basis, unless section 1 of Article IV is amended by the same procedures by which the original Sanctuary designation was made.

Article II: Description of the Area

The sanctuary encompasses the submerged lands, seamounts, and Pacific Ocean waters from the shoreline seaward to approximately 200 nautical miles west of 163° West Longitude surrounding the Northwestern Hawaiian Islands which consist of the islands, atolls, and emergent lands stretching from Nihoa in the southeast to Hōlanikū (Kure Atoll) in the northwest. The marine waters east of 163° West Longitude surrounding Nihoa extend seaward from the shoreline to approximately 50 nautical miles. The total area of the sanctuary comprises approximately 582,570 square miles (439,910 square nautical miles). The precise boundary coordinates are defined in appendix A to the regulations at 15 CFR part 922, subpart W

Article III: Special Characteristics of the Area

Papahānaumokuākea is a place of special national significance that provides large-scale ecosystem services for the region and the world. The marine habitat includes several interconnected ecosystems, including coral islands surrounded by shallow reef, deeper reef habitat characterized by seamounts, banks, and shoals scattered across the area of the sanctuary, mesophotic reefs with extensive algal beds, pelagic waters connected to the greater North Pacific Ocean, and deep-water habitats and abyssal plains 5,000 meters below sea level. These connected ecosystems provide essential habitats for rare species such as the threatened green sea turtle and the critically endangered Hawaiian monk seal, as well as habitat for more than 14 million seabirds that forage in the pelagic waters to nourish the chicks they are raising on the tiny islets. Papahānaumokuākea is home to 20 cetacean species, protected by the MMPA, with some listed as endangered under the ESA. At least a quarter of the nearly 7,000 known marine species found in the region are found nowhere else on Earth.

The area of the proposed sanctuary is also a place of historic and cultural significance. The area of the proposed sanctuary includes the location of the Battle of Midway, a turning point in World War II for the allies in the Pacific Theater. Research indicates that 60-80 military vessels and hundreds of aircraft are scattered across the seafloor. In addition to Navy steamers

and aircraft, there are whaling ships, Japanese junks, Hawaiian fishing sampans, Pacific colliers, and other vessels from the 19th and 20th centuries.

Papahānaumokuākea is also a sacred place to Native Hawaiians, who regard the islands and wildlife as kūpuna, or ancestors. The region holds deep cosmological and traditional significance to living Native Hawaiian culture and contains a host of intact and significant archaeological sites found on the islands of Nihoa and Mokumanamana, both of which are on the National Register of Historic Places and Hawai'i Register of Historic Places. Papahānaumokuākea is as much a spiritual as a physical geography, rooted deep in Native Hawaiian creation and settlement stories.

Article IV: Scope of Regulations

Section 1. Activities Subject to Regulation

The following activities are subject to regulation, including prohibition, as may be necessary to ensure the protection and effective management of the ecological, cultural, historical, conservation, recreational, scientific, educational, or aesthetic resources or qualities of the area:

1. Access to the sanctuary;
2. Ship reporting;
3. Vessel monitoring;
4. Vessel discharge;
5. Exploring for, developing, or producing oil, gas, or minerals, or any energy development activities;
6. Using or attempting to use poisons, electrical charges, or explosives in the collection or harvest of a sanctuary resource;
7. Introducing or otherwise releasing an introduced species from within or into the sanctuary;
8. Deserting a vessel;

9. Commercial fishing;
10. Non-commercial fishing;
11. Possessing fishing gear;
12. Anchoring on or having a vessel anchored on any living or dead coral with an anchor, anchor chain, or anchor rope;
13. Drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands;
14. Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging; or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving sanctuary resource;
15. Attracting any living sanctuary resource;
16. Touching coral, living or dead;
17. Swimming, snorkeling, or closed or open circuit SCUBA diving; or
18. Discharging or depositing any material or other matter, or discharging or depositing any material or other matter outside of the sanctuary that subsequently enters the sanctuary and injures or has the potential to injure any resources of the sanctuary;
19. Anchoring a vessel;
20. Native Hawaiian practices;
21. Research and scientific exploration;
22. Scientific research and development by Federal agencies;
23. Activities that will further the educational value of the sanctuary or will assist in the conservation and management of the sanctuary; and
24. Recreational activities.

Listing an activity here means that the Secretary of Commerce can regulate the activity, after complying with all applicable laws, without going through the designation procedures required by paragraphs (a) and (b) of section 304 of the NMSA. No term of designation issued

under the authority of the NMSA may take effect in Hawai‘i State waters within the Sanctuary if the Governor of Hawai‘i certifies to the Secretary of Commerce that such term of designation is unacceptable within the review period specified in the NMSA.

Section 2. Emergencies

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or to minimize the imminent risk of such destruction, loss, or injury, any and all activities, including those not listed in section 1, are subject to immediate temporary regulation, including prohibition.

Article V: Alteration of This Designation

The terms of designation, as defined under section 304(a)(4) of the NMSA, may be modified only by the same procedures by which the original designation is made, including public hearings, consultations with interested Federal, Tribal, State, regional, and local authorities and agencies, review by the appropriate Congressional committees, and approval by the Secretary of Commerce, or his or her designee.

III. Summary of Proposed Regulations

A. Adding New Subpart W

NOAA is proposing to amend 15 CFR part 922 by adding a new subpart (subpart W) that contains site-specific regulations for the proposed sanctuary. This subpart would include the proposed boundary, contain definitions of common terms used in the new subpart, identify prohibited activities and exceptions, and establish procedures for permitting otherwise prohibited activities.

B. Proposed Sanctuary Boundary

NOAA proposes to designate the marine environment surrounding the Northwestern Hawaiian Islands from the shoreline of the islands and atolls seaward to 200 nautical miles, including all waters of the Monument. NOAA estimates the area encompassed in the proposed designation is approximately 582,570 square miles (439,910 square nautical miles).

C. Definitions

This proposed rule incorporates and adopts common terms defined in the national regulations at 15 CFR 922.11. In addition, NOAA proposes to include 19 site-specific definitions. To the extent that a term appears in § 922.11 and the definitions section of the proposed rule, the definition in the proposed rule would govern.

- The definitions for "Bottomfish Species" and "Pelagic Species" are adopted from regulations for Fisheries in the Western Pacific, 50 CFR 665.201 and 50 CFR 665.800.
- "Ecological integrity", "Midway Atoll Special Management Area", "Native Hawaiian practices", "Pono", "Recreational activity", "Special Preservation Area (SPA)", "Stowed and not available for immediate use", "Sustenance fishing", and "Vessel monitoring system or VMS", are adopted from Presidential Proclamation 8031.
- "Commercial fishing" and "Non-commercial fishing" are adopted from the MSA and, in part, from regulations for Fisheries in the Western Pacific, 50 CFR 665.12.
- "Particularly Sensitive Sea Area (PSSA)" is adopted from IMO Resolution A.982(24), December 1, 2005.
- "Areas to be avoided (ATBA)" and "Office of Law Enforcement" are adopted from Papahānaumokuākea Marine National Monument regulations, 50 CFR 404.3.
- "Outer Sanctuary Zone (OSZ)" refers to the area of the sanctuary that would extend from approximately 50 nautical miles from all the islands and emergent lands of the Northwestern Hawaiian Islands to the extent of the seaward limit of the United States Exclusive Economic Zone west of 163° West Longitude. This area of the proposed sanctuary would correspond with the area designated as a marine national monument by Presidential Proclamation 9478, referred to as the "Papahānaumokuākea Marine National Monument Expansion" or MEA. NOAA is proposing this definition to provide clarity to the public where there is a regulation that only applies to this area of the sanctuary, and

not the entire sanctuary. The name "OSZ" is a placeholder, and NOAA is soliciting public comment on possible names for this area of the proposed sanctuary.

- "Reporting Area" refers to the area of the proposed sanctuary that extends outward ten nautical miles from the PSSA boundary, as designated by the IMO, and excludes the ATBAs that fall within the PSSA boundary. The reporting area is defined by the coordinates set forth in appendix E to the proposed rule. NOAA is proposing to define the "reporting area" to clarify in which areas of the proposed sanctuary ship reporting requirements apply.
- "Scientific instrument" is a term used in Presidential Proclamation 9478, but the term was not defined. Specifically, Presidential Proclamation 9478 prohibits "drilling into, dredging, or otherwise altering the submerged lands, or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands, except for scientific instruments". NOAA proposes to define "scientific instrument" to clarify what may or may not be permitted. NOAA proposes to define "scientific instrument" to mean "a device, vehicle, or tool used for scientific purposes and is inclusive of structures, materials, or other matter incidental to proper use of such device, vehicle, or tool." In defining "scientific instruments," NOAA's definition provides for the inclusion of "structures, materials, or other matter incidental to proper use of such device, vehicle, or tool" because, based on the type of activities previously permitted in the Monument, proper deployment and use of most scientific instruments requires more than the instrument itself. For example, there may be incidental ballast discharge associated with the use of a scientific instrument like a remotely operated vehicle, or ROV. A narrower definition of "scientific instruments" could unduly restrict NOAA's ability to permit activities in the area of the proposed sanctuary that overlaps with the MEA, the OSZ. NOAA believes a narrower definition would be inconsistent with the intent of Presidential Proclamation 9478, which states "Undisturbed seamount communities in the

adjacent area are of significant scientific interest because they provide opportunities to examine the impacts of physical, biological, and geological processes on ecosystem diversity, including understanding the impacts of climate change on these deep-sea communities. These seamounts and ridges also provide the opportunity for identification and discovery of many species not yet known to humans, with possible implications for research, medicine, and other important uses. Recent scientific research, utilizing new technology, has shown that many species identified as objects in Proclamation 8031 inhabit previously unknown geographical ranges that span beyond the existing Monument, and in some cases the adjacent area also provides important foraging habitat for these species." These statements clearly demonstrate the significant scientific value of the MEA and underscore the opportunities for research and discovery to occur in that area of the proposed sanctuary.

D. Co-management of the Sanctuary

To enhance opportunities and build on existing protections, NOAA and the State of Hawai‘i would collaboratively manage the sanctuary. NOAA would establish the framework for co-management in section 922.242 of the proposed rule and may develop a Memorandum of Agreement (MOA) with the State of Hawai‘i to provide greater details of the terms of co-management. NOAA and the State may develop additional agreements as necessary to provide details on the execution of sanctuary management, such as activities, programs, and permitting that can be updated to adapt to changing conditions or threats to the sanctuary resources. Any proposed changes to sanctuary regulations or boundaries would be coordinated with the State and subject to public review as mandated by the NMSA and other Federal statutes. Co-management of the proposed sanctuary with the State of Hawai‘i would not supplant the existing co-management structure for the Monument.

E. Access

In PMNM, pursuant to Presidential Proclamation 8031, access is prohibited except under the following circumstances: (1) for emergency response and law enforcement purposes; (2) for activities and exercises of the Armed Forces; (3) for persons who have been issued Monument permits; and (4) for passage without interruption. For consistency, and to protect sanctuary resources, NOAA proposes extending the access restrictions which apply to the area of the proposed sanctuary that overlaps the PMNM to the area of the proposed sanctuary that overlaps with the MEA as follows:

Access to the sanctuary would be prohibited and thus unlawful except under the following circumstances: (1) for emergency response actions, law enforcement activities, and activities and exercises of the Armed Forces; (2) pursuant to a sanctuary permit; (3) when conducting non-commercial fishing activities in the OSZ authorized under the Magnuson-Stevens Fishery Conservation and Management Act provided that no sale of harvested fish occurs; and (4) when passing through the sanctuary without interruption.

A vessel may pass without interruption through the sanctuary without requiring a permit as long as the vessel does not stop, anchor or engage in prohibited activities within the sanctuary, and vessel discharges are limited to the following:

- Vessel engine cooling water, weather deck runoff, and vessel engine exhaust within a Special Preservation Areas or the Midway Atoll Special Management Area; and
- Discharge incidental to vessel operations such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust in areas other than Special Preservation Areas or the Midway Atoll Special Management Area.

A vessel passing through the sanctuary without interruption may be subject to the ship reporting system, as described below.

The proposed access restrictions would be applied in accordance with generally recognized principles of international law, in accordance with sections 305(a) and 307(k) of the

NMSA and the NMSA's Regulations of General Applicability at 15 CFR 922.1(b). No regulation shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States vessels unless in accordance with generally recognized principles of international law.

F. Ship Reporting

NOAA also proposes regulations to implement the ship reporting system (CORAL SHIPREP) adopted by the International Maritime Organization (IMO), which would require entrance and exit notifications for vessels that pass without interruption through the sanctuary areas contained within a reporting area. NOAA proposes to establish this reporting area, which would be defined as "the area of the proposed sanctuary that extends outward ten nautical miles from the PSSA [Particularly Sensitive Sea Area] boundary, as designated by the IMO, and excludes the ATBAs [Areas to be avoided] that fall within the PSSA boundary." The reporting area would be further defined by the coordinates set forth in appendix E to the proposed rule. Appendix E includes a coordinates table for the "Reporting Area Outer Boundary," which contains the reporting area's boundary surrounding the PSSA. Appendix E also includes coordinate tables for the "Inner Reporting Area Boundary" for each of the four ATBAs that fall within the PSSA, but which are not part of the reporting area.

NOAA proposes exemptions for emergency response and law enforcement purposes, and for activities and exercises of the Armed Forces. Therefore, CORAL SHIPREP's requirements would not apply to vessels covered by those exemptions. The proposed regulations do not apply to vessels conducting activities pursuant to a sanctuary permit or vessels conducting non-commercial fishing activities in the OSZ authorized under the Magnuson-Stevens Fishery Conservation and Management Act. The proposed regulations also do not apply to sovereign immune vessels. This is consistent with sections 305(a) and 307(k) of the NMSA, and the NMSA's Regulations of General Applicability at 15 CFR 922.1(b), which state that sanctuary regulations shall be applied in accordance with generally recognized principles of international

law. No regulation shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States vessels unless in accordance with generally recognized principles of international law.

Requiring vessels to notify NOAA immediately upon entering the reporting area, will help make the operators of these vessels aware that they are traveling through a fragile area with potential navigational hazards such as the extensive coral reefs found in many shallow areas of the proposed sanctuary contained within the reporting area. The reporting area for the proposed sanctuary would not include the four voluntary ATBAs adopted by the IMO that are also within the PSSA. An ATBA is an area within which either navigation is particularly hazardous or it is exceptionally important to avoid casualties. While ATBAs can be mandatory (i.e., vessels are required by applicable law to avoid and operate outside of the area) most are voluntary and vessels may travel through them. Because the four ATBAs in the PSSA are voluntary, as adopted by the IMO and implemented by these proposed regulations, the ATBAs are outside of the reporting area. Nonetheless, by virtue of entering or exiting an ATBA, vessels would also be departing or entering the reporting area, and, therefore be subject to the reporting area's requirements four times: (1) once when it enters the reporting area; (2) once when it leaves the reporting area to enter the ATBA; (3) once when it exits the ATBA and enters the reporting area on the other side of the ATBA; and (4) once when it once again leaves the reporting area. The potential burden of reporting four times is justified by the navigational hazards that exist within the ATBAs. The reporting area also includes three large areas within the PSSA that are not within the ATBAs. These breaks between the four ATBAs allow for north-south passages through the sanctuary areas contained within the reporting area that can be utilized for navigation to avoid ATBAs. Vessels passing through the sanctuary in these areas would only send e-mail notification twice: once upon entering the reporting area, and again upon leaving the reporting area.

NOAA is proposing to implement CORAL SHIPREP's requirements under the NMSA in

keeping with the United States' and IMO's long-standing interest in providing additional protection to the natural, cultural, and historic resources in PMNM through ship reporting requirements. In June 2006, Presidential Proclamation 8031 directed the Secretary of Commerce and Secretary of Interior to require notification from any person passing through PMNM without interruption at least 72 hours, but no longer than 1 month, prior to the entry date, and within 12 hours of departure. Presidential Proclamation 8031 further indicated the specific types of information that must be provided in the notification. These notification requirements were subsequently codified in 50 CFR 404.4. Presidential Proclamation 8031 also directed the Secretary of State, in consultation with the Secretary of Commerce and Secretary of Interior, to seek the cooperation of other governments and international organizations in furtherance of the purposes of the proclamation and consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas.

In accordance with Proclamation 8031, in April 2007, the United States proposed to the IMO that PMNM be designated as a PSSA to protect the attributes of the fragile and integrated coral reef ecosystem from potential hazards associated with international shipping activities. The U.S. noted in its proposal that the proposed PSSA and its associated protective measures would result in a minimal burden to international shipping, would significantly further increase maritime safety, protection of the fragile environment, preservation of cultural resources and areas of cultural importance significant to Native Hawaiians, and would facilitate responses to developing maritime emergencies. On April 3, 2008, the IMO designated the PMNM as a PSSA. As part of the PSSA designation process, the IMO adopted U.S. proposals for associated protective measures consisting of expanding and consolidating the six existing recommendatory ATBAs in the PMNM into four larger areas and enlarging the class of vessels to which they apply and establishing a ship reporting area and system for vessels transiting the PMNM, which is mandatory for ships 300 gross tons or greater that are entering or departing a U.S. port or place and recommended for other ships. The system requires that ships notify the U.S. shore-based

authority (*i.e.*, the U.S. Coast Guard; NOAA will be receiving all messages associated with this program on behalf of the Coast Guard) at the time they begin transiting the reporting area and again when they exit. In December 2008, NOAA and the USFWS published final regulations to establish a ship reporting system for PMNM, that implemented measures adopted by the IMO requiring notification by ships passing through PMNM without interruption (73 FR 73592). These regulations modified the previous notification requirements at 50 CFR 404.4.

NOAA is proposing to implement the ship reporting system as adopted by the IMO and to establish the reporting area using the boundary coordinates in appendix E to the proposed rule to provide additional protection to the natural, cultural, and historic resources in the proposed sanctuary. Accordingly, NOAA's proposed regulations build upon the requirements outlined in Presidential Proclamation 8031, and reflect additions made through the IMO's adoption of a ship reporting system and the implementation of that system in 50 CFR 404.4. NOAA proposes minor language changes from the process adopted by IMO Resolution MEPC.171(57) and IMO Resolution MSC.279(85) to provide clarity to the public on which vessels are required to participate in ship reporting and the type of information that should be reported. NOAA proposes one substantive addition to the types of reporting information in the IMO Resolutions, that vessels report "[a]ny pollution incident or goods lost overboard within the PSSA, the reporting area, or the U.S. EEZ." This addition was included in the December 2008 final regulations to establish a ship reporting system for PMNM.

The NMSA provides NOAA with the authority to designate a national marine sanctuary and promulgate regulations implementing the designation if NOAA determines, among other things, that the area is of special national significance (see 16 U.S.C. 1433(a)(2)). NOAA's determination of special national significance is to be based on (1) the area's conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities; (2) the communities of living marine resources it harbors; or (3) its resource or human-use values. In designating PMNM as a PSSA, the IMO expressly recognized the ecological,

socio-economic, and scientific attributes of the area—including, a "unique, fragile, and pristine coral reef ecosystem" and "significant cultural and archaeological resources"—and their vulnerability to international shipping activities (see IMO Resolution MEPC.171(57)). The IMO highlighted PMNM's (1) more than 7,000 species of fish, mammals, plants, coral, and other invertebrates; (2) critical habitat, spawning, and breeding grounds; (3) cultural significance to Native Hawaiians, rich underwater cultural heritage from the World War II Battle of Midway; and (4) unparalleled opportunities in scientific research. Given the IMO's findings in designating the PSSA and adopting a ship reporting system as an associated protective measure, NOAA's proposed regulations implementing CORAL SHIPREP are necessary and reasonable to conserve and manage this area of special national and international significance as part of the proposed sanctuary (see 16 U.S.C. 1434(a)(1)(A)).

G. Activities that are prohibited or otherwise regulated

NOAA is proposing to supplement and complement existing management of this area by proposing prohibited or otherwise regulated activities in section 922.244. Presidential Proclamations 8031, 8112, and 9478, and regulations implementing Presidential Proclamations 8031 and 8112 at 50 CFR part 404 provide the foundation for the proposed prohibitions. However, minor changes are made in the proposed rule to remove discrepancies and gaps in prohibitions and regulated activities between PMNM and the MEA in order to allow for consistency in management across the proposed sanctuary.

Within PMNM, the proposed prohibitions are all currently in place through 50 CFR part 404 except for prohibitions 1 and 4 (detailed below). Minor changes are proposed to prohibitions 1 and 4 to remove discrepancies across the two zones (PMNM and MEA). Regulations implementing Presidential Proclamation 9478 have not yet been promulgated for the MEA. Many of the prohibitions adopted in the proposed rule are identified in Presidential Proclamation 9478, which established the MEA. Any prohibitions proposed for the area of the proposed

sanctuary that overlaps with the MEA that are not adopted directly from Presidential Proclamation 9478 are identified below.

