



NON-GOVERNMENT (Voting)

Tetsuzan Benny Ron
Business Commerce

Cindi Punihaole Kennedy
Citizen-At-Large

Richard Davison
Commercial Shipping

Barbara (Maka`ala) Kaaumoana
Conservation

Liz Kumabe (Vice-Chair)
Education

Philip Fernandez
Fishing

Alex Sheftic
Hawai`i County

John (Jack) Kittinger
Honolulu County

Sharon Pomroy
Kaua`i County

Solomon Pili Kaho`ohalahala
Lana`i Island

Robin Newbold
Maui County

Walter Ritte
Moloka`i Island

Trisha Kehau Watson
Native Hawaiian

Doug Cole
Ocean Recreation

Adam Pack, Ph.D. (Chair)
Research

Kimokeo Kapahulehua
Tourism

Jim Coon
Whale Watching

Gina McGuire
Youth Member (non-voting)

GOVERNMENT (Non-Voting)

Marnie Meyer
DBEDT - OP

Vacant
DBEDT Science and Technology

William J Aila Jr.
DLNR

Elia Herman
DLNR - HIIHWNMS State Co-Manager

Gary Gill
DOH

Sandra Rossetter
DOT - Harbors

Gene Brighthouse
Fagatele Bay NMS

Malia Chow
Hawaiian Islands Humpback Whale NMS

Everett Ohta
OHA-Voting

Take Tomson
NMFS - Law Enforcement

Lisa Van Atta
NMFS - PIRO

`Aulani Wilhelm
Papahānaumokuākea MNM

Eric Kingma
WESPAC-Voting

Athline M. Clark
US ACOE

Eric Roberts
US Coast Guard

Rebecca Hommon
US Navy

62nd Meeting
January 17-18, 2012
Ala Moana Hotel
410 Atkinson Drive
Honolulu, HI 96814

Purpose: Sanctuary Advisory Council working group chairs will present management recommendations reports for discussion and approval by the full council prior to recommendations being forwarded to sanctuary management.

Day 1 – January 17, 2012

Attendance

Primary Council Members Present: Philip Fernandez, Benny Ron, Eric Kingma, Jack Kittinger, Maka`ala Ka`aumoana, Alex Sheftic, Kehau Watson, William Aila, Marnie Meyer, Everett Ohta, Adam Pack (chair), Liz Kumabe (vice-chair), Take Tomson, Kimokeo Kapahulehua, Robin Newbold, Lisa Van Atta, Jim Coon, `Aulani Wilhelm, Sharon Pomroy, Gina McGuire, Athline Clark, Sol Kaho`ohalahala, Walter Ritte, Douglass Cole, Sandra Rossetter, Becky Hommon, Malia Chow, Elia Herman, Evrett Ohta

Alternate Council Members Present:

Teri Leicher, Gordon LaBedz, Judy Lemus, Donna Brown (for Cindi Punihaole Kennedy), Jennifer Barrett, Thorne Abbott, Charter Tschirgi (USCG-for Eric Roberts), Myron Honda (DOH-for Gary Gill)

Excused: Gene Brighthouse, Richard Davison, Gary Gill, Eric Roberts, Cindi Punihaole Kennedy

Others Present:

Allen Tom, Joseph Paulin, Kanani Frazier, Ed Lyman, Ed Lindelof, Micki Ream, Lisa White, Kaau Abraham, Paul Wong, Patty Miller, Joey Lecky, Jean Souza, Mel Wills, Fiona Langenberger, Rachel Sprague, Sarah Courbis, Danielle Jaywardene, Randy Kosaki, Nina Monasevitch, Jenna Gatzke, Hans Van Tilburg, Millett, Megan Onuma, Frank Parker, Jeff Walters

Distributed Materials

Agenda, nine working group reports (not including appendices), contact information for council members and Hawaiian Islands Humpback Whale National Marine Sanctuary (sanctuary) staff members, letter from Governor Abercrombie, public testimony received prior to the meeting.

Additional Materials Available to Council

- Nine full working group reports (including appendices)



Other Materials Distributed via Email and Available Upon Request

Agenda, nine working group reports (including appendices), sanctuary superintendent report, state co-manager report, public testimony received prior to the meeting

Call to Order

Adam Pack calls the meeting to order at 9:10 am. Kimokeo Kapahuleua offers a pule. Liz Kumabe takes attendance. Adam Pack thanks members of the public for their attendance.

Approval of minutes from 61st meeting

Jim Coon moves to accept minutes from 61st meeting. Maka‘ala Ka‘aumoana seconds the motion. Motion passes unanimously.

Introductions

Council members and sanctuary staff introduce themselves. Adam Pack summarizes the process of council meetings, and clarifies how to participate in the public comment period. He also provides an overview of the agenda, highlighting that working group presentations and subsequent questions would be 30 minutes each. Adam Pack notes that on day 2, the motions to approve reports will be for the whole reports, and that is the time for discussion about the reports. The votes will be based on the motions and any agreed upon amendments.

Adam Pack notes that there is an amendment to the agenda and the order of the working group presentations will be as follows: Ecosystem Protections, Native Hawaiian, Offshore Development, and Humpback Whale Protections in the morning, and Climate Change, Ocean Literacy, Enforcement, Maritime Heritage, and Water Quality in the afternoon.

Management Plan Review (MPR) status and update on working group process

Malia Chow offers a presentation to summarize the working group process, including context about the sanctuary’s designation and the provision for additional protections for humpback whales and their habitat, and the conservation and management of other marine resources, qualities, and ecosystems. She highlights the extensive time and effort that contributed to the recommendation reports. She reviews a timeline of past council meetings which led to this meeting, and she provides a timeline for future council meetings and sanctuary progress in the management plan review process.