1. *Prohibition on exploring for, developing, or producing oil, gas, or minerals, or any energy development activities*

Consistent with the presidential proclamations establishing the Monument, NOAA is proposing to prohibit exploring for, developing, or producing oil, gas, or minerals to protect sanctuary resources and create a seamless management area throughout the proposed sanctuary. The addition of the prohibition on 'any energy development activities' would be new for PMNM, and was added to further the underlying intent of the prohibition on oil, gas, and mineral development by accounting for technological advances in other forms of energy development.

In addition to creating consistency across the two zones, this prohibition will help advance the proposed sanctuary's draft goals and objectives by protecting sensitive marine ecosystems such as fragile coral reefs and deep-sea corals, benthic habitat, and seamounts. Prohibiting oil, gas, and mineral development reduces the risk of offshore spills, such as the Deepwater Horizon oil spill, that could significantly harm sanctuary resources. Deep seabed mining, oil and gas drilling, and other energy development activities, such as renewable energy system installation, destroys fragile benthic habitat, releases sequestered carbon, and spreads sediment plumes that can suffocate both sensitive shallow and deep-sea coral reefs, which negatively impacts nursery and foraging habitat for fish, and reduces the ecosystem's overall resilience.

2. *Prohibition on using or attempting to use poisons, electrical charges, or explosives in the collection or harvest of a sanctuary resource*

NOAA is proposing this prohibition to be consistent with prohibitions identified in the presidential proclamations establishing the Monument.

3. *Prohibition on introducing or otherwise releasing an introduced species from within or into the sanctuary;*

NOAA is proposing this prohibition to be consistent with prohibitions identified in the presidential proclamations establishing the Monument.

4. Prohibition on deserting a vessel

Deserting a vessel is currently a regulated activity (allowed only with a permit) in PMNM pursuant to Presidential Proclamation 8031. Deserting a vessel is a prohibited activity in the MEA pursuant to Presidential Proclamation 9478. NOAA does not see a need to permit this activity and is proposing this prohibition in part to create consistency in management across the proposed sanctuary. Prohibiting this activity would help to prevent desertion of a vessel following a sinking, grounding, or other incident. Prevention is much less expensive than responding to a deserted vessel and can optimally prevent impacts and damage to sanctuary resources as well as to private property.

5. Prohibition on anchoring on or having a vessel anchored on any living or dead coral with an anchor, anchor chain, or anchor rope

NOAA is proposing this prohibition to be consistent with prohibitions identified in the presidential proclamations establishing the Monument.

6. Prohibition on commercial fishing and possessing commercial fishing gear except when stowed and not available for immediate use

Presidential Proclamation 8031 provided that commercial fishing for bottomfish and pelagic fish in PMNM that was permitted by NOAA prior to June 16, 2006 was allowed to continue for 5 years from the date of the proclamation, until June 15, 2011. After that date, Presidential Proclamation 8031 prohibited commercial fishing for bottomfish and associated pelagic species in PMNM. Presidential Proclamation 9478 also prohibits commercial fishing, as well as possessing commercial fishing gear except when stowed and not available for immediate use during passage without interruption in the MEA. NOAA is proposing a sanctuary-wide prohibition on commercial fishing and possessing commercial fishing gear except when stowed

and not available for immediate use to be consistent with the presidential proclamations establishing the Monument.

7. *Prohibition on non-commercial fishing and possessing non-commercial fishing gear except when stowed and not available for immediate use*

The presidential proclamations establishing the Monument broadly restrict the harvest of fishery resources by prohibiting removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving monument resource, as well as attempts to do the same, except as may be allowed with a permit. As noted above, Presidential Proclamations 8031 and 9478 further specify prohibitions on commercial fishing and the possession of commercial fishing gear. The presidential proclamations also identify certain types of non-commercial fishing that may be regulated (*i.e.*, allowed pursuant to a permit or incidental to a permitted activity). Presidential Proclamation 8031, for example, authorizes sustenance fishing incidental to an activity permitted in PMNM. Presidential Proclamation 9478, for example, provides that non-commercial fishing is a regulated activity (*i.e.*, allowed only with a permit) in the MEA. In the sanctuary, NOAA is proposing, for consistency with the proclamations, that "non-commercial fishing" is prohibited unless conducted pursuant to a sanctuary permit or, as discussed below, authorized under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in the OSZ. The proposed rule adopts the definition of "non-commercial fishing" from the regulations for Fisheries in the Western Pacific, which is defined as "fishing that does not meet the definition of commercial fishing in the Magnuson–Stevens Fishery Conservation and Management Act, and includes, but is not limited to, sustenance, subsistence, traditional indigenous, and recreational fishing." 50 CFR 665.12.

NOAA also proposes that "possessing non-commercial fishing gear except when stowed and not available for immediate use" is prohibited unless conducted pursuant to a sanctuary permit or, as discussed below, authorized under the MSA in the OSZ. Presidential Proclamation 8031 includes "possessing fishing gear," as a regulated activity (allowed only with a permit) in

PMNM. Presidential Proclamation 9478 prohibits possessing commercial fishing gear. NOAA's proposal creates continuity between the two areas, and aims to ensure that non-commercial gear is not utilized in an unauthorized manner that could lead to injury to sanctuary resources.

8. *Prohibition on drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands*

This activity is a regulated activity (*i.e.*, allowed only with a permit) in PMNM under Presidential Proclamation 8031. In the MEA, Presidential Proclamation 9478 prohibits this type of activity, except for when conducted for the use of scientific instruments, which is allowed only with a permit, subject to such terms and conditions as the Secretaries deem appropriate. In the sanctuary, NOAA is proposing that these activities are prohibited unless conducted pursuant to a sanctuary permit. In the OSZ, such a permit may only be issued for scientific instruments.

9. *Prohibition on removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging; or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving sanctuary resource*

NOAA is proposing that these activities are prohibited unless conducted pursuant to a sanctuary permit, consistent with the presidential proclamations establishing the Monument.

10. Prohibition on attracting any living sanctuary resource

NOAA is proposing that these activities are prohibited unless conducted pursuant to a sanctuary permit. NOAA is proposing this prohibition to be consistent with a regulated activity identified in Presidential Proclamation 8031 for PMNM. This prohibition would be new in the area of sanctuary that overlaps with the MEA, the OSZ. Prohibiting this activity is intended to address the potential for harassment and disturbance from human interactions with living sanctuary resources.

11. Prohibition on touching coral, living or dead

NOAA is proposing that this activity is prohibited unless conducted pursuant to a sanctuary permit. NOAA is proposing this prohibition to be consistent with a regulated activity (*i.e.*, allowed only with a permit) identified in Presidential Proclamation 8031 for PMNM. This prohibition would be new for the area of sanctuary that overlaps with the MEA, the OSZ. However, prohibition 9 effectively includes this activity, as touching coral is considered a disturbance which may cause injury or damage. Therefore, regulating this activity for the area of the proposed sanctuary that overlaps with the MEA, the OSZ, is primarily a technical addition which provides clarity to the public and resource managers.

12. Prohibition on swimming, snorkeling, or closed or open circuit SCUBA diving

NOAA is proposing that these activities are prohibited unless conducted pursuant to a sanctuary permit. NOAA is proposing this prohibition to be consistent with a regulated activity identified in Presidential Proclamation 8031 for any Special Preservation Area or the Midway Atoll Special Management Area. This prohibition would be new for areas of PMNM that fall outside of any Special Preservation Area or the Midway Atoll Special Management Area, and for the MEA. Expanding this regulated activity to the entire area of the proposed sanctuary allows NOAA to ensure that all in-water activities are done in compliance with the permit findings criteria and requirements, and are consistent with the care and management of sanctuary resources.

13. Prohibition on discharging or depositing any material or other matter into the sanctuary, or discharging or depositing any material or other matter outside of the sanctuary that subsequently enters the sanctuary and injures or has the potential to injure any resources of the sanctuary, except as described for vessel passage without interruption

NOAA is proposing that these activities are prohibited unless conducted pursuant to a sanctuary permit. NOAA is proposing this prohibition to be consistent with regulated activities identified in Presidential Proclamation 8031 for PMNM. NOAA proposes an exception to this activity for vessel passage without interruption, so long as any discharge is limited to "vessel

engine cooling water, weather deck runoff, and vessel engine exhaust within Special Preservation Areas or the Midway Atoll Special Management Area; and

discharge incidental to vessel operations such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust in areas other than Special Preservation Areas or the Midway Atoll Special Management Area." While this prohibition would technically be new for the area of the proposed sanctuary that overlaps with the MEA, the OSZ, Presidential Proclamation 9478 effectively includes this activity. Regulating this activity for the OSZ provides clarity to the public and resource managers. Further, the prohibition on discharges within or into the sanctuary is proposed in recognition that various substances can be discharged from vessels or from infrastructure or individuals along the shoreline that can harm sanctuary resources or qualities. Establishing a cohesive regulatory framework across the proposed sanctuary would benefit sanctuary resources and sanctuary users.

14. Prohibition on anchoring a vessel;

NOAA is proposing that this activity is prohibited unless conducted pursuant to a sanctuary permit. While this activity may be permitted via a sanctuary permit, anchoring on living or dead coral may never be permitted, as noted above under prohibition 5. NOAA is proposing this prohibition on anchoring a vessel, for consistency with a regulated activity identified in Presidential Proclamation 8031 for PMNM and because there is the potential for sanctuary resources, other than corals, to be impacted by anchoring. This prohibition would be new for the area of the proposed sanctuary that overlaps with the MEA, the OSZ. As stated above in Section E, NOAA proposes that a vessel may pass through the sanctuary without requiring a permit as long as the vessel does not stop, anchor or engage in prohibited activities within the sanctuary. Therefore, including this prohibition on anchoring a vessel also provides clarity to the public, resource managers, and enforcement personnel that all users of the proposed sanctuary—vessels conducting passage without interruption and permittees—are subject to the same prohibition on anchoring a vessel unless conducted pursuant to a sanctuary permit.

H. Exemptions for Emergencies

Consistent with existing management of this area, the proposed prohibitions for the proposed sanctuary would not apply to any activity necessary to respond to emergencies that threaten life, property, or the environment, or to activities necessary for law enforcement purposes.

I. U.S. Armed Forces Exemption

Consistent with existing management of this area, NOAA proposes a broad exemption to allow activities and exercises of the U.S. Armed Forces, including those carried out by the U.S. Coast Guard. NOAA recognizes that this broad exemption is necessary to ensure military readiness for the Department of Defense to conduct existing training, operations, and military readiness activities in the area proposed to be designated as a national marine sanctuary. The United States military has been able to maintain readiness and conduct training and other operations in other national marine sanctuaries based on similar broad exemptions.

All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on sanctuary resources and qualities. For any actions of the Armed Forces that are likely to destroy, cause the loss of, or injure sanctuary resources, the Armed Forces must comply with the Interagency Cooperation requirements outlined in section 304(d) of the NMSA, regardless of whether those actions are exempted from the proposed sanctuary's prohibitions.

J. Exemption for Non-Commercial Fishing

NOAA is proposing to exempt non-commercial fishing authorized under the MSA in the area of the sanctuary that overlaps with the MEA, the OSZ, from prohibitions 7 through 14 in the proposed rule, provided that no sale of harvested fish occurs. NOAA has prepared a separate proposed rule under the MSA which shall serve as the primary mechanism for authorizing non-commercial fishing activities. NOAA would periodically evaluate the effect of non-commercial fishing activities on sanctuary resources. Such evaluations would take into consideration the best

scientific information available and evaluate whether additional actions are necessary for the proper care and management of Sanctuary resources, including fishery resources, consistent with goals and objectives of the Sanctuary. This exemption would only apply to the OSZ.

K. Sanctuary permit procedures and criteria

1. Sanctuary General Permits

NOAA is proposing to include authority to issue sanctuary general permits to allow certain activities that would otherwise violate prohibitions 7 through 14. The proposed permitting system is modeled after the existing Monument permitting system. The proposed permitting system would not supplant the joint permitting system for PMNM, and was developed to ensure a continued joint permitting system administered by Monument co-managers. NOAA may develop Memorandum of Agreements in the future to add further clarification on joint-permitting within portions of the sanctuary that overlap with existing permitting programs for the Monument.

National marine sanctuary program-wide regulations at 15 CFR 922.30 describe different purposes for which a sanctuary general permit can be issued. Three of these which would apply to this proposed sanctuary are:

- Research—activities that constitute scientific research or scientific monitoring of a national marine sanctuary resource or quality;
- Education—activities that enhance public awareness, understanding, or appreciation of a national marine sanctuary or national marine sanctuary resource or quality; and
- Management—activities that assist in managing a national marine sanctuary.

NOAA is proposing to add two additional permit categories to 15 CFR 922.30 under which a sanctuary general permit could be issued in the proposed sanctuary:

- Native Hawaiian Practices—activities that allow for Native Hawaiian practices within the proposed sanctuary; and

- Recreation—recreational activities within the proposed sanctuary limited to the Midway Atoll Special Management Area.

NOAA is proposing these two additional general permit categories to be consistent with the types of activities permitted for the PMNM.

The general regulations in 15 CFR part 922, subpart D, relating to the permit application process, review procedures, amendments, and other permitting stipulations would apply. These national permitting regulations include a list of factors NOAA considers in deciding whether or not to issue the permit, such as whether the activity must be conducted within the sanctuary, and whether the activity will be compatible with the primary objective of protection of sanctuary resources and qualities. NOAA would be able to impose specific terms and conditions through a permit as appropriate.

In addition to permit review procedures and evaluation criteria in 15 CFR 922.33, some additional permit review criteria would apply in the proposed sanctuary, including additional criteria specific to Native Hawaiian Practices permits and Recreation permits. NOAA is proposing these additional permit criteria to be consistent with the permit criteria for PMNM.

2. Special Use Permits

NOAA has the authority to issue special use permits (SUPs) in national marine sanctuaries, as established by section 310 of the NMSA (16 U.S.C. 1441) and by 15 CFR 922 subpart D. SUPs can be used to authorize specific activities in a sanctuary if such authorization is necessary to establish conditions of access to, and use of, any sanctuary resource or to promote public use and understanding of a sanctuary resource. Section 310 of the NMSA establishes four requirements for SUPs: (1) activities must be compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources; (2) SUPs shall not authorize the conduct of any activity for a period of more than five years unless otherwise renewed; (3) activities carried out under the SUP must be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and (4) permittees are required to purchase and

maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the SUP and to agree to hold the United States harmless against such claims. The NMSA authorizes NOAA to assess and collect fees for the conduct of any activity under an SUP, including costs incurred, or expected to be incurred, in issuing the permit and the fair market value use of sanctuary resources. Implementing regulations at 15 CFR 922.35 provide additional detail on assessment of fees for SUPs. As is the case with sanctuary general permits, NOAA can place conditions on SUPs specific to the activity being permitted. NOAA shall provide appropriate public notice before identifying any category of activity subject to a special use permit.

NOAA is not proposing any new SUP category as part of this designation. In evaluating applications for special use permits, NOAA would consider all applicable permitting requirements, including permitting procedures and criteria under the Monument's existing management framework. For example, certain activities may be subject to the requirements of special ocean use permits, as authorized by Presidential Proclamation 8031, and issued by Monument managers in the PMNM via 40 CFR 404.11. Special ocean use permit requirements were modeled after SUPs, but also include a few additional requirements, such as for activities within the Midway Atoll Special Management Area.

3. Sustenance Fishing

NOAA may authorize sustenance fishing outside of any Special Preservation Area as a term or condition of any sanctuary permit. Sustenance fishing is fishing for bottomfish or pelagic species in which all catch is consumed within the sanctuary. Sustenance Fishing is allowed incidental to an activity permitted in the PMNM under Presidential Proclamation 8031, and in regulations at 50 CFR part 404. Sustenance fishing was not specifically identified in Presidential Proclamation 9478 governing the MEA but is allowable. For consistency in management and permitting, NOAA proposes allowing for this activity as a term or condition of a general permit or special use permit.

4. VMS

To complement existing management and provide consistency across the entirety of the sanctuary, an owner or operator of a vessel that has been issued a general permit or special use permit under 15 CFR subpart D must ensure that such vessel has a NOAA Office of Law Enforcement (OLE)–approved Vessel Monitoring System (VMS) on board when operating within the sanctuary. Presidential Proclamation 8031 requires an owner or operator of a vessel that has been issued a permit for accessing the PMNM to have an OLE–approved VMS on board. Such a requirement was not included in Presidential Proclamation 9478. For consistency in permitting, and for the reasons identified below, NOAA proposes to impose this requirement across the proposed sanctuary.

NOAA proposes this requirement to support permit compliance, enforcement, and other incidental uses, consistent with the long-standing history of considering and implementing the use of vessel monitoring systems in the area of the proposed sanctuary, beginning with Executive Order 13178 in 2000. In directing the Secretary to manage the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, section 5(b) of Executive Order 13178 indicated that priority issues and actions must include enforcement and surveillance, including the use of new technologies, as well as the use of vessel monitoring systems, if warranted. The 2005 Final Reserve Operations Plan included an Enforcement Action Plan with strategies to investigate innovative technology that would be effective for this large, remote area, as well as to implement VMS. In 2006, Presidential Proclamation 8031, as noted above, required an OLE–approved VMS on board of vessels with permits to access the PMNM. VMS is currently being utilized in the PMNM and is part of the Monument Management Plan's Enforcement Action Plan. The Monument Management Plan highlights, as an example, that when the 85-foot longliner *Swordman I*, carrying more than 6,000 gallons of diesel fuel and hydraulic oil, ran aground at Pearl and Hermes Reef in 2000, vessel monitoring system technology allowed agents to track the disaster and quickly send out equipment for an extensive cleanup.

L. Scientific Exploration and Research by the Department of Commerce and the Department of the Interior

Presidential Proclamation 9478 stipulates that the prohibitions required by the 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." NOAA is proposing to exempt these activities within the OSZ to be consistent with Presidential Proclamation 9478.

M. Other Conforming Amendments

The Regulations of General Applicability at 15 CFR part 922, subpart A, and the regulations related to National Marine Sanctuary Permitting, 15 CFR part 922, subpart D, would have to be amended so that the regulations are accurate and up-to-date. The modified sections to conform to adding a new sanctuary are as follows:

- Section 922.1 Purposes and applicability of the regulations;
- Section 922.4 Boundaries;
- Section 922.6 Prohibited or otherwise regulated activities;
- 922.30 National Marine Sanctuary general permits;
- 922.33 Review procedures and evaluation; and
- 922.37 Appeals of permitting decisions.

IV. Requests for Comments

NOAA is requesting comments on this proposed rule, including comments on the terms of designation and the proposed regulations, the DEIS, and the DMP for the proposed sanctuary. NOAA will publish the final EIS and final management plan following public review and comment on this proposed rule and following NOAA's consideration of substantive comments received. NOAA also requests comments on the Regulatory Flexibility Act certification and economic analysis. The preamble of the final rule will include responses to substantive

comments received on the proposed rule. The full response to comments, which includes responses to comments made on the proposed rule, the DEIS, and the draft management plan, will be provided as an Appendix to the Final EIS.

Sensitive personally identifiable information, such as account numbers and Social Security numbers, should not be included with the comment. Comments that are not related to designation of the proposed sanctuary or that contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

V. Classification

A. National Marine Sanctuaries Act

NOAA consulted with the Western Pacific Regional Fishery Management Council (Council) as required by section 304(a)(5) of the NMSA. Through this consultation, NOAA provided the Council with the opportunity to recommend any draft fishing regulations it deemed necessary to implement the proposed sanctuary designation. NOAA initiated the consultation on November 19, 2021. On March 22, 2022, the Council agreed to develop draft fishing regulations for the proposed sanctuary. NOAA participated in six public meetings hosted by the Council on November 1st, 3rd, 4th, 5th, 8th, and 10th of 2022, which were focused on the development of fishing regulations for the area of the proposed sanctuary that overlaps with the MEA. At its 193rd meeting in December of 2022, the Council provided a final recommendation. NOAA found that the final recommendation, in part, did not fulfill the purposes and policies of the NMSA and the goals and objectives of the proposed designation. The Council amended their recommendation during their 194th meeting in March of 2023, and submitted a revised final recommendation to NOAA on April 14, 2023.

In May of 2023, NOAA accepted the majority of the Council's recommendation as it fulfilled the purposes and policies of the NMSA and the goals and objectives of the proposed sanctuary designation. However, the Council's recommendation for the disposition of Native Hawaiian Subsistence Practices Fishing catch, which would provide permit applicants the ability

to request limited cost recovery by selling their catch was rejected by NOAA via a decision letter dated May 31, 2023. As NOAA explained in the letter, any recommendation for the allowance of "sale" is inconsistent with the goals and objectives of the proposed sanctuary designation. NOAA Fisheries has prepared a proposed rule under the MSA and ONMS has prepared this proposed rule under the NMSA to reflect the outcome of the NMSA section 304(a)(5) process.

Pursuant to section 304(a)(1)(C) of the NMSA, the Committee on Natural Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of Hawai'i will have the opportunity to review this proposed action.

B. National Environmental Policy Act

As described in section I above, NOAA and the State of Hawai'i prepared a DEIS to evaluate the impacts of this proposed action of designating a national marine sanctuary, which considers four alternatives for the proposed designation of a national marine sanctuary in marine portions of the Monument. Copies of the DEIS and related draft management plan are available at the website listed in the **ADDRESSES** section of this proposed rule. NOAA is also soliciting public comments on the DEIS and DMP. The full response to comments, which includes responses to comments made on the proposed rule, the DEIS, and the draft management plan, will be provided as an Appendix to the Final EIS.

C. Executive Orders 12866: Regulatory Impact, 13563 Improving Regulation and Regulatory Review, and 14094: Modernizing Regulatory Review

The Office of Management and Budget (OMB) has determined this proposed rule to be not significant within the meaning of Executive Order 12866, as supplemented by Executive Order 14094.

D. Executive Order 13132: Federalism Assessment

NOAA has concluded that this regulatory action does not have federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132 because NOAA supplements and complements State and local laws under the NMSA rather than

supersedes or conflicts with them. This proposed rule will not have substantial direct effects on State or local governments. NOAA has coordinated closely with State partners throughout the development of this proposed rule and, where applicable and practicable, the proposed rule aligns with existing State regulations. NOAA has aimed for consistent regulations throughout sanctuary waters including those within State and Federal jurisdiction.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq*.) requires Federal agencies to prepare an analysis of a rule's impact on small entities whenever the agency is required to publish a notice of proposed rulemaking, unless the agency certifies, pursuant to 5 U.S.C. 605, that the action will not have significant economic impact on a substantial number of small entities. The RFA requires agencies to consider, but not necessarily minimize, the effects of proposed rules on small entities. The goal of the RFA is to inform the agency and public of expected economic effects of the proposed rule and to ensure the agency considers alternatives that minimize the expected economic effects on small entities while meeting applicable goals and objectives.

Pursuant to section 605(b) of the RFA, the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The purpose, context, and statutory basis for this action is described above and not repeated here. The analysis below discusses the potential effects of the proposed designation of marine portions of Papahānaumokuākea Marine National Monument as a national marine sanctuary and serves as the factual basis for the certification. In summary, with this proposed rulemaking, small entities are not expected to experience significant impacts.

1. *Description and Estimate of the Number of Small Entities to Which the Proposed Action Would Apply*

Under the Monument's existing management framework, activities in the Monument, with limited exceptions, require a permit. The same would be true in the proposed sanctuary. Based on permitting data for the Monument, there are six primary categories of regulated uses: (1) research; (2) conservation and management; (3) education; (4) Native Hawaiian practices; (5) recreation; and (6) special ocean use. Table 1 shows the number of permits issued by category from 2018 to 2022. Based on permitting data, the types of entities applying for permits include, government, non-profits, artists, film and entertainment entities, education providers, and research organizations. Additionally, ship reporting is required for vessels that transit through portions of the Monument, and the types of entities impacted are identified as finfish fishing or deep-sea freight transit (73 FR 38375 (July 7, 2008)).

Table 1. Permits issued by year and type

	Research	Conservation and Management	Education	Native Hawaiian Practices	Recreation	Special Ocean Use	Total
2018	7	3	4	4	0	3	21
2019	7	6	0	2	0	1	16
2020	1	5	0	0	0	2	8
2021	8	2	1	4	0	3	18
2022	5	3	0	0	0	1	9
2018-2022 Total	28	19	5	10	0	10	72
2018-2022 Annual Average	5.6	3.8	1	2	0	2	14.4

Source: (NOAA Office of National Marine Sanctuaries, Papahānaumokuākea Marine National Monument Permit Records, 2023)

The U.S. Small Business Administration establishes size standards for determining whether a business entity qualifies as small. NOAA has analyzed the types of entities that applied for permits by category and identified the relevant industries impacted by the proposed rule as colleges and universities, apprenticeship training, environment, conservation and wildlife organizations, civic and social organizations, television broadcasting stations, motion picture and

video production, geophysical surveying and mapping services, independent artists, writers, performers, and museums. Each relevant industry is shown in the table below with the most recent size standards published by the U.S. Small Business Administration (2023). Size standards are based upon the average annual receipts (all revenue) or the average employment of a firm.

Table 2. Size Standard in Millions of Dollars by North American Classification System (NAICS) Code and Industry Description for Selected Industries

NAICS Industry Description	NAICS code	Size standard (millions of dollars)
Colleges, universities and professional schools	611310	$34.5
Apprenticeship Training	611513	$11.5
Environment, Conservation and Wildlife Organizations	813312	$19.5
Civic and Social Organizations	813410	$9.5
Television Broadcasting Stations	516120	$47.0
Motion Picture and Video Production	512110	$40.0
Geophysical Surveying and Mapping Services	541360	$28.5
Independent Artists, Writers, and Performers	711510	$9.0
Museums	712110	$34.0
Finfish Fishing	114111	$25.0
Deep Sea Freight	483111	1,050*

Source: 13 CFR part 121, 2023

*Number of employees. A size standard is not identified in dollars.

Table 3 provides the approximate number of permits issued for each corresponding industry. The Monument permit application itself does not ask the applicant for their industry or if the applicant is a small entity. Therefore, the data presented below is based on limited information from the permit application, specifically the applicant's name and stated purpose for the permit.

Table 3. Approximate Permits by Industry Description

NAICS Industry Description	2018	2019	2020	2021	2022
Colleges, universities and professional schools	7	2	1	9	4
Apprenticeship Training	2	0	0	2	0
Environment, Conservation and Wildlife Organizations	1	2	2	3	0
Civic and Social Organizations	2	1	0	2	0
Television Broadcasting Stations	2	0	0	0	0
Motion Picture and Video Production	1	0	1	4	1

Geophysical Surveying and Mapping Services	1	1	0	2	1
Independent Artists, Writers, and Performers	0	1	1	0	0
Museums	1	0	0	0	0

Source: (NOAA Office of National Marine Sanctuaries, Papahānaumokuākea Marine National Monument Permit Records, 2023)

Regarding ship reporting requirements, NOAA estimated there would be approximately 200-250 vessels passing through reporting areas of the proposed sanctuary without interruption that would be subject to providing entry and exit notifications, based on vessel traffic reported between 2017 and 2023.

The data provided in Tables 1, 2, and 3 provide information on the type of permit applications, the industries that may be impacted, and the number of permits by corresponding industry. NOAA does not have economic data on whether the permittees within the corresponding industries are small entities or not. Due to the lack of quantitative data on the nature of businesses directly affected by the proposed rule including their levels of revenues, costs, and profits from their activities within the sanctuary, the analysis provided here is qualitative. Based upon site interactions and working relationships with permittees, the types of small entities that may be impacted by this proposed rule include academic and government institutions, non-profit organizations, and broadcast and video production entities. In addition, U.S. fishing vessels are expected to be impacted by this rulemaking, and all are considered to be small entities. U.S. freight transport vessels are expected to be affected by this rulemaking, though none are considered to be small entities.

2. Analysis of Small Entities

The proposed sanctuary regulations would largely mirror the existing management framework for the Monument. There would be no effective difference in the permitting process between the proposed action and the status quo for permitting within PMNM. The proposed regulatory action would establish new permitting requirements for entities that seek access to areas of the proposed sanctuary that overlap with the MEA, the OSZ. While access restrictions

for portions of the proposed sanctuary that overlap with the MEA would be new, the activities that may be permitted would be consistent with Presidential Proclamation 9478.

Therefore, the proposed regulatory action would establish new reporting and recordkeeping requirements for entities that apply for permits in the area of the proposed sanctuary that overlaps with the MEA, the OSZ, but is not expected to have a significant economic impact on a substantial number of small entities for the following reasons. Based on the NOAA Monument manager's site knowledge and experience, the proposed regulatory action is not expected to result in an increase in the number of permit requests, as the majority of users operate in the area of the proposed sanctuary that overlaps with PMNM, and do not solely operate in the area of the proposed sanctuary that overlaps with the MEA. Additionally, the area under consideration is coextensive with the marine areas of the Monument, extremely remote (nearly 300 miles at its closest point from the main Hawaiian Islands), and very few entities operate there.

Through this proposed rule, NOAA does not expect a significant reduction in profits for small entities. NOAA does not charge a fee for review and issuance of general permits, and there are only minimal, indirect costs associated with the time for an individual to complete a permit application and respond to any follow-up questions from NOAA. While NOAA may assess fees for the conduct of any activity authorized under a special use permit, fees are not required, and decisions are made on a case-by-case basis. No unique professional skills are necessary to meet these reporting requirements. In addition, the process by which all applicants apply for a permit, or complete entry and exit notifications for passage without interruption through certain areas within the proposed sanctuary, would not substantially differ from the current process. Therefore, these additional permitting requirements would not significantly reduce profits for a substantial number of small entities. The public reporting burden for Monument permits is provided in table 4. The public reporting burden differs by permit category.

Table 4. Hourly burden of the information collection for Papahānaumokuākea Marine National Monument permits

Information Collection	Annual # of Responses / Respondent	Burden Hours / Response	Mean Occupational Employment Hourly Wage Rates (for Type of Respondent)	Annual Wage Burden Costs per permit
General permit	3	5	$36.62	$549.30
Special Ocean Use permit	3	10	$40.83	$1,224.9
Native Hawaiian Practices permit	3	8	$36.62	$878.88
Recreation permit	3	6	$24.98	$449.64

Source: (NOAA Office of National Marine Sanctuaries, Papahānaumokuākea Marine National Monument Permit Records, 2023)

Under the existing Monument management framework, as a condition of a permit, permittees are required to have a NOAA OLE type-approved VMS on board when operating within the PMNM. The cost of a VMS unit is $3,150. Annualized over 3 years (the life of the unit) the cost per year is $1,050.00 per year with an additional estimated $100.00 in annual maintenance costs, and $192.00 in VMS report transmission costs ($1.28 daily cost based on a high estimate that a permitted vessel may spend on average, 150 days per year in the Monument), for a total annual VMS cost of $1,342. The proposed rule includes this requirement for areas of the proposed sanctuary that overlap with both the PMNM and MEA. However, the proposed rule is not expected to result in an increase in the number of permit requests, as the majority of users operate in the area of the proposed sanctuary that overlaps with PMNM, and do not solely operate in the area of the proposed sanctuary that overlaps with the MEA. Therefore, this additional permit requirement is not expected to result in an increase in the number of required VMS units, or a significant financial burden to small entities.

Through this proposed rule, the process for ship reporting for vessels transiting through areas of the proposed sanctuary would not substantially differ from the current process. The proposed regulatory action would not establish any new reporting or record-keeping requirements related to ship reporting.

As described above, NOAA does not expect a significant reduction in profits for small entities, as the expected costs are minimal, indirect costs for permit applications, and does not

expect an increase in permit applications as users are already required to have a permit to access PMNM. NOAA has concluded that the proposed rule would not have a significant impact on a substantial number of small entities. Therefore, an Initial Regulatory Flexibility Analysis is not required and none was prepared.

F. Paperwork Reduction Act

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq*., unless that collection of information displays a currently valid OMB control number.

NOAA has an OMB control number (0648–0548) for the collection of public information related to the processing of PMNM permit applications and reports for permits. In the most recent Information Collection Request revision and approval for PMNM permits, NOAA reported approximately 74 permit respondents per year. NOAA's proposal to create a national marine sanctuary in the marine portions of the Monument is not expected to result in an increase in the number of requests for permits under this control number. Therefore, the annual public reporting burden hours for permits under OMB control number 0648-0548 is not expected to increase. A large increase in the number of permit requests would require a change to the reporting burden certified for OMB control number 0648–0548. While not expected, if such permit requests do increase, a revision to this control number for the processing of permits would be requested.

Please send any comments regarding the burden estimate for this data collection requirement or any other aspect of this data collection, including suggestions for reducing the burden, to NOAA (see **ADDRESSES** above). Comments can also be submitted to *www.reginfo.gov/public/do/PRAMain*. Before an agency submits a collection of information to OMB for approval, the agency shall provide 60-day notice in the **Federal Register**, and otherwise consult with members of the public and affected agencies concerning each proposed

collection of information, to solicit comments to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.*, permitting electronic submission of responses).

G. National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA, 54 U.S.C. 306108) requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to the undertaking. "Historic property" means any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and material remains that are related to and located within such properties, including properties of traditional religious and cultural importance to an Indigenous nation or Tribe or Native Hawaiian organization (see 36 CFR 800.16(l)).

The regulations implementing section 106 of the NHPA (36 CFR part 800) establish a process requiring Federal agencies to: (1) determine whether the undertaking is a type of activity that could affect historic properties; (2) identify historic properties in the area of potential effects; (3) assess potential adverse effects; and (4) resolve adverse effects. The regulations require that Federal agencies consult with States, Tribes, and other interested parties when making their

effect determinations. NOAA has determined that the designation of a national marine sanctuary and related rulemaking for sanctuary-specific regulations meet the definition of an undertaking as defined at § 800.16(y).

In fulfilling its responsibilities under section 106 of the NHPA, NOAA initiated the section 106 review process with the State Historic Preservation Officer (SHPO) for the proposed sanctuary designation via letter to the State Historic Preservation Division (SHPD) through the Hawai‘i Cultural Resource Information System on November 21, 2021. NOAA also provided notice to the Advisory Council on Historic Preservation (ACHP) on November 21, 2021. These letters and supporting documentation identified the proposed Area of Potential Effect (APE) and began the process to identify consulting parties (CP). Invitations were sent to over 500 families and organizations having lineal and cultural connections to Papahānaumokuākea, including cultural practitioners, Native Hawaiian Organizations, fishers (subsistence, recreational, commercial), and government agencies. As of January 21, 2023, NOAA received 31 requests to be a CP for the proposed sanctuary designation and NOAA has officially recognized the 31 CPs. NOAA will complete the identification of historic properties in the proposed APE and the assessment of the undertaking's potential to affect historic properties in consultation with the recognized consulting parties. To date, ONMS has conducted 6 meetings with recognized consulting parties. The NHPA section 106 review is ongoing, and additional consultations will be held following the release of the DEIS and DMP. As the DEIS is a joint Federal-State action, the State is also preparing a Cultural Impact Assessment (CIA) and Legal Analysis pursuant to the Hawai‘i Environmental Policy Act (HEPA), Hawai‘i Revised Statutes (HRS) section 343, the corresponding Hawai‘i Administrative Rules (HAR) section 11-200.1, and the Environmental Council’s 1997 Guidelines for Assessing Cultural Impacts.

H. Sunken Military Craft Act

The Sunken Military Craft Act of 2004 (SMCA; Pub. L. 108-375, Title XIV, sections 1401 to 1408; 10 U.S.C. 113 note) preserves and protects from unauthorized disturbance all

sunken military craft that are owned by the United States government, as well as foreign sunken military craft that lie within United States waters, as defined in the SMCA. Thousands of U.S. sunken military craft lie in waters around the world, many accessible to looters, treasure hunters, and others who may cause damage to them. These craft, and their associated contents, represent a collection of non-renewable and significant historical resources that often serve as war graves, carry unexploded ordnance, and contain oil and other hazardous materials. By protecting sunken military craft, the SMCA helps reduce the potential for irreversible harm to these nationally important historical and cultural resources.

The 1942 Battle of Midway occurred both at Midway Atoll as well as some 100-150 nautical miles north of the atoll in the northwestern portion of Papahānaumokuākea. Aircraft carriers from the historic conflict have been located in the deep ocean, and multiple aircraft and sunken military vessels have been surveyed within the Midway Atoll Special Management Area. Yet, hundreds of aircraft, and several other aircraft carriers and destroyers from the battle remain to be discovered in Papahānaumokuākea. Sunken military craft fall under the jurisdiction of a number of Federal agencies such as the U.S. Navy and the U.S. Coast Guard. NOAA and FWS coordinate very closely with the U.S. Navy and any other applicable Federal agency, foreign State, or State agency if found within State waters, regarding activities directed at sunken military craft discovered within the sanctuary.

K. Coastal Zone Management Act (CZMA)

Section 307 of the Coastal Zone Management Act (CZMA; 16 U.S.C. 1456) requires Federal agencies to consult with a State's coastal program on potential Federal agency activities that affect any land or water use or natural resource of the coastal zone. Because the proposed sanctuary lies partially within State waters, NOAA intends to submit a copy of this proposed rule and supporting documents, including the DEIS, to the State of Hawaii's Office of Planning and Sustainable Development for evaluation of Federal consistency under the CZMA. NOAA will

publish the final rule and designation only after completion of the Federal consistency process under the CZMA.

L. Executive Order 12898: Environmental Justice

Executive Order 12898 directs Federal agencies to identify and address disproportionately high and adverse effects of their actions on human health and the environment of minority or low-income populations. The designation of national marine sanctuaries by NOAA helps to ensure the enhancement of environmental quality for all populations in the United States. The proposed sanctuary designation would not result in disproportionate negative impacts on any minority or low-income population. In addition, many of the potential impacts from designating the proposed sanctuary would result in long-term or permanent beneficial impacts by protecting resources, which may have a positive impact on communities by providing employment and educational opportunities, and potentially result in improved ecosystem services.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure; Coastal zone; Cultural resources; Environmental; Protection; Fishing; Historic preservation; Marine protected areas; Marine resources; Natural resources; National marine sanctuaries; Penalties; Recreation and recreation areas; Reporting and recordkeeping requirements; Shipwrecks; Wildlife

Nicole R. LeBoeuf,

Assistant Administrator for Ocean Services and Coastal Zone Management,

National Ocean Service,

National Oceanic and Atmospheric Administration.

Regulatory Amendments and Additions

For the reasons set forth above, NOAA proposes to amend part 922, title 15 of the Code of Federal Regulations as follows:

PART 922 – NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

1. The authority citation for part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq*.

2. Amend § 922.1 by revising paragraph (a)(2) to read as follows:

§ 922.1 Purposes and applicability of the regulations.

(a) * * *

(2) To implement the designations of the national marine sanctuaries, for which specific regulations appear in subpart F through subsequent subparts, by regulating activities affecting them, consistent with their respective terms of designation, in order to protect, restore, preserve, manage, and thereby ensure the health, integrity, and continued availability of the conservation, recreational, ecological, historical, scientific, educational, cultural, archaeological, and aesthetic resources and qualities of these areas.

* * * * *

3. Revise § 922.4 to read as follows:

§ 922.4 Boundaries.

Subpart F and subsequent subparts of this part set forth the boundaries for all national marine sanctuaries.

4. Revise § 922.6 to read as follows:

§ 922.6 Prohibited or otherwise regulated activities.

Subpart F and subsequent subparts of this part set forth site-specific regulations applicable to the activities specified therein.

5. Amend § 922.30 by:

a. Revising paragraph (a)(2);

b. Removing the word “and” at the end of paragraph (b)(5);

c. Removing the period at the end of paragraph (b)(6) and adding “; and” in its place; and

d. Adding paragraphs (b)(7) and (8).

The additions read as follows:

§ 922.30 National Marine Sanctuary general permits

(a) * * *

(2) The permit procedures and criteria for all national marine sanctuaries in which the proposed activity is to take place in accordance with relevant site-specific regulations appearing in subpart F and subsequent subparts of this part.

* * * * *

(b) * * *

(7) Native Hawaiian Practices - activities that allow for Native Hawaiian practices within Papahānaumokuākea; and

(8) Recreation - recreational activities within Papahānaumokuākea limited to the Midway Atoll Special Management Area.

6. Amend § 922.33 by removing the word “and” at the end of paragraph (a)(8), removing the period at the end of paragraph (a)(9) and adding “; and” in its place, and by adding paragraphs (a)(10), (11), and (12).

The additions read as follows:

§ 922.33 Review procedures and evaluation.

(a) * * *

(10) For Papahānaumokuākea National Marine Sanctuary, there is no practicable alternative to conducting the activity within the sanctuary and the activity can be conducted with adequate safeguards for the resources and ecological integrity of the sanctuary.

(11) For Native Hawaiian Practices within Papahānaumokuākea National Marine Sanctuary:

(i) The activity is non-commercial and will not involve the sale of any organism or material collected;

(ii) The purpose and intent of this activity is appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (pono), and demonstrates an understanding of, and background in, the traditional practice, and its associated values and protocols;

(iii) The activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community; the activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands; and

(iv) Any sanctuary resource harvested from the sanctuary will be consumed in the sanctuary.

(12) For Recreation permits within Papahānaumokuākea National Marine Sanctuary:

(i) The activity is for the purpose of recreation within the Midway Special Management Area;

(ii) The activity is not associated with any for-hire operation; and

(iii) The activity does not involve any extractive use.

* * * * *

7. Amend 922.37 by revising paragraphs (a)(2) and (3) to read as follows:

§ 922.37 Appeals of permitting decisions.