Jack Kittinger asks about the timing for recommendations that precede the finalization of the new management plan. Malia Chow notes that if recommendations for activities (e.g., workshops) can be done in a timely manner, they will inform the MPR process.

Phil Fernandez notes the existence of overarching issues, which were separate from the nine priority issues: Native Hawaiian Perspectives, Socioeconomic, Environmental Impacts, Community Engagement.



Council working groups recommendations reports presentations

Ecosystem Protections Presentation – Adam Pack and Jack Kittinger (co-chairs)

Adam Pack provides an overview of the working group’s work plan (i.e., issue description, objectives). He discusses the “road map” that the group used to implement their work plan, and the activities of the working group (e.g., meetings, review of public scoping comments, review of other information, letter to technical advisors). Adam Pack also provides the three alternatives that working group members and technical advisors considered: status quo, addition of species, ecosystem-based management (EBM) approach.

Jack Kittinger summarizes the definition of ecosystem-based management which the working group agreed on (from scientific consensus statement on marine ecosystem-based management). He also explains how the working group used this general definition to consider conditions which make the EBM definition more specific and appropriate for Hawai‘i: (a) protect and promote sustainable human uses, (b) protect and conserve ocean habitats and species. Jack Kittinger highlights guiding principles that can operationalize ecosystem-based management for the sanctuary: (a) ecological guiding principles, (b) assessing human dimensions of ecosystem-based management. Jack also discusses place-based co-management. He summarizes the main short-, mid-, and long-term recommendations in the working group’s report. He notes that the proposed key recommendation is for the superintendent to consider an ecosystem-based approach (within current sanctuary boundaries).

Walter Ritte asks if the group considered human ocean uses when they were discussing human dimensions, and if there was a process for prioritizing human uses. Jack Kittinger notes that this was a point of discussion, but the working group members weren’t able to do this because they didn’t know enough to prioritize human uses; there are associated impacts and benefits, and we need to understand more about the benefits. Adam Pack adds that this has to be done in a place-based manner and working with communities.

Phil Fernandez asks if there were criteria in choosing the technical advisors, and if they were generally marine biologists, or if they also included other fields (e.g., economists). Jack Kittinger replies that they focused on people with experience in biophysical, oceanographic, ecological fields, since there could potentially be input from other groups (e.g., Native Hawaiian working group).

Native Hawaiian Working Group Presentation– Kehau Watson and Sharon Pomroy (chair and vice-chair) Sharon Pomroy offers perspective on the significance of the date, January 17, in the context of the history of Hawai‘i and the overthrow of the Hawaiian kingdom.

Kehau Watson provides an overview of the working group’s process and the contributions of the members. She summarizes the objectives of the work plan, and the process that the working group undertook, noting that there was participation from all islands. She highlights the working group’s focus on the foundation of the sanctuary (including context from enabling legislation for the sanctuary, related acts in the state legislature, etc). She provides the three sections of the recommendation report: (1) protection and enhancement of traditional practices and access, (2) protection of biocultural and subsistence resources, (3) promotion of co-management with local and traditional communities.



She also explains the three proposed immediate steps for the council to take action on at this meeting: (1) support changing the name of the sanctuary; (2) create a Native Hawaiian Subcommittee; (3) support the subcommittee holding public meetings to engage communities.

Offshore Development Presentation– Phil Fernandez (chair)

Phil Fernandez notes that the working group had representation from all islands, and that he tried to include diverse economic sectors. He offers highlights from the work plan, including the principal objectives. He provides an overview of the working group’s process and activities (e.g., review current permitting process for aquaculture and energy development, consider overlap with other working groups, blog site, number of meetings).

Phil Fernandez summarizes seven main categories of results that came out of the working group. Since the definition of “precautionary principle” was a particularly contentious topic in the working group, he provides the two definitions that the working group agreed to submit together in their report. He explains the seven recommendations that the working group submitted in their report, emphasizing that the group wants the sanctuary to be actively involved in the offshore development evaluation and implementation process, and should utilize the precautionary principle guideline.

Adam Pack notes that, given the history of council opinions, he appreciates the recommendations for the sanctuary to be more pro-active in being involved with development projects.

Jim Coon asks Phil Fernandez to expand on the concept that there should be higher protection within the sanctuary boundaries (e.g., was this assuming that the boundaries would remain the same, or did this have to do with expansion?) Phil Fernandez answers that the group’s recommendations were regardless of where the boundaries were.

Kimokeo Kapahulehua brings up the notion of offshore development being related to tax credit incentives for business development (e.g., fees, royalties for companies). Phil Fernandez notes that this topic did come up, and that the idea of fees was brought up at certain points in the group’s discussion, but the group agreed that they did not have the expertise to make recommendations on this topic.

Sharon Pomroy asks how the working group addressed fishponds and if aquaculture along the shoreline was considered in the categories of onshore, nearshore, and offshore. Phil Fernandez clarifies that fishponds were considered as onshore, and nearshore was anything not on the shoreline.

Eric Kingma asks for clarification on the National Marine Sanctuary Act (NMSA) 304(d) provision, and why it hadn’t been addressed by the sanctuary. Allen Tom clarifies that the 304(d) consultation as it relates to the sanctuary is specifically for humpback whales, and that consultations have occurred with NOAA Fisheries. Ed Lindelof also notes that although that provision is in the statute, there is no regulatory pathway. Phil Fernandez points out that the “resource” description in other sanctuaries is broad, but the Hawaiian Islands Humpback Whale National Marine Sanctuary’s description is only humpback whales and their habitat.



Walter Ritte expresses concern that there is no final report for the Aquaculture Workshop report. Malia Chow clarifies that a summary of the workshop along with detailed notes of the collective group memory of the workshop had been released, but the final report is still in draft form with the workshop's steering committee. Walter Ritte wonders if not having the report affected the working group's recommendations. Phil Fernandez responds that the working group just did their best to make recommendations based on the information they had available.

Doug Cole asks for clarification about the two precautionary principles provided in the group's report, and whether the council is supposed to decide on a definition during this meeting. Phil Fernandez answers that the council doesn't have to vote on the precautionary principle, but that the group is just offering options to sanctuary management.

Elia Herman notes that when the Aquaculture Workshop report is finalized, it will be considered in the drafting of the management plan, it's not too late for consideration and the information will be utilized by the sanctuary management.

Humpback Whale Protections Presentation– Jim Coon and Ed Lyman (chair and sanctuary staff support). Jim Coon explains the two-day workshop for the working group, and that there was representation from all islands, and diverse constituents (e.g., science, management, tour operators) He explains that 11 recommendations came out as having top priority (based on votes from workshop participants), but that all recommendations were forwarded to the sanctuary advisory council within the report.

Jim Coon summarizes the top threats which were considered by the workshop participants, and then explains the recommendations which were formed at the workshop to address those threats. The threats include whale-vessel contacts (ship strikes), entanglement, intentional approach (harassment), anthropogenic noise, competition for habitat (e.g., offshore development), and there were also recommendations which didn't necessarily relate to threats (e.g., research).

Jack Kittinger asks for clarification about the seasonal quiet zones. Jim Coon explains that there was discussion about limiting boat traffic in certain areas during whale season (e.g., Ma'alaea Bay and 'Au 'Au Channel), and that someone at the workshop pointed out the potential to do research to compare areas with high whale concentrations, but different boat traffic (e.g., Penguin Banks and Ma'alaea Harbor).

Teri Leicher points out that there's a lack of awareness on humpback whale behavior among some ocean users, which leads to whale-vessel contact, and asks whether there are recommendations for outreach and education in order to address this. Jim Coon responds that the working group did address outreach and education.

Kimokeo Kapahulehua notes that the jet skis are banned in certain areas of Maui during whale season, and that concerns about ferry traffic also came up in the offshore development presentation.



Adam Pack emphasizes that Hawai‘i is recognized as a leader in humpback whale research and focus, and that in spite of potential changes in sanctuary conditions, efforts for humpback whales would not be lost.

Allen Tom asks how fast the tug-and-tow barges go. Jim Coon suspects in the ‘teens (knots), and Allen Tom asks whether anyone from Young Brothers participated in the workshop; Jim Coon responds that they weren’t able to send a representative. Adam Pack clarifies that the 14 knot recommendation came from discussion about an impact study by David Laist on ship strikes and the effect of vessel speed. Whale strikes from vessels traveling below 14 knots result in fewer fatalities. He emphasizes that these are not binding recommendations, but they are ideas about how the sanctuary can be bolder in the future.

Sandra Rossetter notes that she can’t speak on behalf of the commercial shipping user groups, but she would pursue engagement with that constituent group. She wonders whether the council has any involvement in activities for the tsunami debris expected to impact shorelines in Hawai‘i. “Aulani Wilhelm provides a brief description of Papahānaumokuākea Marine National Monument involvement (e.g., research).

Maka‘ala Ka‘aumoana comments that jet skis are only allowed in Hanalei in high surf advisory periods, which tend to occur in whale season, and that this is an example of the potential to have specific place-based conditions.

Lunch

Adam Pack calls for a break for lunch at 11:58 a.m. Meeting re-convenes at 1:18 p.m.

Council working group recommendation report presentations (continued)

Climate Change Presentation– Eric Kingma (chair)

Eric Kingma explains how the working group considered climate change with respect to the sanctuary: potential direct, indirect, and cumulative impacts to whales, broader ecosystem impacts, and green sanctuary operations. He summarizes the process that the working group used to develop their recommendations.

He highlights a principle recommendation of the working group, related to the Climate-Smart Sanctuaries Certification Program, and then he provides an overview of the categories of the remaining recommendations: research and monitoring, education and outreach, sanctuary operations, and Native Hawaiian traditional perspectives.

Liz Kumabe asks about the role of ocean literacy in providing education specifically to the Native Hawaiian community. Eric Kingma clarifies that he was referring to the potential for place-based focus in areas near the ocean, and with predominantly Native Hawaiian communities.

Adam Pack asks if the group looked at existing models for spatial impacts (e.g., coastal resources and fishponds), if there are models for ecosystem effects such as whale migration patterns based on changes



in resources (e.g., krill and herring availability), and if there are NOAA Fisheries programs looking at possible climate change impacts to certain species. Eric Kingma clarifies that the sea level rise models are limited to O‘ahu right now. He also notes that while there may not be models for specific aspects (e.g., single species) there are general models for changes in oceanographic conditions (e.g., productivity).

Athline Clark comments that there is a new publication on sea level rise being highlighted in a briefing today, and this may be useful for the sanctuary and/or council in the future. She also notes that the Army Corps of Engineers has a climate change tool kit for planning and decision-making process that may be useful in the future.

Jack Kittinger comments that he thinks it’s a good recommendation for the sanctuary to create an action plan to address the issue of climate change. He explains that Stanford University has had a working group addressing the topic, and they’re finding that for reefs in particular, local stressors need to be addressed, despite the global nature of the topic.

Lisa Van Atta addresses Adam Pack’s question about impacts to species, and whether there is existing work being done. She notes that a Climate Service in NOAA was not approved, but there is a Climate Change office in NOAA Fisheries, and they are looking at the impacts on particular species.