(a) * * *

(2) Except for Papahānaumokuākea National Marine Sanctuary, an applicant or a holder of a National Marine Sanctuary permit issued pursuant to § 922.30 or pursuant to site-specific regulations appearing in subparts F through subsequent subparts of this part;

(3) Except for Papahānaumokuākea National Marine Sanctuary, an applicant or a holder of a special use permit issued pursuant to section 310 of the Act and § 922.31;

* * * * *

8. Add subpart W to read as follows:

Subpart W – Papahānaumokuākea National Marine Sanctuary

Sec.

922.240 Boundary.

922.241 Definitions.

922.242 Co-management.

922.243 Access.

922.244 Prohibited or otherwise regulated activities.

922.245 Permit procedures and criteria.

Appendix A to Subpart W of Part 922 — Papahānaumokuākea National Marine Sanctuary Boundary Description and Coordinates

Appendix B to Subpart W of Part 922 - Coordinates for the Outer Sanctuary Zone

Appendix C to Subpart W of Part 922 **-** Coordinates for the Midway Atoll Special Management Area

Appendix D to Subpart W of Part 922 - Coordinates for the Special Preservation Areas (SPAs)

Appendix E to Subpart W of Part 922 - Coordinates for the Ship Reporting Area

Appendix F to Subpart W of Part 922 - IMO Standard Reporting Format and Data Syntax for Ship Reporting System

Subpart W – Papahānaumokuākea National Marine Sanctuary

§ 922.240 Boundary.

Papahānaumokuākea National Marine Sanctuary consists of an area of approximately 582,570 square miles (439,910 square nautical miles) of Pacific Ocean waters surrounding the Northwest Hawaiian Islands and the submerged lands thereunder. The precise boundary coordinates are listed in appendix A to this subpart. The outer seaward sanctuary boundary begins approximately 200 nautical miles SW of Kure Atoll at Point 1 and continues from this point roughly north to each successive point in numerical order to Point 232 which is approximately 204 nautical miles north of Kure Atoll. From Point 232 the sanctuary boundary continues roughly ESE to each successive point in numerical order to Point 609 which is approximately 200 nautical miles NE of Necker Island. From Point 609 the sanctuary boundary continues south to Point 610 which is approximately 90 nautical miles ENE of Necker Island. From Point 610 the sanctuary boundary continues roughly east and then SE and south to Point 635 which is approximately 50 nautical miles east of Nihoa. From Point 635 the sanctuary boundary continues roughly south and then SW and west to each successive point in numerical order to Point 662 which is approximately 71 nautical miles SW of Nihoa. From Point 662 the sanctuary boundary continues south to Point 663 which is approximately 236 nautical miles SSW of Nihoa. From Point 663 the sanctuary boundary continues roughly NW to each

successive point in numerical order to Point 703 which is approximately 200 nautical miles SSE of Necker Island. From Point 703 the boundary continues roughly NW to each successive point in numerical order to Point 1128 where it ends approximately 200 nautical miles SW of Kure Atoll. The inner landward boundary of the sanctuary follows the shoreline as defined by the State of Hawai‘i (HAR §13-222).

§ 922.241 Definitions.

In addition to those definitions found at § 922.11, the following definitions apply to this subpart. To the extent that a term appears in § 922.11 and this section, the definition in this section governs.

Areas to be avoided (ATBA) means the four designated areas that should be avoided by vessels that are conducting passage without interruption through the sanctuary. The precise boundary coordinates for the ATBAs are listed in appendix E to this subpart.

Bottomfish species means all species of bottomfish as defined at 50 CFR 665.201.

Commercial fishing means, as defined in the Magnuson-Stevens Fishery Conservation and Management Act, fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter, or trade.

Ecological integrity means a condition determined to be characteristic of an ecosystem that has the ability to maintain the function, structure, and abundance of natural biological communities, including rates of change in response to natural environmental variation.

Midway Atoll Special Management Area means the area of the sanctuary surrounding Midway Atoll out to a distance of 12 nautical miles. The coordinates are listed in appendix C to this subpart.

Native Hawaiian practices means cultural activities conducted for the purposes 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. This may include, but is not limited to, the non-commercial use of sanctuary resources for direct personal consumption while in the sanctuary.

Non-commercial fishing means fishing that does not meet the definition of commercial fishing in the Magnuson-Stevens Fishery Conservation and Management Act, and includes, but is not limited to, sustenance, subsistence, traditional indigenous, and recreational fishing.

Office of Law Enforcement (OLE) means NOAA, National Marine Fisheries, Office of Law Enforcement.

Outer Sanctuary Zone (OSZ) means the waters and submerged lands extending from approximately 50 nautical miles from all islands and emergent lands of the Northwestern Hawaiian Islands to the extent of the seaward limit of the United States Exclusive Economic Zone (U.S. EEZ) west of 163° West Longitude. The precise boundary coordinates for the OSZ are listed in appendix B to this subpart.

Particularly Sensitive Sea Area (PSSA) means an area that needs special protection through action by IMO because of its significance for recognized ecological, socio-economic, or scientific attributes where such attributes may be vulnerable to damage by international shipping activities.

Pelagic species means Western Pacific Pelagic Management Unit Species as defined at 50 CFR 665.800.

Pono means appropriate, correct, and deemed necessary by traditional standards in Hawaiian culture.

Recreational activity means an activity conducted for personal enjoyment within the Midway Atoll Special Management Area that does not result in the extraction of sanctuary resources and that does not involve a fee-for-service transaction. This includes, but is not limited to, wildlife viewing, SCUBA diving, snorkeling, and boating.

Reporting area means the area of the proposed sanctuary that extends outward ten nautical miles from the PSSA boundary, as designated by the IMO, and excludes the ATBAs that fall within the PSSA boundary. The precise boundary coordinates for the reporting area are listed in appendix E to this subpart.

Scientific instrument means a device, vehicle, or tool used for scientific purposes and is inclusive of structures, materials, or other matter incidental to proper use of such device, vehicle, or tool.

Special Preservation Area (SPA) means discrete, biologically important areas of the sanctuary within which uses are subject to certain conditions, restrictions, and prohibitions, including but not limited to access restrictions. The coordinates are listed in Appendix D to this subpart.

Stowed and not available for immediate use means not readily accessible for immediate use, e.g., by being securely covered and lashed to a deck or bulkhead, tied down, unbaited, unloaded, or partially disassembled (*e.g.*, spear shafts being kept separate from spear guns).

Sustenance fishing means fishing for bottomfish or pelagic species in which all catch is consumed within the sanctuary, and that is incidental to an activity permitted under this part.

Vessel monitoring system (VMS) means a mobile transceiver unit that is approved by NOAA's Office for Law Enforcement for use on vessels permitted to access the sanctuary.

§ 922.242 Co-management.

NOAA's Office of National Marine Sanctuaries has primary responsibility for the management of the sanctuary pursuant to the National Marine Sanctuaries Act. However, as the sanctuary includes State waters, NOAA will co-manage Papahānaumokuākea National Marine Sanctuary with the State of Hawai'i. The Office of National Marine Sanctuaries may enter into a Memorandum of Agreement with the State of Hawai'i regarding this collaboration that may address, but not be limited to, sanctuary resource protection, educational programs, permitting, research activities, development, and threats to sanctuary resources.

§ 922.243 Access.

(a) Access to the Sanctuary is prohibited and thus unlawful except:

(1) When conducting emergency response actions, law enforcement activities, and activities and exercises of the Armed Forces in accordance with § 922.244(b) and (c);

(2) Pursuant to a permit issued under § 922.245;

(3) When conducting non-commercial fishing activities in the OSZ authorized under the Magnuson-Stevens Fishery Conservation and Management Act provided that no sale of harvested fish occurs;

(4) When conducting passage without interruption in accordance with paragraphs (b), (c), and (d) of this section.

(b) A vessel may pass without interruption through the sanctuary without requiring a permit as long as the vessel does not stop, anchor, or engage in the prohibited activities listed in § 922.244 within the sanctuary;

(c) When conducting passage without interruption vessel discharges are limited to the following:

(1) Vessel engine cooling water, weather deck runoff, and vessel engine exhaust within Special Preservation Areas or the Midway Atoll Special Management Area;

(2) Discharge incidental to vessel operations such as deck wash, approved marine

sanitation device effluent, cooling water, and engine exhaust in areas other than Special Preservation Areas or the Midway Atoll Special Management Area.

(d) For areas of the sanctuary that are contained within the reporting area surrounding the PSSA designated by the International Maritime Organization (IMO), a ship reporting system (CORAL SHIPREP) specified below shall be in effect. The coordinates for the Reporting Area are listed in appendix E to this subpart.

(1) The ship reporting system as specified in paragraphs (d)(3) through (7) of this section does not apply to the following vessels:

(i) Vessels conducting emergency response actions, law enforcement activities, and activities and exercises of the Armed Forces in accordance with § 922.244(b) and (c);

(ii) Vessels conducting activities pursuant to a permit issued under § 922.245;

(iii) Vessels conducting non-commercial fishing activities in the OSZ authorized under the Magnuson-Stevens Fishery Conservation and Management Act; and

(iv) Vessels entitled to sovereign immunity in accordance with generally recognized principles of international law.

(2) The following vessels, passing through the reporting area of the sanctuary without interruption must participate in the ship reporting system as specified in paragraphs (d)(3) through (7) of this section:

(i) Vessels of the United States of any size;

(ii) All other ships 300 gross tonnage or greater that are entering or departing a United States port or place; and

(iv) All other ships of any size entering or departing a United States port or place and experiencing an emergency while transiting through the reporting area.

(3) All vessels passing through the reporting area of the sanctuary without interruption other than those described in paragraph (d)(2) of this section are encouraged to participate in the ship reporting system set forth in paragraphs (d)(3) through (7) of this section.

(4) Immediately upon entering the reporting area, vessels described in paragraph (d)(2) of this section must provide the following information by e-mail sent to nwhi.notifications@noaa.gov in the IMO standard reporting format and data syntax shown in appendix F to this subpart:

(i) Vessel name, call sign or ship station identity, flag, and IMO identification number if applicable, and either Federal documentation or State registration number if applicable;

(ii) Date, time (UTC) and month of entry;

(iii) Position;

(iv) True course;

(v) Speed in knots and tenths;

(vi) Destination and estimated time of arrival;

(vii) Intended route through the reporting area;

(viii) Vessel draft (in meters);

(ix) Categories of hazardous cargoes on board;

(x) Any vessel defects or deficiencies that restrict maneuverability or impair normal navigation;

(xi) Any pollution incident or goods lost overboard within the PSSA, the reporting area, or the U.S. EEZ;

(xii) Contact information for the vessel's agent or owner;

(xiii) Vessel size (length overall, gross tonnage) and type;

(xiv) Total number of persons on board;

(5) Immediately upon leaving the reporting area, vessels described in paragraph (d)(2) of this section must provide the following information by e-mail sent to *nwhi.notifications@noaa.gov* in the IMO standard reporting format and data syntax shown in appendix F to this subpart:

(i) Vessel name, call sign or ship station identity, flag, and IMO identification number if applicable, and either Federal documentation or State registration number if applicable;

(ii) Date, time (UTC), and month of exit;

(iii) Position; and

(iv) Any pollution incident or goods lost overboard within the PSSA, the reporting area, or the U.S. EEZ.

(6) For vessels that are not equipped with on-board e-mail capability, advanced notice of entrance (as outlined in paragraph (d)(4) of this section) shall be provided at least 72 hours, but not more than one month, prior to entering the reporting area. Notification of departure (as outlined in paragraph (d)(5) of this section) must be provided within 12 hours of leaving. Notification under this paragraph may be made by e-mail, telephone, or fax, by contacting:

(i) E-mail: *nwhi.notifications@noaa.gov;*

(ii) Telephone: 1-808-395-6944 or 1-866-478-6944; or

(iii) Fax: 1–808–455–3093

(7) Further reports shall be made by the vessels described in paragraph (d)(2) of this section, and are encouraged for the vessels described in paragraph (d)(3) of this section, whenever there is a change in navigation status or circumstances, particularly in relation to the intended route, defects or deficiencies.

§ 922.244 Prohibited or otherwise regulated activities.

(a) The following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted within the sanctuary, except as specified in paragraphs (b) through (f) of this section:

(1) Exploring for, developing, or producing oil, gas, or minerals, or any energy development activities;

(2) Using or attempting to use poisons, electrical charges, or explosives in the collection or harvest of a sanctuary resource;

(3) Introducing or otherwise releasing an introduced species from within or into the sanctuary;

(4) Deserting a vessel;

(5) Commercial fishing and possessing commercial fishing gear except when stowed and not available for immediate use;

(6) Anchoring on or having a vessel anchored on any living or dead coral with an anchor, anchor chain, or anchor rope;

(7) Non-commercial fishing and possessing non-commercial fishing gear except when stowed and not available for immediate use;

(8) Drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands;

(9) Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging; or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving sanctuary resource;

(10) Attracting any living sanctuary resource;

(11) Touching coral, living or dead;

(12) Swimming, snorkeling, or closed or open circuit SCUBA diving;

(13) Discharging or depositing any material or other matter into the sanctuary, or discharging or depositing any material or other matter outside of the sanctuary that subsequently enters the sanctuary and injures or has the potential to injure any resources of the sanctuary, except as described at § 922.243 for vessel passage without interruption; and

(14) Anchoring a vessel.

(b) The prohibitions in paragraph (a) of this section do not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for law enforcement purposes.

(c) The prohibitions in paragraph (a) of this section do not apply to activities and exercises of the U.S. Armed Forces (including those carried out by the U.S. Coast Guard). This includes the U.S. Armed Forces' response to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution. All activities and exercises of the U.S. Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on sanctuary resources and qualities. These regulations shall not limit or otherwise affect the U.S. Armed Forces discretion to use, maintain, improve, manage, or control any property under their administrative control or otherwise limit the availability of such property for military mission purposes, including, but not limited to, defensive areas and airspace reservations.

(d) The prohibitions in paragraphs (a)(7) through (14) of this section do not apply to non-commercial fishing activities in the OSZ authorized under the Magnuson-Stevens Fishery Conservation and Management Act provided that no sale of harvested fish occurs.

(e) The prohibitions in paragraphs (a)(7) through (14) of this section, do not apply to any activity conducted under and in accordance with the scope, purpose, terms, and conditions of a sanctuary general permit, or special use permit issued pursuant to subpart D of this part. In no event, may the Director issue a National Marine Sanctuary general permit or special use permit authorizing or otherwise approving activities listed in paragraph (a)(8) of this section for anything other than scientific instruments, when the activity occurs within the OSZ.

(f) The prohibitions in paragraph (a) of this section shall not restrict scientific exploration or research activities by or for the Secretary of Commerce or the Secretary of the Interior when the activity occurs within the OSZ.

§ 922.245 Permit procedures and criteria.

(a) A person may conduct an activity otherwise prohibited by § 922.244(a)(7) through (14), if such activity is conducted in accordance with the scope, purpose, terms, and conditions of, a permit issued under this section and subpart D of this part.

(b) Applications for permits should be addressed to the NOAA Inouye Regional Center, Office of National Marine Sanctuaries; ATT: Permit Coordinator, Papahānaumokuākea, 1845 Wasp Blvd, Building 176, Honolulu, HI 96818.

(c) The Secretary may authorize sustenance fishing outside of any Special Preservation Area as a term or condition of any general permit or special use permit issued under this section and subpart D of this part. Sustenance fishing in the Midway Atoll Special Management Area shall not be allowed unless the activity has been determined by the Director of the U.S. Fish and Wildlife Service or their designee 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 this part, including considering the extent to which the conduct of the activity may diminish Sanctuary resources, qualities, and ecological integrity, as well as any indirect, secondary, or cumulative effects of the activity and the duration of such effects. The Secretary will develop procedures for systematic reporting of sustenance fishing.

(d) An owner or operator of a vessel that has been issued a general permit or special use permit under this section and subpart D of this part must ensure that such vessel has a NOAA OLE type-approved VMS on board when operating within the sanctuary. OLE has authority over the type of VMS used and the installation and operation of the VMS unit. OLE may authorize the connection or order the disconnection of additional equipment, including a computer, to any VMS unit when deemed appropriate by OLE. The owner or operator of a vessel must coordinate with OLE to install and activate an approved VMS prior to departure.

(1) When a vessel's VMS is not operating properly at sea, the owner or operator must immediately contact OLE, and follow instructions from that office. If notified by OLE that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to:

(i) Manually communicating a vessel's location as directed by OLE; or

(ii) Returning to port until the VMS is operable.

(2) The following activities regarding VMS are prohibited and thus unlawful for any person to conduct or cause to be conducted:

(i) Operating any vessel within the sanctuary without an OLE type approved VMS;

(ii) Failing to install, activate, repair, or replace a VMS prior to leaving port;

(iii) Failing to operate and maintain a VMS on board the vessel at all times;

(iv) Tampering with, damaging, destroying, altering, or in any way distorting, rendering useless, inoperative, ineffective, or inaccurate the VMS, or VMS signal;

(v) Failing to contact OLE or follow OLE instructions when automatic position reporting has been interrupted;

(vi) Registering a VMS to more than one vessel at the same time;

(vii) Connecting or leaving connected additional equipment to a VMS unit without the prior approval of OLE; and

(viii) Making a false statement, oral or written, to an authorized officer regarding the installation, use, operation, or maintenance of a VMS unit or communication service provider.

(3) As a condition of authorized access to the sanctuary, a vessel owner or operator subject to the requirements for a VMS in this section must allow OLE, the U.S. Coast Guard, and their authorized officers and designees access to the vessel's position data obtained from the VMS. Consistent with other applicable laws, including the limitations on access to, and use of, VMS data collected under the Magnuson-Stevens Fishery Conservation and Management Act,

the Secretary of Commerce and the Secretary of the Interior may have access to, and use of, collected data for scientific, statistical, and management purposes.

Appendix A to Subpart W of Part 922 - Papahānaumokuākea National Marine Sanctuary Boundary Description and Coordinates

[Coordinates listed in this appendix are unprojected (Geographic) and based on the North American Datum of 1983]

Point No	Longitude	Latitude
1	180.00000	25.38976
2	179.99985	25.38982
3	179.96681	25.40451
4	179.93392	25.41950
5	179.90119	25.43478
6	179.86863	25.45034
7	179.83622	25.46619
8	179.78793	25.49050
9	179.75595	25.50707
10	179.72415	25.52391
11	179.69252	25.54104
12	179.66108	25.55844
13	179.62981	25.57612
14	179.59874	25.59408
15	179.56786	25.61231
16	179.53716	25.63081
17	179.50667	25.64959
18	179.47637	25.66863
19	179.44627	25.68794
20	179.41638	25.70751
21	179.38670	25.72735
22	179.35722	25.74745
23	179.32796	25.76781
24	179.28448	25.79883
25	179.25576	25.81983
26	179.22255	25.84463
27	179.18175	25.87583
28	179.15383	25.89770
29	179.12613	25.91982
30	179.09868	25.94218
31	179.07146	25.96479
32	179.03108	25.99915

33	179.00447	26.02235
34	178.97810	26.04578
35	178.93902	26.08137
36	178.91329	26.10537
37	178.88781	26.12961
38	178.86259	26.15407
39	178.82525	26.19117
40	178.80068	26.21618
41	178.77639	26.24141
42	178.75236	26.26685
43	178.71683	26.30540
44	178.69349	26.33136
45	178.65901	26.37068
46	178.63637	26.39715
47	178.61378	26.42409
48	178.59171	26.45096
49	178.56993	26.47801
50	178.54844	26.50526
51	178.52725	26.53270
52	178.49601	26.57420
53	178.46544	26.61611
54	178.44544	26.64427
55	178.41601	26.68685
56	178.39677	26.71544
57	178.37784	26.74421
58	178.35922	26.77314
59	178.34092	26.80223
60	178.30653	26.85803
61	178.28885	26.88744
62	178.26294	26.93185
63	178.24606	26.96164
64	178.22951	26.99158
65	178.21329	27.02166
66	178.19632	27.05394
67	178.17402	27.09774
68	178.15895	27.12831
69	178.14422	27.15901
70	178.12274	27.20529
71	178.10884	27.23631
72	178.08864	27.28305
73	178.06920	27.33006
74	178.05667	27.36154
75	178.03853	27.40896

76	178.02687	27.44071
77	178.01003	27.48851
78	177.99924	27.52051
79	177.98881	27.55259
80	177.97873	27.58477
81	177.96901	27.61703
82	177.95509	27.66559
83	177.94198	27.71432
84	177.93368	27.74690
85	177.92568	27.77984
86	177.91811	27.81256
87	177.90744	27.86176
88	177.90079	27.89464
89	177.89149	27.94406
90	177.88574	27.97707
91	177.88037	28.01014
92	177.87300	28.05982
93	177.86647	28.10959
94	177.86258	28.14281
95	177.85744	28.19271
96	177.85447	28.22601
97	177.85073	28.27600
98	177.84871	28.30936
99	177.84706	28.34273
100	177.84529	28.39281
101	177.84436	28.44291
102	177.84422	28.47631
103	177.84445	28.50971
104	177.84551	28.55981
105	177.84670	28.59348
106	177.84844	28.63098
107	177.85148	28.68101
108	177.85399	28.71434
109	177.85761	28.75561
110	177.86197	28.79830
111	177.86786	28.84813
112	177.87226	28.88131
113	177.87543	28.90360
114	177.87967	28.93173
115	177.88514	28.96554
116	177.89133	29.00123
117	177.90063	29.05066
118	177.90735	29.08379