Phil Fernandez asks for more explanation of the Sentinel Site program (which organization it’s linked to), and whether it involves monitoring outside of climate change (e.g., water quality). Malia Chow clarifies that it’s a NOAA-wide program, and that sanctuaries can play a role by monitoring things (e.g., species and climate change) in protected areas. “Aulani Wilhelm adds that there are three sites chosen in Hawai‘i (two in the Northwestern Hawaiian Islands, and one in He‘eia, O‘ahu).

Ocean Literacy Presentation – Liz Kumabe (chair)

Liz Kumabe emphasizes the concept of creating a literate population through ocean literacy, and the tools of education (formal and informal education) and outreach (general dissemination of information). She explains the process used by the working group to develop recommendations. She also provides context for each of the working group’s recommendations.

Adam Pack asks if the working group considered multi-generational, place-based education for ocean literacy. Liz Kumabe adds that inter-generational communication and sharing is key. Sol Kaho‘ohalahala adds that the sense of place is something that really has to be incorporated in schools and universities, and that the uniqueness of communities must be accounted for. Adam Pack adds that this is valuable for understanding communities outside our own places.

Gina McGuire adds that an important facet of ocean literacy is bringing people to the ocean, so that they can know it, in order for them to care for it.

Athline Clark comments that partnerships can be within Hawai‘i, but also elsewhere (e.g., other sanctuaries, outside Hawai‘i).



Alex Sheftic comments that there needs to be long-range planning in order to develop objectives that are measurable and achievable. Adam Pack confirms that the idea of additional planning groups can be brought up in the new business.

Walter Ritte asks whether the group discussed curriculum development, because this may be a way to get ecosystem-based management directly into schools through the Department of Education.

Sol Kaho‘ohalahala highlights that the state’s education policies need to be changed because despite being an island community, public schools can’t bring children to the ocean.

Enforcement Presentation– Becky Hommon (chair)

Becky Hommon explains the range of public scoping comments, which included insufficient enforcement as well as too much enforcement. She provides a summary of the working group’s meetings and activities, which included a description of current enforcement efforts, evaluation of future enforcement efforts, and review of all current laws relating to humpback whales. She emphasizes the underlying recommendation, which is that if new rules are going to be formed, the Enforcement Task Force needs to be consulted on the enforceability of the rules. She also highlights that law enforcement shouldn’t be the main avenue of education. Becky Hommon offers context for the rest of the working group’s recommendations.

Sharon Pomroy asks if the five NOAA OLE officers are adequate for the state of Hawai‘i, or if we need to ask for additional personnel; she suggests using the konohiki and ahupua‘a system. Becky Hommon explains that the group did discuss the utility of volunteer groups and community enforcement, but in general, enforcement should come after education.

Jack Kittinger asks about the recommendation that the working group would continue to evaluate proposed recommendations. Becky Hommon clarifies that the Interagency Task Force could actually fulfill that role. Gordon LaBedz comments that he is hopeful for the sanctuary to become more of a sanctuary, with effective protections for the ocean.

Alex Sheftic asks where the five NOAA OLE officers are located and Take Tomson answers that they are all in Honolulu. Charter Tschirgi gives a summary of where Coast Guard presence is throughout the state.

Walter Ritte notes that he agrees that there needs to be stronger protection for the ocean, and current enforcement is much weaker compared to traditional notions of enforcement.

Maritime Heritage Presentation– Teri Leicher and Hans Van Tilburg (chair and sanctuary staff support) Teri Leicher summarizes goals from the working group’s original work plan, and the process used by the working group to communicate and develop recommendations. Hans Van Tilburg highlights the efforts of the working group in developing their recommendations, and he also summarizes the additional information that the working group considered in their process (e.g., existing state and federal preservation laws, other maritime heritage regulations, other sanctuary maritime heritage management plans). He explains that there are three categories of recommendations: (1) inventory the resource; (2) promote preservation awareness (highlighting the potential of maritime



heritage to enhance history education in Hawai‘i); (3) endorse resource protection (highlighting the support of existing preservation laws, rather than the creation of any new protection mandates).

Adam Pack asks if there is a monitoring program for known wreck sites (e.g., to track looting), and Hans Van Tilburg notes that the NOAA Pacific Regional Office has a strong relationship with the University of Hawai‘i Marine Option Program, and the training sites are used multiple times, so they can serve as monitoring sites. Adam Pack asks whether there’s any educational signage adjacent to any wreck sites, and Hans Van Tilburg notes that there are brochures, but he’s not aware of any signage anywhere.

Adam Pack asks if the assessment includes cultural sites, and Hans Van Tilburg clarifies that the language in the Historic Preservation Act uses “historical properties”, and maritime heritage sites and cultural resources are lumped together.

Kehau Watson notes that if the inventory were to include cultural resources, it would just have to be carefully thought through and pursued. She also adds that there is potential for the Native Hawaiian subcommittee (proposed) to explore the relationship between cultural resources and maritime heritage resources.

Ed Lindelof notes that elsewhere in the Office of National Marine Sanctuaries (ONMS) system, there are outreach examples: Florida Keys National Marine Sanctuary has a marine heritage trail, and Thunder Bay National Marine Sanctuary specifically protects underwater wrecks; as a program, ONMS has experience in raising maritime heritage awareness.

Athline Clark asks whether the group was considering traditional as well as recent maritime heritage. Hans Van Tilburg notes that the definition is developing, but if resources are related to sea-faring history, they would be considered as maritime heritage. He also clarifies that “cultural heritage resources” is the broad umbrella under which maritime heritage falls. Ed Lindelof asks Hans Van Tilburg to explain the maritime cultural landscape approach, and its potential to describe and understand historic properties. He describes it as a lens through which you can understand human history as well as human behavior, and different sectors of our community can also be described as different footprints. Sol Kaho‘ohalahala adds that sometimes cultural artifacts are not physically present, but their story / footprint need to be considered as well (i.e., canoe fleets which have sunken without remaining traces today).