119	177.91806	29.13300
120	177.92567	29.16572
121	177.93780	29.21468
122	177.94636	29.24722
123	177.95989	29.29590
124	177.96959	29.32896
125	177.97946	29.36122
126	177.98970	29.39340
127	178.00575	29.44148
128	178.01692	29.47341
129	178.03438	29.52113
130	178.04647	29.55280
131	178.06531	29.60012
132	178.08497	29.64717
133	178.09853	29.67840
134	178.11268	29.71000
135	178.13426	29.75642
136	178.15665	29.80255
137	178.17203	29.83313
138	178.19577	29.87875
139	178.21216	29.90921
140	178.22879	29.93930
141	178.25439	29.98416
142	178.27525	30.01949
143	178.29311	30.04905
144	178.31861	30.09001
145	178.34009	30.12350
146	178.35931	30.15271
147	178.38857	30.19588
148	178.41018	30.22681
149	178.43934	30.26737
150	178.47063	30.30946
151	178.49239	30.33792
152	178.51400	30.36556
153	178.54703	30.40666
154	178.57973	30.44608
155	178.60482	30.47552
156	178.62805	30.50216
157	178.65341	30.53061
158	178.68811	30.56854
159	178.71589	30.59815
160	178.75298	30.63662
161	178.77809	30.66199

162	178.80351	30.68713
163	178.84220	30.72443
164	178.88157	30.76121
165	178.90818	30.78543
166	178.94864	30.82133
167	178.97598	30.84496
168	179.00360	30.86835
169	179.04556	30.90297
170	179.07393	30.92578
171	179.11693	30.95947
172	179.14594	30.98161
173	179.18995	31.01433
174	179.21963	31.03582
175	179.26463	31.06757
176	179.29516	31.08855
177	179.34112	31.11928
178	179.38763	31.14941
179	179.41894	31.16915
180	179.45050	31.18861
181	179.49827	31.21728
182	179.54657	31.24532
183	179.57905	31.26365
184	179.61792	31.28512
185	179.65085	31.30287
186	179.70065	31.32895
187	179.73411	31.34598
188	179.77707	31.36728
189	179.81095	31.38371
190	179.86214	31.40779
191	179.89652	31.42346
192	179.94844	31.44640
193	179.98329	31.46131
194	-180.00000	31.46823
195	-179.96410	31.48309
196	-179.92880	31.49722
197	-179.89333	31.51105
198	-179.83980	31.53119
199	-179.78591	31.55062
200	-179.74978	31.56318
201	-179.71350	31.57542
202	-179.65880	31.59317
203	-179.62215	31.60460
204	-179.56692	31.62114

205	-179.51138	31.63695
206	-179.47371	31.64721
207	-179.41770	31.66179
208	-179.38021	31.67109
209	-179.33210	31.68252
210	-179.28243	31.69383
211	-179.23675	31.70369
212	-179.19878	31.71149
213	-179.16071	31.71896
214	-179.10344	31.72953
215	-179.06516	31.73615
216	-179.00758	31.74546
217	-178.94983	31.75399
218	-178.90738	31.75980
219	-178.86874	31.76473
220	-178.82975	31.76934
221	-178.79099	31.77358
222	-178.75218	31.77748
223	-178.71332	31.78104
224	-178.67441	31.78425
225	-178.63547	31.78712
226	-178.59650	31.78964
227	-178.55749	31.79182
228	-178.51846	31.79366
229	-178.47941	31.79515
230	-178.43412	31.79649
231	-178.39504	31.79729
232	-178.35596	31.79775
233	-178.32396	31.79786
234	-178.28487	31.79769
235	-178.24553	31.79717
236	-178.20645	31.79631
237	-178.16738	31.79510
238	-178.12834	31.79354
239	-178.08931	31.79165
240	-178.05031	31.78940
241	-178.01134	31.78682
242	-177.97241	31.78389
243	-177.93351	31.78061
244	-177.89466	31.77699
245	-177.85585	31.77303
246	-177.81646	31.76865
247	-177.77776	31.76401

248	-177.73912	31.75902
249	-177.70055	31.75369
250	-177.66205	31.74802
251	-177.62362	31.74202
252	-177.58526	31.73567
253	-177.54140	31.72800
254	-177.50321	31.72097
255	-177.46512	31.71361
256	-177.42712	31.70592
257	-177.38921	31.69789
258	-177.35141	31.68952
259	-177.31372	31.68082
260	-177.27613	31.67179
261	-177.23866	31.66242
262	-177.20131	31.65273
263	-177.16094	31.64185
264	-177.12384	31.63149
265	-177.08687	31.62082
266	-177.04995	31.60978
267	-176.99406	31.60543
268	-176.95227	31.60174
269	-176.91352	31.59795
270	-176.87481	31.59382
271	-176.83616	31.58934
272	-176.79756	31.58453
273	-176.73979	31.57666
274	-176.70136	31.57100
275	-176.66300	31.56499
276	-176.60561	31.55534
277	-176.56718	31.54844
278	-176.52911	31.54125
279	-176.49114	31.53372
280	-176.45325	31.52586
281	-176.41282	31.51708
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855	-170.05123	22.20415
856	-170.08671	22.19907
857	-170.12225	22.19430
858	-170.15783	22.18987
859	-170.19345	22.18575
860	-170.22911	22.18196
861	-170.28268	22.17688
862	-170.31843	22.17390
863	-170.35421	22.17125
864	-170.39001	22.16891
865	-170.42584	22.16691
866	-170.46169	22.16523
867	-170.51548	22.16332
868	-170.55136	22.16245
869	-170.58725	22.16191
870	-170.62314	22.16170
871	-170.65929	22.16181
872	-170.69518	22.16224
873	-170.73106	22.16301
874	-170.76693	22.16410
875	-170.80279	22.16551
876	-170.83863	22.16725
877	-170.89236	22.17047
878	-170.92815	22.17302
879	-170.96391	22.17590
880	-170.99964	22.17910
881	-171.03533	22.18262
882	-171.07099	22.18647
883	-171.12440	22.19286
884	-171.15995	22.19751
885	-171.19545	22.20249
886	-171.23089	22.20780
887	-171.28396	22.21635
888	-171.33689	22.22563
889	-171.38967	22.23563
890	-171.42477	22.24269
891	-171.47727	22.25389
892	-171.52961	22.26579

893	-171.58175	22.27841
894	-171.63370	22.29174
895	-171.68543	22.30577
896	-171.73694	22.32050
897	-171.78823	22.33594
898	-171.83927	22.35207
899	-171.89005	22.36889
900	-171.94057	22.38641
901	-171.99082	22.40461
902	-172.03998	22.42318
903	-172.09233	22.42751
904	-172.12811	22.43088
905	-172.18170	22.43653
906	-172.21738	22.44070
907	-172.25302	22.44519
908	-172.28861	22.45001
909	-172.32414	22.45515
910	-172.37735	22.46346
911	-172.41274	22.46941
912	-172.46572	22.47892
913	-172.50095	22.48566
914	-172.55367	22.49638
915	-172.58872	22.50392
916	-172.64114	22.51582
917	-172.67599	22.52415
918	-172.71075	22.53279
919	-172.76272	22.54635
920	-172.79725	22.55578
921	-172.83168	22.56552
922	-172.86601	22.57558
923	-172.90023	22.58594
924	-172.95136	22.60207
925	-172.98531	22.61320
926	-173.03602	22.63048
927	-173.08645	22.64845
928	-173.11992	22.66081
929	-173.15325	22.67347
930	-173.18646	22.68643
931	-173.23601	22.70643
932	-173.26888	22.72014
933	-173.30160	22.73415
934	-173.34556	22.75354
935	-173.37723	22.74830

936	-173.41276	22.74274
937	-173.44836	22.73750
938	-173.48400	22.73258
939	-173.51970	22.72798
940	-173.55544	22.72371
941	-173.59122	22.71976
942	-173.62704	22.71613
943	-173.66290	22.71283
944	-173.69879	22.70985
945	-173.73471	22.70720
946	-173.77065	22.70487
947	-173.80661	22.70286
948	-173.84260	22.70118
949	-173.87860	22.69983
950	-173.91461	22.69880
951	-173.95063	22.69810
952	-173.98666	22.69772
953	-174.02268	22.69767
954	-174.05871	22.69794
955	-174.09473	22.69854
956	-174.13075	22.69947
957	-174.16675	22.70072
958	-174.20274	22.70229
959	-174.23871	22.70419
960	-174.27466	22.70642
961	-174.31059	22.70897
962	-174.34649	22.71185
963	-174.38235	22.71504
964	-174.41819	22.71857
965	-174.45398	22.72242
966	-174.48974	22.72659
967	-174.52545	22.73108
968	-174.56111	22.73589
969	-174.59672	22.74103
970	-174.63227	22.74649
971	-174.66777	22.75227
972	-174.70321	22.75837
973	-174.73859	22.76479
974	-174.77389	22.77153
975	-174.82672	22.78224
976	-174.86184	22.78978
977	-174.89689	22.79763
978	-174.93185	22.80580

979	-174.96673	22.81429
980	-175.00151	22.82309
981	-175.03621	22.83220
982	-175.07081	22.84163
983	-175.10531	22.85136
984	-175.13972	22.86141
985	-175.17401	22.87177
986	-175.20820	22.88244
987	-175.24228	22.89342
988	-175.27624	22.90471
989	-175.31009	22.91630
990	-175.34381	22.92820
991	-175.37741	22.94040
992	-175.41089	22.95290
993	-175.44423	22.96571
994	-175.47744	22.97882
995	-175.51051	22.99222
996	-175.54345	23.00593
997	-175.57624	23.01993
998	-175.60888	23.03422
999	-175.64138	23.04881
1000	-175.67372	23.06370
1001	-175.70591	23.07887
1002	-175.73795	23.09434
1003	-175.76982	23.11009
1004	-175.81731	23.13426
1005	-175.84877	23.15073
1006	-175.88005	23.16748
1007	-175.91116	23.18451
1008	-175.94209	23.20183
1009	-175.98815	23.22832
1010	-176.01862	23.24633
1011	-176.04891	23.26461
1012	-176.09398	23.29254
1013	-176.12379	23.31150
1014	-176.15339	23.33073
1015	-176.18280	23.35022
1016	-176.21200	23.36998
1017	-176.25542	23.40011
1018	-176.28410	23.42052
1019	-176.31256	23.44119
1020	-176.35486	23.47268
1021	-176.38278	23.49399

1022	-176.41048	23.51554
1023	-176.43795	23.53735
1024	-176.46520	23.55940
1025	-176.50563	23.59294
1026	-176.53229	23.61560
1027	-176.55872	23.63850
1028	-176.59790	23.67330
1029	-176.62372	23.69679
1030	-176.66199	23.73246
1031	-176.68719	23.75653
1032	-176.71213	23.78082
1033	-176.73682	23.80534
1034	-176.76125	23.83007
1035	-176.78542	23.85503
1036	-176.80933	23.88021
1037	-176.83297	23.90559
1038	-176.85635	23.93119
1039	-176.87945	23.95700
1040	-176.90229	23.98302
1041	-176.93602	24.02243
1042	-176.96913	24.06229
1043	-176.99085	24.08911
1044	-177.01229	24.11613
1045	-177.03344	24.14334
1046	-177.06462	24.18450
1047	-177.08505	24.21218
1048	-177.10518	24.24004
1049	-177.12502	24.26808
1050	-177.14456	24.29630
1051	-177.17331	24.33895
1052	-177.19210	24.36760
1053	-177.21058	24.39642
1054	-177.22875	24.42540
1055	-177.25544	24.46918
1056	-177.27284	24.49856
1057	-177.28992	24.52810
1058	-177.30670	24.55779
1059	-177.32315	24.58763
1060	-177.33929	24.61762
1061	-177.36249	24.66210
1062	-177.38606	24.67081
1063	-177.41985	24.68359
1064	-177.45352	24.69667

1065	-177.48704	24.71005
1066	-177.53706	24.73067
1067	-177.57023	24.74479
1068	-177.60325	24.75920
1069	-177.63612	24.77391
1070	-177.66883	24.78890
1071	-177.71760	24.81194
1072	-177.74992	24.82767
1073	-177.78207	24.84367
1074	-177.81404	24.85997
1075	-177.83690	24.87185
1076	-177.88667	24.87745
1077	-177.94111	24.88429
1078	-177.97195	24.88850
1079	-177.99642	24.89200
1080	-178.05062	24.90028
1081	-178.10469	24.90929
1082	-178.14066	24.91569
1083	-178.16577	24.92034
1084	-178.21953	24.93078
1085	-178.27313	24.94194
1086	-178.32655	24.95380
1087	-178.37978	24.96637
1088	-178.43281	24.97965
1089	-178.48563	24.99363
1090	-178.53822	25.00832
1091	-178.59058	25.02370
1092	-178.61445	25.03096
1093	-178.64360	25.04005
1094	-178.67821	25.05115
1095	-178.70077	25.05859
1096	-178.72148	25.06052
1097	-178.75794	25.06420
1098	-178.81257	25.07031
1099	-178.86732	25.07718
1100	-178.90360	25.08214
1101	-178.93984	25.08742
1102	-178.98140	25.09383
1103	-179.01755	25.09959
1104	-179.07166	25.10883
1105	-179.10765	25.11539
1106	-179.14357	25.12227
1107	-179.19731	25.13318

1108	-179.25088	25.14480
1109	-179.28649	25.15295
1110	-179.32201	25.16141
1111	-179.35744	25.17018
1112	-179.38198	25.17642
1113	-179.43515	25.19048
1114	-179.47030	25.20018
1115	-179.50534	25.21020
1116	-179.55771	25.22581
1117	-179.60982	25.24211
1118	-179.66167	25.25910
1119	-179.69609	25.27081
1120	-179.73039	25.28283
1121	-179.76456	25.29514
1122	-179.79860	25.30776
1123	-179.83251	25.32068
1124	-179.86628	25.33389
1125	-179.89991	25.34741
1126	-179.93340	25.36122
1127	-179.96674	25.37533
1128	-180.00000	25.38976

Appendix B to Subpart W of Part 922 - Coordinates for the Outer Sanctuary Zone

[Coordinates listed in this appendix are unprojected (Geographic) and based on the North American Datum of 1983]

The boundaries for the areas listed in this appendix, unless otherwise described in this rule, begin at Point 1 as indicated in the particular area's coordinate table and continue to each successive point in numerical order until ending at the last point in the table.

Point No	Longitude	Latitude
1	180.00000	25.38976
2	179.99985	25.38982
3	179.96681	25.40451
4	179.93392	25.41950
5	179.90119	25.43477
6	179.86863	25.45034
7	179.83622	25.46619

8	179.78793	25.49050
9	179.75595	25.50707
10	179.72415	25.52391
11	179.69252	25.54104
12	179.66108	25.55844
13	179.62981	25.57612
14	179.59874	25.59408
15	179.56786	25.61231
16	179.53716	25.63081
17	179.50667	25.64959
18	179.47637	25.66863
19	179.44627	25.68794
20	179.41638	25.70751
21	179.38670	25.72735
22	179.35722	25.74745
23	179.32796	25.76781
24	179.28448	25.79883
25	179.25576	25.81983
26	179.22255	25.84463
27	179.18175	25.87583
28	179.15383	25.89770
29	179.12613	25.91982
30	179.09868	25.94218
31	179.07146	25.96479
32	179.03108	25.99915
33	179.00447	26.02235
34	178.97810	26.04578
35	178.93902	26.08137
36	178.91329	26.10537
37	178.88781	26.12961
38	178.86259	26.15407
39	178.82525	26.19117
40	178.80068	26.21618
41	178.77639	26.24141
42	178.75236	26.26685
43	178.71684	26.30540
44	178.69349	26.33136
45	178.65901	26.37068
46	178.63637	26.39715
47	178.61378	26.42409
48	178.59171	26.45096
49	178.56993	26.47801
50	178.54844	26.50526
51	178.52724	26.53270

52	178.49600	26.57420
53	178.46544	26.61611
54	178.44544	26.64427
55	178.41601	26.68685
56	178.39677	26.71544
57	178.37784	26.74421
58	178.35922	26.77314
59	178.34092	26.80223
60	178.30653	26.85803
61	178.28885	26.88744
62	178.26293	26.93184
63	178.24606	26.96164
64	178.22951	26.99158
65	178.21329	27.02166
66	178.19632	27.05394
67	178.17402	27.09775
68	178.15895	27.12831
69	178.14422	27.15901
70	178.12274	27.20530
71	178.10884	27.23631
72	178.08864	27.28305
73	178.06920	27.33006
74	178.05667	27.36154
75	178.03853	27.40896
76	178.02687	27.44071
77	178.01003	27.48851
78	177.99924	27.52051
79	177.98881	27.55259
80	177.97873	27.58477
81	177.96901	27.61703
82	177.95509	27.66559
83	177.94198	27.71432
84	177.93368	27.74690
85	177.92568	27.77984
86	177.91811	27.81256
87	177.90744	27.86176
88	177.90079	27.89464
89	177.89149	27.94406
90	177.88574	27.97707
91	177.88037	28.01014
92	177.87300	28.05982
93	177.86647	28.10958
94	177.86258	28.14281

95	177.85744	28.19271
96	177.85448	28.22601
97	177.85073	28.27601
98	177.84871	28.30936
99	177.84706	28.34273
100	177.84529	28.39281
101	177.84437	28.44291
102	177.84422	28.47631
103	177.84445	28.50971
104	177.84551	28.55981
105	177.84670	28.59348
106	177.84844	28.63098
107	177.85148	28.68101
108	177.85399	28.71434
109	177.85761	28.75561
110	177.86197	28.79830
111	177.86786	28.84813
112	177.87226	28.88131
113	177.87543	28.90359
114	177.87967	28.93174
115	177.88514	28.96554
116	177.89133	29.00123
117	177.90063	29.05066
118	177.90735	29.08379
119	177.91806	29.13300
120	177.92568	29.16572
121	177.93780	29.21468
122	177.94636	29.24723
123	177.95989	29.29590
124	177.96959	29.32896
125	177.97946	29.36123
126	177.98970	29.39340
127	178.00575	29.44148
128	178.01692	29.47341
129	178.03438	29.52113
130	178.04647	29.55280
131	178.06531	29.60012
132	178.08497	29.64717
133	178.09853	29.67840
134	178.11268	29.71000
135	178.13426	29.75642
136	178.15665	29.80255
137	178.17203	29.83313

138	178.19577	29.87875
139	178.21216	29.90921
140	178.22879	29.93930
141	178.25439	29.98416
142	178.27525	30.01949
143	178.29311	30.04905
144	178.31861	30.09002
145	178.34009	30.12350
146	178.35931	30.15271
147	178.38857	30.19588
148	178.41018	30.22681
149	178.43934	30.26737
150	178.47063	30.30946
151	178.49239	30.33792
152	178.51400	30.36556
153	178.54703	30.40666
154	178.57973	30.44608
155	178.60482	30.47552
156	178.62805	30.50217
157	178.65341	30.53062
158	178.68811	30.56854
159	178.71589	30.59815
160	178.75298	30.63662
161	178.77809	30.66199
162	178.80351	30.68714
163	178.84220	30.72443
164	178.88157	30.76121
165	178.90818	30.78543
166	178.94864	30.82133
167	178.97598	30.84496
168	179.00360	30.86835
169	179.04556	30.90298
170	179.07393	30.92578
171	179.11693	30.95947
172	179.14594	30.98161
173	179.18995	31.01433
174	179.21963	31.03582
175	179.26462	31.06757
176	179.29516	31.08855
177	179.34112	31.11929
178	179.38763	31.14941
179	179.41894	31.16915
180	179.45050	31.18861

181	179.49827	31.21728
182	179.54657	31.24532
183	179.57905	31.26365
184	179.61792	31.28512
185	179.65085	31.30287
186	179.70065	31.32895
187	179.73411	31.34597
188	179.77707	31.36728
189	179.81095	31.38371
190	179.86214	31.40779
191	179.89652	31.42346
192	179.94844	31.44640
193	179.98329	31.46131
194	-180.00000	31.46823
195	-179.96410	31.48309
196	-179.92880	31.49723
197	-179.89333	31.51105
198	-179.83980	31.53119
199	-179.78591	31.55062
200	-179.74978	31.56318
201	-179.71350	31.57542
202	-179.65880	31.59317
203	-179.62215	31.60460
204	-179.56691	31.62114
205	-179.51138	31.63695
206	-179.47371	31.64721
207	-179.41770	31.66178
208	-179.38021	31.67109
209	-179.33210	31.68252
210	-179.28243	31.69383
211	-179.23675	31.70369
212	-179.19878	31.71149
213	-179.16071	31.71896
214	-179.10344	31.72953
215	-179.06516	31.73615
216	-179.00758	31.74546
217	-178.94983	31.75399
218	-178.90738	31.75980
219	-178.86874	31.76473
220	-178.82975	31.76934
221	-178.79099	31.77358
222	-178.75218	31.77748
223	-178.71331	31.78104