Water Quality Presentation– Robin Newbold (chair)

Robin Newbold summarizes the objectives of the working group, and the definition that the working group developed for “water quality.” She summarizes the sources of pollution which impact water quality (marine, land, point source, non-point source), potential threats to water quality, and also how the working group decided water quality could be assessed. Robin highlights the nine topic areas for the working group’s recommendations (topics aligned with categories from public scoping comments): ecosystem-based sanctuary, water quality monitoring, collaborations, commenting, point and non-point source pollution, outreach and education, precautionary principle, vessel discharge, offshore development.



Robin Newbold provides context for recommendations from each topic area. She also highlights that all recommendations except one were supported by 18-21 working group members; the outlying one was supported by 17 members, with three dissenting opinions, and one neutral opinion.

Liz Kumabe asks what the comments are after the recommendations within the report. Robin Newbold clarifies that those comments are the explanations from members who did not agree with particular recommendations.

Walter Ritte asks what Class AA waters are. Myron Honda clarifies that within the state waters, Class AA waters have a higher level of protection than Class A waters, and that it doesn't have anything to do with quality. Malia Chow asks whether the classification is through DOH or EPA, and Myron Honda says it's DOH.

Eric Kingma asks about Recommendation 3 in Point / Non-Point Source Pollution, and whether there's duplication in the Clean Water Act. Myron Honda says that these things are basically covered under the Clean Water Act. Robin Newbold emphasizes that since there are already existing regulations, the recommendations involve a lot of enhancement and support for existing regulations. Athline Clark asks whether all sanctuary waters are classified as Class AA, and Elia Herman notes that there have been multiple different interpretations, so currently, it is still being worked out.

Walter Ritte asks if there are any recommendations about injection wells and sewage outflows, and Robin Newbold says that there are recommendations addressing those issues within the category of point and non-point source pollution.

Sharon Pomroy asks if there are other classifications besides Class A and Class AA, and if anyone has examples of where these areas are. Myron Honda says that there are maps on the DOH Clean Water Branch Website. Maka'ala Ka'aumoana notes that Hanalei is Class AA.

Jack Kittinger points out the recommendation in the Offshore Development report for representation at Land Board meetings, since good land use practices can make water quality better.

Maka'ala Ka'aumoana emphasizes that since the ocean is the end point of things that flow from upland, we need to think of the source of impacts.

Sol Kaho'ohalahala refers to the Kumulipo and comments that water quality can be regarded as the condition which includes everything – waliwali – and that the quality of water fosters life, so the maintenance of that is more important than classification.

Break

Adam Pack calls for a 10-minute break at 3:49 p.m.

Public comment

Nina Monasevitch, from Kaua'i, represents Koholā Leo. She supports the promotion of active role in conservation. She has observed degradation of marine life on Kaua'i, and is very concerned about water quality and marine life, including whales. She agrees that a lot of research needs to be done for humpback whales, but notes that there is abundant research indicating that speed is the number one



factor in vessel strikes. She thinks it is vital to implement speed limits; there is evidence that limits are effective in protecting whales. Many public comments support speed limits within the sanctuary. She adds that the sanctuary should be active in limiting sound in the sanctuary (e.g., pursue compliance with noise policy). She also adds that entanglement is one of the top two threats to whales, so she would like to see continued support and more funding for disentanglement efforts. She supports water quality recommendations to establish no-dump areas, phase out two-cycle engines, and support pump-out stations. She notes that 115 people on Kaua‘i signed a petition to increase protection for whales, all marine life and their habitats, and for state and federal governments to establish strong laws to protect

Hawaii’s whales and marine life. She added that the signatures weren’t solicited, and everyone who signed was given scientific documentation of the threats to whales. She comments that the big picture is vital, the spiritual and cultural significance of whales is important to keep in our minds and hearts.

Mel Wills, from Kaua‘i, represents Ocean Users Group. He reminds the council that Governor Abercrombie said that “it’s time for government to listen to the people and reflect values of community”, and Congresswoman Hirono “encouraged people to participate in working groups so that concerns of users of the ocean should be heard”. He notes that there needs to be more balance between conservation and preservation, and that the sanctuary needs to maintain multiple uses. He notes that there is already the Interagency Ocean Policy Task Force. The Ecosystem Protections report should clarify its position, and has questions concerning the Native Hawaiian working group report. He adds that in the Humpback Whale Protections workshop, there were 6 votes against the expansion of the boundary on the Na Pali coast. He reminds the council that the original petition he provided last year with 6,000 signatures was against expansion of sanctuary boundaries. He notes that he is a Dolphin Smart Operator (the first on Kaua‘i), and this is a way the operator gives to the people (e.g., widespread education). He adds that clarification is needed on the Ni‘ihau protection recommendation in the Native Hawaiian Working Group, since there was language elsewhere in the report that said it wasn’t proposing boundary expansion. He agrees with a lot of what he heard today.

Kevin Millett, from Kaua‘i, Holo Holo Charters, commercial boater. He comments that he is opposed to expansion on Kaua‘i, but he would be open to it after a few years of seeing how sanctuary does with ecosystem-based management in the current boundaries. If he saw revitalization of reef, and lack of exclusion of ocean users, he would be more open to it. Regarding water quality, he notes that two-stroke engine removal and vessel discharge recommendations target those without money, and that those impacts are small within the big picture of agricultural run-off, and oil coming off the roads. He comments that maybe the small things aren’t worth the effort, and large impacts should be addressed first.

Adam Pack thanks the members of the public for their input and attendance. He also provides another summary of the process by which the council will vote on the working group reports tomorrow.

Elia Herman brings to the council’s attention the letter of support from Governor Abercrombie and reads directly from his letter that was addressed to and sent to Dr. Lubchenco.

Jim Coon thanks the members of the public for their participation, as well as their consideration for the process of the meeting.



Athline Clark wonders whether the working group presentations given today would be posted on the sanctuary's website, since this meeting is open to the public. She also notes that we need to pursue participation from the commercial shipping sector.

Maka'ala Ka'aumoana explains the Hanalei Moon Calendar which was provided to the council, and acknowledges the Mo'omomi calendar as the first moon calendar with cultural information. She acknowledges Papahānaumokuākea Marine National Monument and Hawaiian Islands Humpback Whale National Marine Sanctuary resources and support for the development of the calendar.

Close meeting

Adam adjourns the meeting at 5:00 p.m. and reminds the council that the start time tomorrow morning will be 30 minutes earlier and the meeting will begin promptly at 8:30 a.m.

Day 2 – January 18, 2012

Attendance

Primary Council Members Present: Philip Fernandez, Eric Kingma, Jack Kittinger, Maka'ala Ka'aumoana, Alex Sheftic, Kehau Watson, Marnie Meyer, Everett Ohta, Adam Pack (chair), Liz Kumabe (vice-chair), Take Tomson, Kimokeo Kapahulehua, Robin Newbold, Lisa Van Atta, Jim Coon, 'Aulani Wilhelm, Sharon Pomroy, Gina McGuire, Sol Kaho'ohalahala, Walter Ritte, Douglass Cole, Sandra Rossetter, Becky Hommon, Malia Chow, Elia Herman, Evrett Ohta

Alternate Council Members Present:

Teri Leicher (for Benny Ron), Gordon LaBedz, Judy Lemus, Donna Brown (for Cindi Punihaole Kennedy), Jennifer Barrett, Thorne Abbott, Charter Tschirgi (USCG-for Eric Roberts), Myron Honda (DOH-for Gary Gill)

Excused: Gene Brighthouse, Richard Davison, William Aila, Gary Gill, Eric Roberts, Cindi Punihaole Kennedy, Benny Ron, Athline Clark

Others Present:

Joseph Paulin, Kanani Frazier, Ed Lyman, Ed Lindelof, Micki Ream, Lisa White, Kaau Abraham, Paul Wong, Patty Miller, Joey Lecky, Jean Souza, Mel Wills, Fiona Langenberger, Sarah Courbis, Nina Monasevitch, Jenna Gatzke, Hans Van Tilburg, Kevin Millett, Frank Parker, Alyssa Miller

Call to Order

Adam Pack calls the meeting to order at 8:30 am. Kimokeo Kapahuleua and Ka'au Abraham offer a pule. Liz Kumabe takes attendance. Adam Pack reviews agenda for the day and asks Elia Herman to read the whole letter from Governor Abercrombie to Dr. Lubchenco, which was provided to the council. Adam Pack reminds the council of their role in advising sanctuary management, highlights the time for public comment in the afternoon, and provides a summary of the process for the review and approval of the reports.



Council Discussion of Working Group Reports

Ecosystem Protections Working Group Recommendations Report

Jack Kittinger motions to forward the Ecosystem Protections Working Group recommendations report to the sanctuary management with the amendment that the sanctuary and its partners convene a workshop with members from the Native Hawaiian and Ecosystem Protections Working Groups together with other experts and cultural practitioners to discuss and make recommendations on integrating Native Hawaiian cultural management practices together with western scientific knowledge for the sanctuary management plan and that this workshop occur prior to the drafting of management plan action plans in order to best inform the building of a draft sanctuary management plan. Kehau Watson seconds the motion.

Eric Kingma points out that the workshop is already in the working group report, so he wonders how the amendment would change the report. Jack Kittinger clarifies that the amendment would adjust the timing of the workshop so that it occurs in 2012. After discussion, the council agrees to make separate motions to (a) forward working group report and (b) make amendments to the report. Jack retracts original motion.

Jack Kittinger motions to forward the Ecosystem Protections Working Group recommendations report to the sanctuary management. Kehau Watson seconds the motion.

Eric Kingma commends the working group on their work. He notes that gap analysis was mentioned in the recommendation report, and since it hasn't been done yet, it's not clear that the sanctuary can contribute anything necessary, since other groups (e.g., NOAA Fisheries, Pacific Services Center) are already involved. He adds that if the sanctuary assumes there's a need, it could result in duplication. He notes that WESPAC supports state rights first, and there is concern about the state giving up status if federal government comes in. He adds that the sanctuary's strength has been in education and outreach, and the sanctuary is already doing ecosystem-based activities around the state; there is a future role for education, especially for monk seals. He states that he will oppose forwarding the full report, as related to broadening the scope of the sanctuary to ecosystem level, adding that WESPAC has been consistent and expressed similar concerns about sanctuary expansion in the Northwestern Hawaiian Islands and Fagatele Bay in American Samoa.). He stated that other Fishery Management Councils share similar concerns with sanctuaries. He clarifies that there is support for education and outreach, just not necessarily management.

Elia Herman clarifies that the State is not giving up authority from the state to the federal government (refers to Compact Agreement).

Walter Ritte asks Eric Kingma who he is referring to when he says "we". Eric Kingma clarifies that he is referring to WESPAC.

Jack Kittinger notes that some of the WESPAC reservations are already included in the working group report.



Phil Fernandez states that he represents the fishing constituency. He says the fishermen understand that the Compact Agreement represents a partnership, but comments that there is a history of the state being absent in the management of the sanctuary. He adds that the Papahānaumokuākea Marine National Monument process also caused concerns for fishermen (e.g., concerns that this process is a one-way street). He notes that the fishermen want to see more evidence of what the sanctuary would do before moving forward, and they also want to know what ecosystem-based management is since it's so broad.