224	-178.67441	31.78425
225	-178.63547	31.78712
226	-178.59650	31.78964
227	-178.55749	31.79182
228	-178.51846	31.79366
229	-178.47941	31.79515
230	-178.43412	31.79649
231	-178.39504	31.79729
232	-178.35596	31.79775
233	-178.32396	31.79786
234	-178.28487	31.79769
235	-178.24552	31.79717
236	-178.20645	31.79631
237	-178.16738	31.79510
238	-178.12834	31.79355
239	-178.08931	31.79165
240	-178.05031	31.78940
241	-178.01134	31.78682
242	-177.97241	31.78389
243	-177.93351	31.78061
244	-177.89466	31.77699
245	-177.85585	31.77303
246	-177.81646	31.76865
247	-177.77776	31.76401
248	-177.73912	31.75902
249	-177.70055	31.75369
250	-177.66205	31.74802
251	-177.62362	31.74202
252	-177.58526	31.73567
253	-177.54140	31.72800
254	-177.50321	31.72097
255	-177.46512	31.71361
256	-177.42712	31.70592
257	-177.38921	31.69788
258	-177.35141	31.68952
259	-177.31372	31.68082
260	-177.27613	31.67179
261	-177.23866	31.66242
262	-177.20131	31.65273
263	-177.16094	31.64185
264	-177.12384	31.63150
265	-177.08687	31.62082
266	-177.04995	31.60978

267	-176.99406	31.60543
268	-176.95227	31.60174
269	-176.91351	31.59795
270	-176.87481	31.59382
271	-176.83616	31.58934
272	-176.79756	31.58453
273	-176.73979	31.57666
274	-176.70136	31.57100
275	-176.66300	31.56499
276	-176.60561	31.55534
277	-176.56718	31.54844
278	-176.52911	31.54125
279	-176.49114	31.53372
280	-176.45325	31.52586
281	-176.41282	31.51708
282	-176.37095	31.50759
283	-176.33338	31.49873
284	-176.29414	31.48910
285	-176.23818	31.47469
286	-176.20102	31.46467
287	-176.14552	31.44902
288	-176.10869	31.43818
289	-176.07199	31.42701
290	-176.03543	31.41553
291	-175.99902	31.40371
292	-175.94468	31.38539
293	-175.90865	31.37278
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867	-168.87302	21.42858
868	-168.90847	21.46618

869	-168.93178	21.49152
870	-168.96624	21.52992
871	-168.99177	21.55913
872	-169.02276	21.59546
873	-169.04473	21.62184
874	-169.07716	21.66178
875	-169.09844	21.68866
876	-169.12982	21.72934
877	-169.15039	21.75669
878	-169.18071	21.79808
879	-169.20233	21.82840
880	-169.21703	21.84743
881	-169.23883	21.85466
882	-169.27247	21.86611
883	-169.32272	21.88387
884	-169.37269	21.90231
885	-169.42237	21.92143
886	-169.47175	21.94122
887	-169.52083	21.96170
888	-169.56958	21.98284
889	-169.61800	22.00464
890	-169.66609	22.02710
891	-169.71382	22.05022
892	-169.76119	22.07399
893	-169.80819	22.09840
894	-169.85481	22.12345
895	-169.90103	22.14914
896	-169.94686	22.17546
897	-169.97718	22.19335
898	-170.00653	22.21103
899	-170.05123	22.20415
900	-170.08671	22.19907
901	-170.12224	22.19431
902	-170.15783	22.18987
903	-170.19345	22.18575
904	-170.22911	22.18196
905	-170.28268	22.17688
906	-170.31843	22.17390
907	-170.35421	22.17125
908	-170.39002	22.16891
909	-170.42584	22.16691
910	-170.46169	22.16523
911	-170.51549	22.16332

912	-170.55136	22.16245
913	-170.58725	22.16191
914	-170.62314	22.16170
915	-170.65929	22.16181
916	-170.69518	22.16224
917	-170.73106	22.16301
918	-170.76693	22.16410
919	-170.80279	22.16551
920	-170.83863	22.16725
921	-170.89236	22.17047
922	-170.92815	22.17302
923	-170.96391	22.17590
924	-170.99964	22.17910
925	-171.03533	22.18263
926	-171.07099	22.18648
927	-171.12440	22.19286
928	-171.15995	22.19751
929	-171.19545	22.20249
930	-171.23089	22.20780
931	-171.28396	22.21635
932	-171.33689	22.22563
933	-171.38967	22.23563
934	-171.42477	22.24269
935	-171.47727	22.25389
936	-171.52961	22.26579
937	-171.58175	22.27841
938	-171.63369	22.29174
939	-171.68543	22.30577
940	-171.73694	22.32050
941	-171.78823	22.33594
942	-171.83927	22.35207
943	-171.89005	22.36889
944	-171.94057	22.38641
945	-171.99082	22.40461
946	-172.03998	22.42318
947	-172.09233	22.42751
948	-172.12811	22.43088
949	-172.18170	22.43653
950	-172.21738	22.44070
951	-172.25302	22.44519
952	-172.28861	22.45001
953	-172.32414	22.45515
954	-172.37735	22.46346

955	-172.41274	22.46941
956	-172.46572	22.47892
957	-172.50095	22.48567
958	-172.55366	22.49638
959	-172.58872	22.50392
960	-172.64114	22.51582
961	-172.67599	22.52415
962	-172.71075	22.53279
963	-172.76272	22.54635
964	-172.79725	22.55578
965	-172.83168	22.56552
966	-172.86601	22.57558
967	-172.90023	22.58594
968	-172.95136	22.60207
969	-172.98531	22.61320
970	-173.03602	22.63048
971	-173.08645	22.64845
972	-173.11992	22.66081
973	-173.15325	22.67347
974	-173.18646	22.68643
975	-173.23601	22.70643
976	-173.26888	22.72014
977	-173.30160	22.73415
978	-173.34556	22.75354
979	-173.37723	22.74830
980	-173.41277	22.74274
981	-173.44836	22.73750
982	-173.48400	22.73258
983	-173.51970	22.72798
984	-173.55544	22.72371
985	-173.59122	22.71976
986	-173.62704	22.71613
987	-173.66290	22.71283
988	-173.69879	22.70985
989	-173.73470	22.70720
990	-173.77065	22.70487
991	-173.80661	22.70286
992	-173.84260	22.70118
993	-173.87860	22.69983
994	-173.91461	22.69880
995	-173.95063	22.69810
996	-173.98666	22.69772
997	-174.02268	22.69767

998	-174.05871	22.69794
999	-174.09473	22.69854
1000	-174.13075	22.69947
1001	-174.16675	22.70072
1002	-174.20274	22.70229
1003	-174.23871	22.70419
1004	-174.27466	22.70642
1005	-174.31059	22.70897
1006	-174.34649	22.71185
1007	-174.38235	22.71505
1008	-174.41819	22.71857
1009	-174.45398	22.72242
1010	-174.48974	22.72659
1011	-174.52545	22.73108
1012	-174.56111	22.73589
1013	-174.59672	22.74103
1014	-174.63227	22.74649
1015	-174.66777	22.75227
1016	-174.70321	22.75837
1017	-174.73859	22.76479
1018	-174.77389	22.77154
1019	-174.82672	22.78224
1020	-174.86184	22.78978
1021	-174.89689	22.79763
1022	-174.93185	22.80580
1023	-174.96673	22.81429
1024	-175.00151	22.82308
1025	-175.03621	22.83220
1026	-175.07081	22.84163
1027	-175.10531	22.85136
1028	-175.13972	22.86141
1029	-175.17401	22.87178
1030	-175.20820	22.88244
1031	-175.24228	22.89342
1032	-175.27624	22.90471
1033	-175.31009	22.91630
1034	-175.34381	22.92820
1035	-175.37741	22.94040
1036	-175.41089	22.95290
1037	-175.44423	22.96571
1038	-175.47744	22.97882
1039	-175.51051	22.99222
1040	-175.54345	23.00593

1041	-175.57624	23.01993
1042	-175.60888	23.03422
1043	-175.64138	23.04881
1044	-175.67372	23.06370
1045	-175.70591	23.07887
1046	-175.73795	23.09434
1047	-175.76982	23.11009
1048	-175.81731	23.13426
1049	-175.84877	23.15073
1050	-175.88005	23.16748
1051	-175.91116	23.18451
1052	-175.94209	23.20183
1053	-175.98815	23.22832
1054	-176.01862	23.24633
1055	-176.04891	23.26461
1056	-176.09398	23.29254
1057	-176.12379	23.31150
1058	-176.15339	23.33073
1059	-176.18280	23.35022
1060	-176.21200	23.36998
1061	-176.25542	23.40011
1062	-176.28410	23.42053
1063	-176.31256	23.44120
1064	-176.35486	23.47268
1065	-176.38278	23.49399
1066	-176.41048	23.51554
1067	-176.43795	23.53735
1068	-176.46520	23.55940
1069	-176.50563	23.59294
1070	-176.53229	23.61560
1071	-176.55872	23.63850
1072	-176.59790	23.67330
1073	-176.62372	23.69679
1074	-176.66199	23.73246
1075	-176.68719	23.75653
1076	-176.71213	23.78082
1077	-176.73682	23.80534
1078	-176.76125	23.83007
1079	-176.78542	23.85503
1080	-176.80933	23.88021
1081	-176.83297	23.90559
1082	-176.85635	23.93119
1083	-176.87945	23.95700

1084	-176.90229	23.98302
1085	-176.93602	24.02243
1086	-176.96913	24.06229
1087	-176.99085	24.08911
1088	-177.01229	24.11613
1089	-177.03344	24.14334
1090	-177.06462	24.18451
1091	-177.08505	24.21218
1092	-177.10518	24.24004
1093	-177.12502	24.26808
1094	-177.14456	24.29630
1095	-177.17331	24.33895
1096	-177.19209	24.36760
1097	-177.21058	24.39642
1098	-177.22875	24.42540
1099	-177.25544	24.46918
1100	-177.27284	24.49856
1101	-177.28992	24.52810
1102	-177.30670	24.55779
1103	-177.32315	24.58763
1104	-177.33929	24.61762
1105	-177.36249	24.66210
1106	-177.38606	24.67081
1107	-177.41985	24.68359
1108	-177.45352	24.69667
1109	-177.48704	24.71005
1110	-177.53706	24.73067
1111	-177.57023	24.74479
1112	-177.60325	24.75920
1113	-177.63612	24.77391
1114	-177.66883	24.78891
1115	-177.71760	24.81195
1116	-177.74992	24.82767
1117	-177.78206	24.84367
1118	-177.81404	24.85996
1119	-177.83690	24.87185
1120	-177.88667	24.87745
1121	-177.94111	24.88429
1122	-177.97195	24.88850
1123	-177.99642	24.89200
1124	-178.05062	24.90028
1125	-178.10469	24.90929
1126	-178.14066	24.91569

1127	-178.16577	24.92034
1128	-178.21953	24.93078
1129	-178.27313	24.94194
1130	-178.32655	24.95380
1131	-178.37978	24.96637
1132	-178.43281	24.97965
1133	-178.48563	24.99363
1134	-178.53822	25.00832
1135	-178.59058	25.02370
1136	-178.61445	25.03096
1137	-178.64360	25.04005
1138	-178.67821	25.05115
1139	-178.70077	25.05859
1140	-178.72148	25.06052
1141	-178.75794	25.06420
1142	-178.81257	25.07031
1143	-178.86732	25.07718
1144	-178.90360	25.08214
1145	-178.93984	25.08742
1146	-178.98140	25.09382
1147	-179.01755	25.09959
1148	-179.07166	25.10883
1149	-179.10765	25.11539
1150	-179.14357	25.12227
1151	-179.19731	25.13318
1152	-179.25088	25.14480
1153	-179.28649	25.15295
1154	-179.32201	25.16140
1155	-179.35744	25.17018
1156	-179.38198	25.17642
1157	-179.43516	25.19048
1158	-179.47030	25.20018
1159	-179.50534	25.21020
1160	-179.55770	25.22581
1161	-179.60982	25.24211
1162	-179.66168	25.25911
1163	-179.69610	25.27081
1164	-179.73039	25.28283
1165	-179.76456	25.29514
1166	-179.79860	25.30776
1167	-179.83251	25.32068
1168	-179.86628	25.33389
1169	-179.89991	25.34741

1170	-179.93340	25.36122
1171	-179.96674	25.37533
1172	-180.00000	25.38976

Appendix C to Subpart W of Part 922 - Coordinates for the Midway Atoll Special Management Area

[Coordinates listed in this appendix are unprojected (Geographic) and based on the North American Datum of 1983]

The boundaries for the areas listed in this appendix, unless otherwise described in this rule, begin at Point 1 as indicated in the particular area's coordinate table and continue to each successive point in numerical order until ending at the last point in the table.

Point No	Longitude	Latitude
1	-177.08955	28.24843
2	-177.08746	28.20746
3	-177.08807	28.20039
4	-177.08784	28.19413
5	-177.08714	28.18773
6	-177.08675	28.17981
7	-177.08685	28.17805
8	-177.09492	28.15837
9	-177.10266	28.14167
10	-177.10685	28.13347
11	-177.12055	28.10937
12	-177.12905	28.09614
13	-177.13930	28.08402
14	-177.14478	28.07745
15	-177.14835	28.07359
16	-177.15014	28.07029
17	-177.15425	28.06622
18	-177.16032	28.06163
19	-177.17073	28.05368
20	-177.18451	28.04293
21	-177.19497	28.03652
22	-177.20126	28.03328
23	-177.21758	28.02455
24	-177.22558	28.02062
25	-177.24634	28.01309

26	-177.26874	28.00536
27	-177.28593	28.00286
28	-177.29121	28.00182
29	-177.31326	27.99812
30	-177.32347	27.99681
31	-177.33018	27.99592
32	-177.34277	27.99426
33	-177.35598	27.99264
34	-177.36949	27.99083
35	-177.37935	27.99086
36	-177.40144	27.99078
37	-177.40505	27.99113
38	-177.43205	27.99376
39	-177.47772	28.00286
40	-177.49254	28.00680
41	-177.50854	28.01094
42	-177.52096	28.01549
43	-177.53867	28.02638
44	-177.55653	28.03706
45	-177.57532	28.05208
46	-177.58846	28.06265
47	-177.59622	28.06789
48	-177.60135	28.07601
49	-177.62006	28.10264
50	-177.63751	28.13400
51	-177.64543	28.14824
52	-177.64822	28.16145
53	-177.65246	28.18050
54	-177.65547	28.19434
55	-177.65675	28.20088
56	-177.65784	28.21354
57	-177.65334	28.23184
58	-177.65201	28.23753
59	-177.65356	28.25431
60	-177.65370	28.25897
61	-177.64485	28.28180
62	-177.63917	28.29737
63	-177.63311	28.30658
64	-177.62398	28.32071
65	-177.61280	28.33404
66	-177.60942	28.33819
67	-177.60305	28.35468
68	-177.59751	28.36931

69	-177.59223	28.37618
70	-177.58369	28.38566
71	-177.57201	28.39836
72	-177.56751	28.40427
73	-177.56371	28.40708
74	-177.56083	28.40921
75	-177.54724	28.42088
76	-177.53575	28.43063
77	-177.53169	28.43369
78	-177.52645	28.43765
79	-177.51294	28.44685
80	-177.50036	28.45508
81	-177.49213	28.46057
82	-177.48856	28.46154
83	-177.44919	28.47563
84	-177.43381	28.48016
85	-177.42573	28.48263
86	-177.41843	28.48290
87	-177.41073	28.48296
88	-177.40079	28.48392
89	-177.39471	28.48423
90	-177.38430	28.48485
91	-177.37739	28.48485
92	-177.36644	28.48402
93	-177.35961	28.48348
94	-177.34200	28.48260
95	-177.33494	28.48212
96	-177.32593	28.48150
97	-177.31568	28.47855
98	-177.30326	28.47485
99	-177.28841	28.46971
100	-177.26868	28.46353
101	-177.24613	28.45463
102	-177.22835	28.44555
103	-177.20144	28.42977
104	-177.18994	28.42291
105	-177.17441	28.41273
106	-177.16004	28.39797
107	-177.14459	28.38222
108	-177.13946	28.37700
109	-177.13356	28.36519
110	-177.12744	28.35256
111	-177.12069	28.33683

112	-177.10531	28.30631
113	-177.09483	28.27704
114	-177.09204	28.26549
115	-177.09085	28.25735
116	-177.08955	28.24843

Appendix D to Subpart W of Part 922 - Coordinates for the Special Preservation Areas (SPAs)

[Coordinates listed in this appendix are unprojected (Geographic) and based on the North American Datum of 1983]

The boundaries for the areas listed in this appendix, unless otherwise described in this rule, begin at Point 1 as indicated in the particular area's coordinate table and continue to each successive point in numerical order until ending at the last point in the table.

Table 1—Coordinates for Hōlanikū (Kure Atoll) SPA

Point No	Longitude	Latitude
1	-178.23368	28.40709
2	-178.23399	28.40003
3	-178.23440	28.39722
4	-178.23512	28.39369
5	-178.23696	28.38789
6	-178.23973	28.37883
7	-178.24045	28.37702
8	-178.24137	28.37512
9	-178.24579	28.36635
10	-178.24743	28.36318
11	-178.24774	28.36273
12	-178.24815	28.36228
13	-178.24805	28.36164
14	-178.24702	28.36038
15	-178.24097	28.35222
16	-178.24035	28.35167
17	-178.23841	28.34996
18	-178.23185	28.34488
19	-178.23060	28.34403
20	-178.22978	28.34357
21	-178.22753	28.34312
22	-178.22690	28.34302

23	-178.21697	28.34140
24	-178.21615	28.34122
25	-178.21584	28.34095
26	-178.21338	28.33004
27	-178.21297	28.32826
28	-178.21779	28.32083
29	-178.21879	28.32061
30	-178.22845	28.31847
31	-178.23319	28.32410
32	-178.23501	28.32627
33	-178.23552	28.32681
34	-178.25079	28.32971
35	-178.26350	28.33225
36	-178.26422	28.34231
37	-178.26818	28.34555
38	-178.26842	28.34575
39	-178.26909	28.34532
40	-178.27099	28.34412
41	-178.27658	28.34131
42	-178.28211	28.33895
43	-178.28642	28.33768
44	-178.29103	28.33696
45	-178.29540	28.33661
46	-178.29554	28.33660
47	-178.30384	28.33578
48	-178.30907	28.33569
49	-178.31266	28.33578
50	-178.31573	28.33605
51	-178.31768	28.33605
52	-178.35403	28.33853
53	-178.38276	28.34385
54	-178.39558	28.33339
55	-178.40626	28.32467
56	-178.40687	28.32413
57	-178.40784	28.32370
58	-178.41318	28.32313
59	-178.43005	28.32132
60	-178.43175	28.34030
61	-178.43425	28.36460
62	-178.43437	28.36643
63	-178.43437	28.36848
64	-178.43413	28.37064
65	-178.43315	28.37926

66	-178.43156	28.39259
67	-178.43742	28.39905
68	-178.44199	28.40585
69	-178.44313	28.40899
70	-178.44498	28.41716
71	-178.44597	28.43612
72	-178.44569	28.44605
73	-178.44512	28.44843
74	-178.44057	28.46036
75	-178.43246	28.47827
76	-178.41611	28.49509
77	-178.41398	28.49698
78	-178.40985	28.49986
79	-178.40098	28.50595
80	-178.40072	28.50608
81	-178.39600	28.50846
82	-178.38392	28.51398
83	-178.38193	28.51473
84	-178.37937	28.51548
85	-178.37098	28.51712
86	-178.35889	28.51963
87	-178.35661	28.52000
88	-178.35164	28.52050
89	-178.34909	28.52081
90	-178.33751	28.52180
91	-178.33658	28.52189
92	-178.33228	28.52587
93	-178.33115	28.52660
94	-178.32931	28.52759
95	-178.32480	28.52913
96	-178.31988	28.53437
97	-178.30929	28.54572
98	-178.29832	28.54382
99	-178.29186	28.53171
100	-178.28776	28.52320
101	-178.28725	28.52212
102	-178.28653	28.51823
103	-178.28426	28.50560
104	-178.28365	28.50270
105	-178.28252	28.50180
106	-178.27832	28.49935
107	-178.27504	28.49682
108	-178.26581	28.48958