Malia Chow clarifies that the State has been very much engaged in the management plan review process and at no point was the state absent.

Phil Fernandez clarifies that he wasn't referring to the management plan review process; he was referring to management since 1998.

Doug Cole comments sanctuary is already doing ecosystem-based education and outreach, so it makes sense that if the sanctuary is already doing it, the management plan should encompass that.

Phil Fernandez clarifies there are things included in the recommendations which are not just education and outreach, adding that the fear of the fishing community is the overlay of Native Hawaiian Working Group recommendations (which suggest to "increase regulatory authority") with the Ecosystem Protections Working Group recommendations (which suggest to increase the scope of the sanctuary and its management authority).

Kehau Watson states that the reasoning for ecosystem-based management is that it's a necessity - marine resources are degrading in front of our eyes. She comments that ecosystem-based management isn't appropriate just scientifically, but it's appropriate culturally, historically, it's where Hawai'i is moving, and opposition to it is disheartening. She adds that she hopes to move in a direction that builds cooperation and collaboration. The council has come very far in representing constituencies. She comments that this is the first step and with time and demonstration of what we can accomplish, concerns will be alleviated through action and not just talk.

Robin Newbold comments that she understands the fear of going in a new direction, but the fisheries are in decline and this affects the future of our people. We need to do something about it. She notes that there are examples from around the world where spatial planning has been successful (e.g., Great Barrier Reef); it takes sound science and we cannot turn around degradation without an ecosystem approach to management. She adds that it doesn't make sense to only have the sanctuary be in certain areas in Hawai'i, but this is a step in the right direction, because it would be ideal to have boundaries around all the islands.

Eric Kingma clarifies that it's not that WESPAC thinks ecosystem-based management is not important, they just don't know what the sanctuary would bring to ecosystem-based management. It isn't clear what the sanctuary would provide by having increased management authority.

Sol Kaho'ohalahala comments that he would like to keep moving forward with discussions focused on the working group recommendations rather than debates between individuals.



Phil Fernandez comments that fishermen are for ecosystem-based management and they feel it exists under the Division of Aquatic Resources, WESPAC ecosystem plans, and National Marine Fisheries Service. They are just against increased authority for the sanctuary. He notes that other agencies have sufficient regulatory authority and there is no need for another layer for managing the ocean.

Malia Chow comments that the motion is to move the recommendations to the management for these questions to be answered. She adds that the “what is the value” question hasn’t been answered yet. That question will be addressed through the Environmental Impact Statement (EIS), which is the next phase. She also notes that any gap analyses would be shared when the draft management plan comes out. Here the working groups have provided basic information to move forward to develop the draft proposal.

Ed Lindelof adds that the analysis would be done during the EIS process and that working groups give us basic information for staff to develop the draft plan.

Becky Hommon comments that the Navy has similar views as indicated by the fishing representative (Phil Fernandez) and supports education. She adds that this type of proposal has to go back to Congress since the sanctuary was Congressionally designated.

Vote on motion: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka’ala Ka’aumoana, Kimokeo Kapahulehua, Donna Brown, Robin Newbold, Walter Ritte, Kehau Watson, Sharon Pomroy, Sol Kaho’ohalahala, Liz Kumabe
Nay (see reasons above): Eric Kingma, Phil Fernandez

Jim Coon notes that he is in favor, but with reservation – he hopes that the humpback whale doesn’t get a less prominent place in the sanctuary.

Eric Kingma adds that WESPAC supports a lot of the recommendations in this report, but not all. He notes that procedurally it’s unfortunate that nay votes can’t support the things in the report that they favor.

The council decides to address the second motion regarding the amendment to the report regarding the timing of the workshop timing during new business.

Native Hawaiian Working Group Recommendations Report

Kehau Watson motions to forward the Native Hawaiian Working Group recommendations report to sanctuary management, with the amendments (a) that on page 10, #8, include the following language: ...develop mechanisms for these unique communities to participate in the management plan process, “like the Aha Moku system”, and (b) on page 11, remove the three immediate steps and make them action items in new business. Sharon Pomroy seconds the motion.

Teri Leicher notes that she will recommend that it go forward, but is concerned about things related to rights and access. She hopes that it moves forward in unity and not in separation.



Kehau Watson comments that this was brought up in the working group chairs' meeting and the Native Hawaiian Working Group went to great lengths to see what was prescribed legally, understanding that there's existing concern about what "Native Hawaiian rights" means. She adds that the working group tried to stick with what is in the laws and the state constitution and that the recommendations are not intended to separate people, but create a biocultural framework that everyone can participate in and has a role in.

Walter Ritte notes that the things we're doing today can get blown-up out in the community; if we don't understand it, this can't move forward. He adds that we need to understand the two sectors of the population (e.g., non-Hawaiian and Hawaiian) before they can come together. He comments that the ocean isn't a public trust that people can get permits for leases and make money from, but that the ocean is for the future generation so they get something better than what we got. He states that we need to understand each others' rights and roles. In Hawai'i users are not all equal and if the rights (constitutional and state) are not recognized, it's a threat. He asks whether anyone is prioritizing users and states that the answer is no. He adds that if this is a threat to the Hawaiian community it will never get passed.

Phil Fernandez comments that fishermen oppose key words in this report: "increase regulatory authority" and "enhance regulatory authority." Adding this doesn't have anything to do with Native Hawaiian rights. It's more about the issue of giving authority to the sanctuary. He states that the fishermen support for the Aha Moku system, but the sanctuary is the wrong vehicle, and things need to go through DLNR.