109	-178.26013	28.48471
110	-178.24899	28.47256
111	-178.24752	28.47095
112	-178.24660	28.46951
113	-178.24578	28.46733
114	-178.24281	28.45684
115	-178.24106	28.45195
116	-178.24024	28.44950
117	-178.23953	28.44616
118	-178.23758	28.43731
119	-178.23337	28.41884
120	-178.23317	28.41739
121	-178.23327	28.41441
122	-178.23368	28.40709

Table 2—Coordinates for Manawai (Pearl and Hermes Atoll) SPA

Point ID	Longitude	Latitude
1	-175.73629	28.02156
2	-175.71790	28.00837
3	-175.71623	28.00719
4	-175.71293	27.99705
5	-175.71278	27.99658
6	-175.71189	27.99385
7	-175.71115	27.99258
8	-175.70898	27.99050
9	-175.69243	27.97745
10	-175.69085	27.97602
11	-175.69057	27.97577
12	-175.68524	27.97093
13	-175.67939	27.96411
14	-175.67571	27.95877
15	-175.67371	27.95477
16	-175.67020	27.94735
17	-175.66886	27.94409
18	-175.66752	27.94038
19	-175.66602	27.93549
20	-175.66489	27.92948
21	-175.66468	27.92837
22	-175.66384	27.92295
23	-175.66334	27.91686
24	-175.66328	27.91526
25	-175.66326	27.91489

26	-175.66317	27.91271
27	-175.66317	27.90692
28	-175.66368	27.89921
29	-175.66418	27.89461
30	-175.66602	27.88304
31	-175.67187	27.86600
32	-175.67421	27.85962
33	-175.67471	27.85725
34	-175.67655	27.85012
35	-175.67885	27.84184
36	-175.67973	27.83869
37	-175.68140	27.83409
38	-175.68441	27.82770
39	-175.68727	27.82333
40	-175.68742	27.82310
41	-175.68976	27.81946
42	-175.69041	27.81831
43	-175.69080	27.81751
44	-175.69131	27.81589
45	-175.69352	27.80876
46	-175.69355	27.80857
47	-175.69378	27.80738
48	-175.69416	27.80646
49	-175.69494	27.80542
50	-175.69533	27.80462
51	-175.69585	27.80335
52	-175.69870	27.79552
53	-175.69909	27.79437
54	-175.70077	27.79196
55	-175.70453	27.78562
56	-175.71062	27.77711
57	-175.71528	27.77077
58	-175.71295	27.76548
59	-175.71268	27.76488
60	-175.71218	27.76378
61	-175.71231	27.76297
62	-175.71322	27.76193
63	-175.71931	27.75756
64	-175.72151	27.75572
65	-175.72228	27.75560
66	-175.72578	27.75526
67	-175.72695	27.75491
68	-175.72747	27.75445

69	-175.72980	27.75100
70	-175.73135	27.74881
71	-175.73355	27.74708
72	-175.73796	27.74386
73	-175.74327	27.74109
74	-175.75091	27.73741
75	-175.75698	27.73511
76	-175.75791	27.73476
77	-175.76283	27.73372
78	-175.76796	27.73254
79	-175.77107	27.73231
80	-175.78169	27.73128
81	-175.79452	27.73035
82	-175.79996	27.73035
83	-175.81744	27.73105
84	-175.82120	27.73139
85	-175.84245	27.73496
86	-175.84329	27.73496
87	-175.84394	27.73484
88	-175.84510	27.73392
89	-175.85378	27.72793
90	-175.85598	27.72667
91	-175.86168	27.72379
92	-175.86855	27.72068
93	-175.87632	27.71722
94	-175.88163	27.71515
95	-175.88928	27.71215
96	-175.89627	27.70962
97	-175.89926	27.70853
98	-175.90612	27.70605
99	-175.91616	27.70257
100	-175.91914	27.70177
101	-175.92277	27.70108
102	-175.93248	27.69923
103	-175.93689	27.69877
104	-175.94039	27.69831
105	-175.94660	27.69762
106	-175.95023	27.69762
107	-175.95632	27.69773
108	-175.95943	27.69796
109	-175.96267	27.69843
110	-175.96837	27.69935
111	-175.96966	27.69992

112	-175.97834	27.70338
113	-175.98826	27.70847
114	-175.99473	27.71262
115	-176.00250	27.71872
116	-176.00833	27.72299
117	-176.01585	27.72967
118	-176.02401	27.73784
119	-176.02918	27.74373
120	-176.03139	27.74625
121	-176.03359	27.74913
122	-176.03489	27.75120
123	-176.03880	27.75840
124	-176.04036	27.76151
125	-176.04360	27.76819
126	-176.04424	27.76877
127	-176.04619	27.76911
128	-176.04968	27.76992
129	-176.05098	27.77049
130	-176.05733	27.77521
131	-176.05831	27.77593
132	-176.06717	27.78235
133	-176.06225	27.79271
134	-176.05820	27.80097
135	-176.04866	27.82041
136	-176.04154	27.83526
137	-176.03920	27.84003
138	-176.03868	27.84107
139	-176.03830	27.84256
140	-176.03622	27.85464
141	-176.03609	27.85660
142	-176.03661	27.87231
143	-176.03635	27.87484
144	-176.03467	27.87886
145	-176.02936	27.89151
146	-176.02871	27.89232
147	-176.02637	27.89422
148	-176.01452	27.89948
149	-176.00953	27.90169
150	-175.98505	27.91078
151	-175.97974	27.91767
152	-175.97806	27.91986
153	-175.97559	27.92227
154	-175.96800	27.92876

155	-175.96515	27.93071
156	-175.96243	27.93244
157	-175.95893	27.93474
158	-175.95751	27.93554
159	-175.95531	27.93634
160	-175.94676	27.93979
161	-175.93976	27.94313
162	-175.93730	27.94462
163	-175.93019	27.94940
164	-175.91849	27.95667
165	-175.89960	27.96883
166	-175.88990	27.97506
167	-175.88673	27.97684
168	-175.87603	27.98202
169	-175.86868	27.98514
170	-175.84284	27.99650
171	-175.81723	28.00661
172	-175.81543	28.00732
173	-175.80908	28.00970
174	-175.80440	28.01088
175	-175.79989	28.01133
176	-175.79170	28.01118
177	-175.78250	28.01088
178	-175.78033	28.01074
179	-175.78013	28.01073
180	-175.77097	28.01014
181	-175.76796	28.00984
182	-175.73629	28.02156

Table 3—Coordinates for Kapou (Lisianski Island) SPA

Point No	Longitude	Latitude
1	-173.82216	26.08261
2	-173.81417	26.06651
3	-173.81089	26.06033
4	-173.80358	26.04582
5	-173.80187	26.04312
6	-173.79902	26.03951
7	-173.79216	26.03255
8	-173.78288	26.02340
9	-173.76999	26.01042
10	-173.76842	26.00888

11	-173.76714	26.00720
12	-173.75672	25.99276
13	-173.75329	25.98625
14	-173.75257	25.98316
15	-173.75272	25.98019
16	-173.75357	25.97607
17	-173.75414	25.97272
18	-173.75429	25.97130
19	-173.75457	25.97065
20	-173.75629	25.96949
21	-173.77427	25.95518
22	-173.79226	25.94087
23	-173.79613	25.91463
24	-173.79656	25.91231
25	-173.79685	25.91089
26	-173.79770	25.91025
27	-173.84842	25.87454
28	-173.85185	25.87235
29	-173.85299	25.87209
30	-173.86184	25.87364
31	-173.88326	25.87777
32	-173.89205	25.87946
33	-173.89348	25.87959
34	-173.89805	25.87971
35	-173.90349	25.87978
36	-173.90608	25.87981
37	-173.91654	25.87993
38	-173.91667	25.87993
39	-173.91893	25.87996
40	-173.91989	25.87997
41	-173.93702	25.88023
42	-173.94445	25.88023
43	-173.94602	25.88062
44	-173.95530	25.88526
45	-173.99537	25.90548
46	-174.00031	25.90797
47	-174.00548	25.91058
48	-174.02703	25.92167
49	-174.09677	25.95696
50	-174.11041	25.96396
51	-174.11155	25.96538
52	-174.11498	25.97067
53	-174.12111	25.97892

54	-174.12311	25.98124
55	-174.12483	25.98279
56	-174.14281	25.99916
57	-174.14396	26.00019
58	-174.14453	26.00083
59	-174.14595	26.00560
60	-174.15196	26.02194
61	-174.15682	26.03560
62	-174.15782	26.03831
63	-174.15839	26.04089
64	-174.15867	26.04295
65	-174.15839	26.05197
66	-174.15740	26.08891
67	-174.15668	26.10643
68	-174.15669	26.11617
69	-174.15600	26.12038
70	-174.13944	26.16391
71	-174.13478	26.17505
72	-174.12292	26.18449
73	-174.09565	26.20576
74	-174.08837	26.21129
75	-174.08723	26.21206
76	-174.08651	26.21232
77	-174.08452	26.21258
78	-174.07352	26.21412
79	-174.05468	26.21682
80	-174.05239	26.21721
81	-174.05082	26.21721
82	-174.01328	26.21451
83	-173.98436	26.21258
84	-173.95210	26.19379
85	-173.93939	26.18620
86	-173.93511	26.18350
87	-173.93411	26.18260
88	-173.93140	26.17951
89	-173.91733	26.16389
90	-173.90177	26.14625
91	-173.89892	26.14329
92	-173.89749	26.14200
93	-173.89663	26.14123
94	-173.88792	26.13569
95	-173.88360	26.13292
96	-173.87247	26.12532

97	-173.86333	26.11940
98	-173.86176	26.11798
99	-173.85890	26.11566
100	-173.84391	26.10291
101	-173.83458	26.09485
102	-173.82473	26.08661
103	-173.82373	26.08545
104	-173.82216	26.08261

Table 4—Coordinates for Kamole (Laysan Island) SPA

Point No	Longitude	Latitude
1	-171.79754	25.90062
2	-171.77776	25.90028
3	-171.76856	25.90040
4	-171.76743	25.90017
5	-171.76440	25.89960
6	-171.72850	25.89300
7	-171.68258	25.88476
8	-171.67766	25.88385
9	-171.67552	25.88328
10	-171.67325	25.88260
11	-171.65713	25.87714
12	-171.63979	25.87153
13	-171.63303	25.86920
14	-171.62757	25.86732
15	-171.62656	25.86686
16	-171.62568	25.86595
17	-171.62502	25.86507
18	-171.61749	25.85490
19	-171.60335	25.83593
20	-171.60146	25.83319
21	-171.60007	25.82681
22	-171.59667	25.80984
23	-171.59327	25.79245
24	-171.59327	25.79165
25	-171.60171	25.76624
26	-171.60528	25.76115
27	-171.61460	25.74736
28	-171.61775	25.74280
29	-171.61863	25.74166
30	-171.62266	25.73779

31	-171.63183	25.72850
32	-171.63489	25.72540
33	-171.63640	25.72415
34	-171.65101	25.71708
35	-171.65341	25.71571
36	-171.65643	25.71354
37	-171.66122	25.70739
38	-171.66827	25.70032
39	-171.66915	25.70009
40	-171.70065	25.69222
41	-171.70153	25.69210
42	-171.70216	25.69245
43	-171.70695	25.69735
44	-171.70879	25.69916
45	-171.70980	25.69985
46	-171.71156	25.70019
47	-171.72781	25.70027
48	-171.73461	25.70030
49	-171.73537	25.70007
50	-171.75112	25.69221
51	-171.75162	25.69198
52	-171.75351	25.69186
53	-171.77795	25.69209
54	-171.78475	25.69198
55	-171.79678	25.69800
56	-171.80964	25.70443
57	-171.81782	25.70853
58	-171.81846	25.70946
59	-171.83395	25.73225
60	-171.83916	25.74030
61	-171.84621	25.75067
62	-171.85049	25.75694
63	-171.85175	25.75900
64	-171.85377	25.76298
65	-171.86802	25.79154
66	-171.86827	25.79234
67	-171.86991	25.80031
68	-171.87319	25.81695
69	-171.87634	25.83252
70	-171.87634	25.83343
71	-171.87596	25.83457
72	-171.86853	25.84402
73	-171.83837	25.88003

74	-171.83602	25.88246
75	-171.83519	25.88335
76	-171.83459	25.88376
77	-171.83330	25.88437
78	-171.82477	25.88874
79	-171.82223	25.89004
80	-171.80446	25.89880
81	-171.80283	25.89960
82	-171.80106	25.90017
83	-171.79754	25.90062

Table 5—Coordinates for Kamokuokamohoali‘i (Maro Reef) SPA

Point No	Longitude	Latitude
1	-170.51849	25.56689
2	-170.42884	25.48429
3	-170.40989	25.46684
4	-170.36498	25.39615
5	-170.35211	25.37520
6	-170.38052	25.31861
7	-170.41008	25.25900
8	-170.42639	25.25050
9	-170.49312	25.25500
10	-170.54275	25.25849
11	-170.59335	25.28380
12	-170.65120	25.29999
13	-170.71939	25.30982
14	-170.76864	25.31704
15	-170.80164	25.33336
16	-170.81026	25.35866
17	-170.86881	25.39206
18	-170.89413	25.45071
19	-170.90203	25.52562
20	-170.90204	25.55000
21	-170.87689	25.58379
22	-170.80870	25.62631
23	-170.77706	25.63386
24	-170.71015	25.63370
25	-170.68577	25.61709
26	-170.57600	25.59194
27	-170.52174	25.56835
28	-170.51849	25.56689

Table 6—Coordinates for ʻŌnūnui and ʻŌnuiki (Gardner Pinnacles) SPA

Point ID	Longitude	Latitude
1	-167.90376	24.42883
2	-167.95520	24.41130
3	-167.99102	24.42020
4	-168.00495	24.43820
5	-168.00858	24.45765
6	-168.01169	24.47484
7	-168.01779	24.50855
8	-168.05095	24.57549
9	-168.08488	24.59196
10	-168.10261	24.63819
11	-168.12654	24.70001
12	-168.12689	24.70299
13	-168.13443	24.77502
14	-168.15180	24.81718
15	-168.15133	24.82629
16	-168.15166	24.88353
17	-168.16317	24.89394
18	-168.22632	24.95007
19	-168.26782	25.00868
20	-168.27946	25.06562
21	-168.26946	25.09337
22	-168.25241	25.10411
23	-168.24399	25.12438
24	-168.22776	25.16582
25	-168.19810	25.18222
26	-168.14391	25.19196
27	-168.08884	25.19330
28	-168.04250	25.17414
29	-167.98399	25.12434
30	-167.93393	25.07053
31	-167.92639	25.04237
32	-167.94327	25.01312
33	-167.94328	24.94223
34	-167.92440	24.90657
35	-167.90375	24.88387
36	-167.89337	24.85096
37	-167.89917	24.74685
38	-167.87394	24.63042
39	-167.87471	24.59063
40	-167.86815	24.56390

41	-167.87627	24.49318
42	-167.88943	24.45607
43	-167.89140	24.45052
44	-167.90376	24.42883

Table 7—Coordinates for Lalo (French Frigate Shoals) SPA

Point No	Longitude	Latitude
1	-165.88287	24.04302
2	-165.81715	24.03363
3	-165.81598	24.03346
4	-165.68957	24.01561
5	-165.61030	24.00420
6	-165.58476	24.00053
7	-165.58475	23.99013
8	-165.58469	23.89901
9	-165.58473	23.88171
10	-165.58487	23.82706
11	-165.58493	23.80510
12	-165.58474	23.74606
13	-165.58467	23.72209
14	-165.58477	23.69139
15	-165.58493	23.64173
16	-165.58492	23.64015
17	-165.58472	23.55814
18	-165.58465	23.53104
19	-165.58492	23.50047
20	-165.68850	23.51533
21	-165.82902	23.53508
22	-165.88403	23.54307
23	-165.90329	23.54586
24	-165.90597	23.54625
25	-165.99383	23.55900
26	-166.03245	23.56447
27	-166.08499	23.57190
28	-166.10117	23.57420
29	-166.13444	23.57892
30	-166.16019	23.58257
31	-166.19002	23.58681
32	-166.22864	23.59229
33	-166.23919	23.59378
34	-166.26236	23.59707

35	-166.28601	23.60043
36	-166.33447	23.60733
37	-166.35885	23.61080
38	-166.37208	23.61269
39	-166.39868	23.61648
40	-166.40303	23.61710
41	-166.40724	23.61770
42	-166.50660	23.63186
43	-166.60789	23.64643
44	-166.72350	23.66307
45	-166.92987	23.68841
46	-166.92855	23.74505
47	-166.92820	23.78485
48	-166.92779	23.83124
49	-166.92817	23.83749
50	-166.92683	23.92953
51	-166.92567	24.00460
52	-166.92523	24.03315
53	-166.92517	24.03699
54	-166.90344	24.03664
55	-166.75320	24.03423
56	-166.75144	24.16680
57	-166.69607	24.15879
58	-166.66261	24.15394
59	-166.60150	24.14542
60	-166.50010	24.13128
61	-166.49143	24.13008
62	-166.46034	24.12556
63	-166.43233	24.12150
64	-166.32588	24.10620
65	-166.31489	24.10462
66	-166.10509	24.07477
67	-166.02473	24.06329
68	-165.88287	24.04302

Table 8—Coordinates for Mokumanamana (Necker) SPA

Point ID	Longitude	Latitude
1	-164.54332	23.62574
2	-164.53774	23.61546
3	-164.53568	23.61072
4	-164.53436	23.60261

5	-164.53111	23.58291
6	-164.52906	23.55327
7	-164.52347	23.54272
8	-164.51842	23.53517
9	-164.51078	23.52258
10	-164.50137	23.51811
11	-164.48756	23.51042
12	-164.47390	23.50281
13	-164.45451	23.49239
14	-164.45025	23.48860
15	-164.44290	23.48074
16	-164.42150	23.47295
17	-164.40063	23.46523
18	-164.39476	23.46347
19	-164.38256	23.46334
20	-164.37022	23.46374
21	-164.36817	23.46306
22	-164.35392	23.45819
23	-164.34628	23.45541
24	-164.32877	23.44951
25	-164.31431	23.43772
26	-164.30609	23.43154
27	-164.29543	23.41512
28	-164.28443	23.39873
29	-164.28154	23.38946
30	-164.27484	23.36629
31	-164.26980	23.35201
32	-164.25929	23.32687
33	-164.25290	23.31240
34	-164.25199	23.30818
35	-164.25305	23.30467
36	-164.25391	23.30232
37	-164.25937	23.28868
38	-164.26848	23.27932
39	-164.27039	23.27580
40	-164.27641	23.25830
41	-164.28332	23.25152
42	-164.29933	23.23578
43	-164.31485	23.23457
44	-164.32999	23.23375
45	-164.33983	23.23321
46	-164.37024	23.23810
47	-164.38214	23.24651

48	-164.39668	23.25641
49	-164.40006	23.25695
50	-164.41146	23.25833
51	-164.45730	23.26308
52	-164.46347	23.26620
53	-164.47251	23.27100
54	-164.48529	23.29229
55	-164.51115	23.30260
56	-164.52540	23.30843
57	-164.56870	23.30925
58	-164.59206	23.30912
59	-164.60425	23.30763
60	-164.63246	23.29963
61	-164.64245	23.30098
62	-164.64083	23.31400
63	-164.63466	23.32091
64	-164.62891	23.32479
65	-164.62024	23.32764
66	-164.62303	23.34282
67	-164.61612	23.34892
68	-164.61039	23.35488
69	-164.60465	23.36962
70	-164.60009	23.38141
71	-164.59358	23.39656
72	-164.59304	23.39780
73	-164.58670	23.42106
74	-164.58127	23.44558
75	-164.59302	23.45045
76	-164.60713	23.45628
77	-164.61021	23.46671
78	-164.61221	23.46868
79	-164.62367	23.48006
80	-164.62734	23.48141
81	-164.64776	23.48913
82	-164.65452	23.49062
83	-164.66774	23.49265
84	-164.69032	23.49644
85	-164.70192	23.49738
86	-164.71470	23.49725
87	-164.71956	23.49693
88	-164.73882	23.49564
89	-164.73909	23.49562
90	-164.76295	23.48763

91	-164.77141	23.48479
92	-164.77495	23.49017
93	-164.78145	23.50004
94	-164.78336	23.50315
95	-164.78689	23.50423
96	-164.80114	23.51019
97	-164.81245	23.52400
98	-164.83023	23.53537
99	-164.83393	23.53828
100	-164.84010	23.54992
101	-164.84847	23.56805
102	-164.84022	23.59032
103	-164.83507	23.60223
104	-164.82699	23.61034
105	-164.82082	23.61684
106	-164.80231	23.62265
107	-164.79438	23.62265
108	-164.76970	23.62170
109	-164.76123	23.62470
110	-164.74668	23.62929
111	-164.72141	23.63890
112	-164.69989	23.64668
113	-164.69637	23.64884
114	-164.68168	23.65276
115	-164.62967	23.66304
116	-164.62570	23.66372
117	-164.60491	23.66058
118	-164.58332	23.65788
119	-164.57670	23.65626
120	-164.56260	23.64801
121	-164.55305	23.64260
122	-164.55023	23.63696
123	-164.54332	23.62574

Table 9—Coordinates for Nihoa Island SPA

Point No	Longitude	Latitude
1	-161.85602	23.06825
2	-161.85586	23.06145
3	-161.85681	23.05444
4	-161.85854	23.04933
5	-161.86360	23.03839

6	-161.86786	23.03182
7	-161.87322	23.02583
8	-161.88254	23.01897
9	-161.89754	23.01138
10	-161.91456	23.00813
11	-161.91743	23.00758
12	-161.93400	23.00846
13	-161.94876	23.01210
14	-161.95413	23.01502
15	-161.95873	23.01760
16	-161.96534	23.02130
17	-161.97875	23.03532
18	-161.98075	23.03875
19	-161.98502	23.04586
20	-161.98748	23.05667
21	-161.98809	23.06216
22	-161.98748	23.07391
23	-161.98297	23.08604
24	-161.97743	23.09476
25	-161.97071	23.10243
26	-161.96076	23.11031
27	-161.94498	23.11717
28	-161.92966	23.12052
29	-161.91767	23.12081
30	-161.90064	23.11819
31	-161.90062	23.11819
32	-161.88846	23.11323
33	-161.87906	23.10751
34	-161.86691	23.09642
35	-161.86217	23.08883
36	-161.85933	23.08270
37	-161.85665	23.07424
38	-161.85602	23.06825

Appendix E to Subpart W of Part 922 - Coordinates for the Ship Reporting Area

[Coordinates listed in this appendix are unprojected (Geographic) and based on the North American Datum of 1983]

The boundaries for the areas listed in this appendix, unless otherwise described in this rule, begin at Point 1 as indicated in the particular area's coordinate table and continue to each successive point in numerical order until ending at the last point in the table.

Table 1—Coordinates for the Reporting Area Outer Boundary

Point No	Longitude	Latitude
1	-178.28283	29.42450
2	-175.23067	28.72883
3	-173.42967	27.01283
4	-171.46783	26.74850
5	-170.34317	26.40383
6	-167.53500	25.94050
7	-165.97817	24.83667
8	-161.94767	24.09200
9	-161.94367	24.08817
10	-161.85883	24.07283
11	-161.77417	24.05733
12	-161.68983	24.04017
13	-161.60583	24.02183
14	-161.52583	23.99467
15	-161.44750	23.96417
16	-161.37183	23.92567
17	-161.29867	23.88267
18	-161.22867	23.83533
19	-161.16800	23.78233
20	-161.10783	23.72483
21	-161.05150	23.66183
22	-161.00233	23.59533
23	-160.95767	23.52650
24	-160.92050	23.45533
25	-160.89517	23.37900
26	-160.86950	23.30483
27	-160.85067	23.22617
28	-160.84100	23.14467
29	-160.83617	23.06167
30	-160.83917	22.97783
31	-160.85067	22.89733
32	-160.87000	22.81850
33	-160.89267	22.74100
34	-160.92533	22.66717

35	-160.96133	22.59550
36	-161.00417	22.52567
37	-161.05383	22.45950
38	-161.11067	22.39600
39	-161.17050	22.33733
40	-161.23550	22.28367
41	-161.30567	22.23400
42	-161.38000	22.18917
43	-161.45750	22.15317
44	-161.53517	22.12150
45	-161.61567	22.09783
46	-161.69817	22.07700
47	-161.78483	22.06567
48	-161.87267	22.05683
49	-161.95850	22.05683
50	-162.04717	22.06367
51	-162.13400	22.07483
52	-162.21867	22.09050
53	-162.27350	22.09950
54	-162.28083	22.10483
55	-164.78783	22.57617
56	-166.63717	22.79333
57	-168.46517	24.06367
58	-170.75650	24.42933
59	-171.88383	24.77567
60	-174.47850	25.12667
61	-176.59183	27.09700
62	-178.64433	27.45533
63	-178.72600	27.48217
64	-178.80667	27.51067
65	-178.88267	27.54567
66	-178.95500	27.58433
67	-179.02483	27.63150
68	-179.09333	27.68167
69	-179.15683	27.73617
70	-179.21417	27.79567
71	-179.26667	27.85750
72	-179.31367	27.92200
73	-179.35217	27.98883
74	-179.38583	28.05817
75	-179.41267	28.13033
76	-179.43633	28.20517
77	-179.45083	28.28250

78	-179.46050	28.36017
79	-179.46283	28.43633
80	-179.45800	28.51450
81	-179.44917	28.59350
82	-179.42917	28.66817
83	-179.40517	28.74100
84	-179.37500	28.81167
85	-179.34050	28.88017
86	-179.29617	28.94517
87	-179.24867	29.00967
88	-179.19483	29.06967
89	-179.13667	29.12700
90	-179.07283	29.18100
91	-179.00350	29.22933
92	-178.92967	29.27067
93	-178.85433	29.30850
94	-178.77500	29.34083
95	-178.69450	29.37100
96	-178.61067	29.39200
97	-178.52567	29.40883
98	-178.43850	29.41933
99	-178.34867	29.42367
100	-178.27833	29.42150
101	-178.28283	29.42450

Table 2—Coordinates of the Inner Reporting Area Boundary around Hōlanikū (Kure Atoll), Kuaihelani (Midway Atoll), Manawai (Pearl and Hermes Atoll) Area to be Avoided (ATBA)

Point No	Longitude	Latitude
1	-175.78700	27.01217
2	-175.87900	27.01133
3	-175.96933	27.01817
4	-176.05883	27.03317
5	-176.14683	27.05567
6	-176.23183	27.08533
7	-176.31317	27.12283
8	-176.39000	27.16633
9	-176.46233	27.21700
10	-176.47833	27.22950
11	-176.49783	27.24600

12	-177.55517	27.41583
13	-178.49833	27.59783
14	-178.56550	27.61067
15	-178.62200	27.62550
16	-178.67750	27.64333
17	-178.73167	27.66417
18	-178.78417	27.68800
19	-178.83500	27.71483
20	-178.88383	27.74433
21	-178.93050	27.77650
22	-178.97483	27.81117
23	-179.01667	27.84817
24	-179.05650	27.88700
25	-179.09350	27.92817
26	-179.12683	27.97150
27	-179.15783	28.01683
28	-179.18500	28.06350
29	-179.20883	28.11183
30	-179.22917	28.16117
31	-179.24583	28.21167
32	-179.25900	28.26300
33	-179.26850	28.31517
34	-179.27417	28.36733
35	-179.27600	28.41200
36	-179.27617	28.42000
37	-179.27600	28.43017
38	-179.27400	28.47250
39	-179.26833	28.52483
40	-179.25900	28.57683
41	-179.24583	28.62817
42	-179.22900	28.67850
43	-179.20900	28.72800
44	-179.18550	28.77633
45	-179.15867	28.82317
46	-179.12833	28.86850
47	-179.09500	28.91200
48	-179.05850	28.95350
49	-179.01917	28.99300
50	-178.97700	29.03017
51	-178.93217	29.06500
52	-178.88500	29.09717
53	-178.83550	29.12667
54	-178.78400	29.15350

55	-178.73067	29.17733
56	-178.67567	29.19817
57	-178.61933	29.21583
58	-178.56183	29.23033
59	-178.50350	29.24167
60	-178.44433	29.24983
61	-178.38467	29.25467
62	-178.32483	29.25600
63	-178.26500	29.25417
64	-178.20533	29.24900
65	-178.14633	29.24050
66	-177.20117	29.05783
67	-177.12150	29.04250
68	-175.59117	28.64933
69	-175.57250	28.64450
70	-175.32900	28.58183
71	-175.17750	28.43733
72	-175.14917	28.41017
73	-175.15067	28.40883
74	-175.08183	28.33483
75	-175.03200	28.26750
76	-174.98883	28.19633
77	-174.95383	28.12150
78	-174.92800	28.04383
79	-174.91033	27.96400
80	-174.90083	27.88350
81	-174.90083	27.80200
82	-174.91033	27.72133
83	-174.92850	27.64133
84	-174.95533	27.56350
85	-174.99050	27.48833
86	-175.03383	27.41667
87	-175.08450	27.34883
88	-175.14317	27.28633
89	-175.20783	27.22883
90	-175.27783	27.17650
91	-175.35417	27.13133
92	-175.43483	27.09283
93	-175.51917	27.06100
94	-175.60667	27.03700
95	-175.69633	27.02150
96	-175.78700	27.01217

Table 3—Coordinates for the Inner Reporting Area Boundary around ʻŌnūnui and ʻŌnuiki (Gardner Pinnacles), Lalo (French Frigate Shoals), Mokumanamana (Necker) ATBA

Point No	Longitude	Latitude
1	-168.00150	25.83633
2	-167.87767	25.82733
3	-167.87750	25.82833
4	-167.80583	25.81650
5	-167.61200	25.78483
6	-167.44133	25.66400
7	-167.32983	25.58500
8	-166.75000	25.17383
9	-166.05600	24.68183
10	-165.58317	24.59400
11	-164.51867	24.39633
12	-164.51900	24.39317
13	-164.49567	24.38850
14	-164.40867	24.36417
15	-164.32317	24.33500
16	-164.24267	24.29583
17	-164.16617	24.24983
18	-164.09483	24.19767
19	-164.03000	24.13833
20	-163.97050	24.07467
21	-163.92033	24.00450
22	-163.87650	23.93083
23	-163.84267	23.85283
24	-163.81633	23.77217
25	-163.79983	23.68950
26	-163.79267	23.60567
27	-163.79333	23.52117
28	-163.80467	23.43783
29	-163.82500	23.35567
30	-163.85233	23.27550
31	-163.89117	23.19933
32	-163.93583	23.12567
33	-163.98967	23.05767
34	-164.05017	22.99417
35	-164.11833	22.93783
36	-164.19150	22.88700

37	-164.26967	22.84333
38	-164.35267	22.80800
39	-164.43800	22.77883
40	-164.52667	22.75817
41	-164.61717	22.74717
42	-164.70850	22.74417
43	-164.79983	22.74867
44	-164.82533	22.75183
45	-164.85800	22.75650
46	-164.85883	22.75283
47	-165.58317	22.83767
48	-166.32717	22.92500
49	-166.38867	22.93217
50	-166.60000	22.95683
51	-166.75000	23.06250
52	-166.79083	23.09133
53	-168.38100	24.21167
54	-168.37967	24.21467
55	-168.45467	24.26750
56	-168.52767	24.31917
57	-168.59917	24.37117
58	-168.66567	24.42850
59	-168.72583	24.49183
60	-168.77717	24.56117
61	-168.82150	24.63433
62	-168.85767	24.71133
63	-168.88533	24.79083
64	-168.90467	24.87233
65	-168.91367	24.95533
66	-168.91583	25.03867
67	-168.90717	25.12167
68	-168.88867	25.20317
69	-168.86267	25.28317
70	-168.82667	25.35950
71	-168.78217	25.43233
72	-168.73100	25.50150
73	-168.67367	25.56483
74	-168.60867	25.62283
75	-168.53733	25.67483
76	-168.46133	25.72067
77	-168.38033	25.75950
78	-168.29600	25.79050
79	-168.20783	25.81317

80	-168.11817	25.82867
81	-168.02700	25.83517
82	-168.00150	25.83633

Table 4—Coordinates for Inner Reporting Area Boundary around the Kapou (Lisianski Island), Kamole (Laysan Island), Kamokuokamohoali‘i (Maro Reef), Raita Bank ATBA

Point No	Longitude	Latitude
1	-173.56150	26.85217
2	-173.51450	26.84583
3	-173.51317	26.84817
4	-171.62833	26.60000
5	-171.56400	26.59150
6	-171.51400	26.58500
7	-171.45833	26.56783
8	-171.41933	26.55583
9	-170.38400	26.23767
10	-169.81600	26.14483
11	-169.81717	26.13933
12	-169.76383	26.12700
13	-169.67617	26.10050
14	-169.59400	26.06617
15	-169.51517	26.02517
16	-169.44083	25.97750
17	-169.37233	25.92200
18	-169.31000	25.86117
19	-169.25317	25.79633
20	-169.20567	25.72567
21	-169.16550	25.65083
22	-169.13467	25.57283
23	-169.11267	25.49233
24	-169.09883	25.41017
25	-169.09400	25.32717
26	-169.09883	25.24417
27	-169.11100	25.16150
28	-169.13367	25.08083
29	-169.16600	25.00283
30	-169.20583	24.92767
31	-169.25233	24.85583
32	-169.30800	24.78950
33	-169.37033	24.72817
34	-169.43850	24.67233

35	-169.51300	24.62367
36	-169.59400	24.58333
37	-169.67767	24.55033
38	-169.76467	24.52233
39	-169.85133	24.50517
40	-169.94217	24.49467
41	-170.03017	24.49267
42	-170.07617	24.49350
43	-170.73983	24.59617
44	-170.79300	24.60483
45	-170.83950	24.61967
46	-170.86950	24.62933
47	-171.83650	24.93717
48	-174.41400	25.27683
49	-174.64083	25.49267
50	-174.70050	25.55467
51	-174.75333	25.62217
52	-174.79733	25.69467
53	-174.83417	25.77050
54	-174.86283	25.84883
55	-174.88183	25.93000
56	-174.89117	26.01183
57	-174.89350	26.09450
58	-174.88450	26.17650
59	-174.86800	26.25767
60	-174.84283	26.33667
61	-174.80733	26.41250
62	-174.76567	26.48583
63	-174.71600	26.55433
64	-174.65817	26.61850
65	-174.59383	26.67667
66	-174.52383	26.72917
67	-174.44783	26.77483
68	-174.36817	26.81500
69	-174.28383	26.84650
70	-174.19650	26.87000
71	-174.10717	26.88683
72	-174.01633	26.89567
73	-173.92467	26.89567
74	-173.83367	26.88817
75	-173.74300	26.87600
76	-173.65233	26.86417
77	-173.56150	26.85217

Table 5—Coordinates for the Inner Reporting Area boundary around Nihoa ATBA

Point No	Longitude	Latitude
1	-161.78483	23.88033
2	-161.74450	23.87317
3	-161.74233	23.88033
4	-161.68667	23.86833
5	-161.63200	23.85300
6	-161.57850	23.83467
7	-161.52633	23.81317
8	-161.47583	23.78883
9	-161.42700	23.76150
10	-161.38017	23.73133
11	-161.33550	23.69867
12	-161.29333	23.66333
13	-161.25350	23.62567
14	-161.21650	23.58567
15	-161.18217	23.54367
16	-161.15083	23.49983
17	-161.12250	23.45417
18	-161.09750	23.40700
19	-161.07567	23.35850
20	-161.05717	23.30867
21	-161.04217	23.25800
22	-161.03067	23.20650
23	-161.02250	23.15450
24	-161.01817	23.10217
25	-161.01717	23.04950
26	-161.01983	22.99700
27	-161.02617	22.94483
28	-161.03583	22.89300
29	-161.04917	22.84183
30	-161.06583	22.79167
31	-161.08583	22.74250
32	-161.10900	22.69450
33	-161.13550	22.64800
34	-161.16500	22.60317
35	-161.19750	22.56017
36	-161.23283	22.51900
37	-161.27083	22.48017
38	-161.31150	22.44350
39	-161.35433	22.40933
40	-161.39950	22.37767
41	-161.44667	22.34867

42	-161.49567	22.32250
43	-161.54633	22.29917
44	-161.59833	22.27883
45	-161.65167	22.26167
46	-161.70617	22.24750
47	-161.76133	22.23667
48	-161.81717	22.22883
49	-161.87350	22.22450
50	-161.93000	22.22333
51	-161.98633	22.22550
52	-162.04250	22.23083
53	-162.09083	22.23850
54	-162.09817	22.23950
55	-162.11467	22.24317
56	-162.20300	22.26450
57	-162.28850	22.29500
58	-162.37000	22.33283
59	-162.44733	22.37883
60	-162.51917	22.43133
61	-162.58483	22.49017
62	-162.64350	22.55467
63	-162.69533	22.62450
64	-162.73900	22.69883
65	-162.77450	22.77717
66	-162.80083	22.85800
67	-162.81817	22.94100
68	-162.82633	23.02500
69	-162.82483	23.10967
70	-162.81483	23.19350
71	-162.79500	23.27617
72	-162.76633	23.35600
73	-162.72917	23.43367
74	-162.68350	23.50667
75	-162.63050	23.57517
76	-162.56967	23.63767
77	-162.50300	23.69483
78	-162.42983	23.74533
79	-162.35183	23.78933
80	-162.26933	23.82583
81	-162.18317	23.85400
82	-162.09383	23.87400
83	-162.00417	23.88567
84	-161.91250	23.88933

85	-161.82133	23.88483
86	-161.78483	23.88033

Appendix F to Subpart W of Part 922 - IMO Standard Reporting Format and Data Syntax for Ship Reporting System

Telegraphy	Function	Information required	Example field text
	System identifier	CORAL SHIPREP //	CORAL SHIPREP //
A	Ship	Vessel name/call sign/flag/IMO number/Federal documentation or State registration number if applicable //.	A/OCEAN VOYAGER/C5FU8/BAHAMAS/ IMO 9359165/
B	Date, time (UTC), and month of entry.	A 6-digit group giving day of month (first two digits), hours and minutes (last four digits) in coordinated universal time, suffixed by the letter Z (indicating time in UTC), and three letters indicating month //.	B/271107Z DEC//
C	Position	A 4-digit group giving latitude in degrees and minutes, suffixed with the letter N (indicating north), followed by a single /, and a five-digit group giving longitude in degrees and minutes, suffixed with the letter W (indicating west) // [Report in the World Geodetic System 1984 Datum (WGS– 84)].	C/2728N/17356W//
E	True course	3-digit number indicating true course //	E/180//
F	Speed in knots and tenths.	3-digit group indicating knots decimal tenths //	F/20.5//
I	Destination and estimated time of arrival.	Name of port city/country/estimated arrival date and time group expressed as in (B) //.	I/SEATTLE/USA/311230Z DEC//
L	Intended route through the re- porting area.	Route information should be reported as a direct rhumbline (RL) course through the reporting area and intended speed (expressed as in E and F) or a series of waypoints (WP). Each waypoint entry should be reported as latitude and longitude, expressed as in (C), and intended speed be- tween waypoints (as in F) // (Note: As many ‘‘L’’ lines as needed may be used to describe the vessel’s intended route.).	L/RL/215/20.5// -OR- L/WP/2734N/17352W/20.5// L/WP/2641N/17413W/20.5// L/WP/2605N/17530W/20.5//
O	Vessel draft in meters.	Maximum present static draft reported in meters decimal centimeters //.	O/11.50//
P	Categories of Hazardous Cargoes*.	Classification Code (e.g. IMDG, IBC, IGC, INF) / and all corresponding Categories of Hazardous Cargoes (delimited by commas) // Note: If necessary, use a separate ‘‘P’’ line for each type of Classification Code.	P/IMDG/1.4G,2.1,2.2,2.3,3,4.1,6.1,8,9//
Q	Defects or deficiencies**.	Brief details of defects, damage, deficiencies or limitations that restrict maneuverability or impair normal navigation // (If none, enter the number zero.).	Q/Include details as required//
R	Pollution incident or goods lost overboard**.	Description of pollution incident or goods lost overboard with- in the Monument, the Reporting Area, or the U.S. Exclusive Economic Zone// (If none, enter the number zero.).	R/0//

T	Contact information of ship's agent or owner.	Name/address/and phone number of ship's agent or owner //	T/JOHN DOE/GENERIC SHIPPING COMPANY INC, 6101 ACME ROAD, ROOM 123, CITY, STATE, COUNTRY 12345/123–123–1234//
U	Ship size (length overall and gross tonnage) and type.	Length overall reported in meters decimal centimeters/number of gross tons/type of ship (e.g. bulk carrier, chemical tanker, oil tanker, gas tanker, container, general cargo, fishing vessel, research, passenger, OBO, RORO) //.	U/294.14/54592/CONTAINER SHIP//
W	Persons.....	Total number of persons on board //	W/15//

TABLE NOTES

*Categories of hazardous cargoes means goods classified in the International Maritime Dangerous Goods (IMDG) Code; substances classified in chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) and chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code); oils as defined in MARPOL Annex I; noxious liquid substances as defined in MARPOL Annex II; harmful substances as defined in MARPOL Annex III; and radioactive materials specified in the Code for the Safe Carriage of the Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (INF Code).

**In accordance with the provisions of the MARPOL Convention, ships must report information relating to defects, damage, deficiencies or other limitations as well as, if necessary, information relating to pollution incidents or loss of cargo. Safety related reports must be provided to CORAL SHIPREP without delay should a ship suffer damage, failure or breakdown affecting the safety of the ship (Item Q), or if a ship makes a marked deviation from a route, course or speed previously advised (Item L). Pollution or cargo lost overboard must be reported without delay (Item R).

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