Kehau Watson comments that the fishing community has many sectors. The term "fishermen" doesn't necessarily represent all people who fish. She adds that many Hawaiians are fishermen, and the Native Hawaiian Working Group has support from our fishing community. This shows a potential divide in the fishing community as a whole. She states that there is an underlying problem with lumping the fishing community together. She adds that the Native Hawaiian Working Group has gone to great lengths to reach out for input.

Adam Pack re-states that the council should be discussing the motion rather than having a debate.

Sharon Pomroy notes that it seems to be a blanket statement to say "all fishermen" and "all farmers." She notes that she has concerns based on an incident that occurred in the early 1990s (i.e., regarding rights for Hawaiian homestead lands that went up to Supreme Court in Hawai'i) which established that non-Hawaiians adopted into families had the same rights as their Hawaiian siblings. She clarifies that she is trying to make point that non-Hawaiians make assumptions about the way they will be treated by Hawaiians, and Hawaiians try to respect and share everything. She indicates respect for previous opinions, but expresses difficulty accepting blanket statements such as "all fishermen."

Sol Kaho'ohalahala re-states that discussions should be stating our positions regarding the motion and that he is in favor of the motion.

Phil Fernandez notes that he would support the report if it was being forwarded to William Aila instead of sanctuary management.



Elia Herman confirms that since the sanctuary is co-managed these recommendations do get forwarded to the state through DLNR.

Sol Kaho'ohalahala speaks in favor of Native Hawaiian Working Group recommendations report and notes that he is trying to be sensitive to how council members represent their constituents. He quotes Queen Lili'uokalani: "I could not turn back the time for the political change, but there is still time to save our heritage. You must remember never to cease to act because you fear you may fail." He states that we are in a position to make decisions and questions whether fear makes it okay not to act, stating that we've been there already. He adds that the Queen also stated that you shouldn't be too tolerant of wrongs. He describes the Queen's efforts to translate the Kumulipo while held prisoner at 'Iolani Palace and he also describes that ecosystem-based management is already written in our past (i ka wa ma mua, i ka wa ma hope). He states that single-species management makes no sense and advocates that we need to collectively see Hawai'i as our home.

Eric Kingma states that although he supports 99% of the items in the report, he will oppose the Native Hawaiian Working Group recommendations report because of the lack of clarity in the benefit of management authority from a federal agency.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Kimokeo Kapahulehua, Donna Brown, Robin Newbold, Walter Ritte, Kehau Watson, Sharon Pomroy, Sol Kaho'ohalahala, Liz Kumabe
Nay (see reasons above): Phil Fernandez and Eric Kingma.

Break

Adam Pack calls for 5-minute break.

Offshore Development Working Group Recommendations Report

Phil Fernandez motions to forward the Offshore Development Working Group recommendations report to the sanctuary management. Alex Sheftic seconds the motion.

Walter Ritte states that he is not comfortable sending precautionary principle section in its present form and wonders if this is something that can be worked on now.

Adam Pack answers that it is up to the council and that the working group's rationale was to move forward with two possibilities.

Malia Chow comments that the sanctuary will work closely with the state and also make it consistent with NOAA policies to bring in additional guidelines.

Elia Herman adds that they will consider all information including additional information.

Phil Fernandez states that the vast majority of the working group members voted for the first definition of the precautionary principle where the burden of proof falls on those taking the action. The adamant minority just wanted to make sure their views were seen.



Walter Ritte voices his concern that voting to forward the report to sanctuary management would automatically forward the second definition and he motions to remove the second definition from the report (minority view of the precautionary principle) and forward only the first definition of the precautionary principle forward (e.g., burden of proof on those taking action). Maka‘ala Ka‘aumoana seconds the motion.

Adam Pack adds that council members could vote aye, but with reservation to support the majority view.

Phil Fernandez also notes the definition in the National Ocean Policy.

Kehau Watson comments that she supports removal the second definition of the precautionary principle.

Jim Coon notes that the recommendation is clearly for the first definition, but the report allows the dissenting opinion to be recognized. He adds that there’s no harm done in moving it forward to maintain the integrity of the working group, where there was an environment where it was safe to disagree. He suggests an up or down vote and people can vote with reservations, but still the entire report would go forward.

Walter Ritte comments that he needs to be able to explain this document. Otherwise, if it comes to Moloka‘i it’s going to get pounded. He emphasizes simplicity and not confusion. He would like to make it easier to understand so he can explain it and make his job easier. He notes that he is aware of minority positions, but needs clarification; the precautionary principle is a big deal.

Kehau Watson states that since this was sent to the public, this viewpoint is out there, in the record; insofar as what we send forward to management, it would be good to make things clearer. She adds that Phil Fernandez also indicated in his presentation that it is up to the council to make a decision regarding these definitions.

Adam Pack states that if approved, the report becomes a product of the council. A vote can also be given with a reservation about a particular definition.

Jack Kittinger adds that the previous idea (suggested by Adam Pack) would simplify the record and preserve the dissenting views in the record.

Maka‘ala Ka‘aumoana agrees that the council needs to keep everything simple to reduce the amount of explaining to the public.

Becky Hommon asks for clarification because she thought there would just be an up or down vote with no changes to the reports.

Adam Pack answers that the up or down vote was for the whole report and not individual recommendations.

Doug Cole asks for clarification about amending versus editing reports. Adam Pack and Eric Kingma note that this is similar to what was done for the Native Hawaiian Working Group report (regarding changes).



Elia Herman suggests that a possible amendment could also be changing the wording to indicate what was meant by “the majority” of working group members.

‘Aulani Wilhelm notes that this is the only working group report which put forth two definitions and it’s the council’s job to choose which one goes forward.

Eric Kingma questions the definition of precautionary principle and how it applies to the sanctuary, whether those taking action includes all action-takers (e.g., offshore development, aquaculture, fishponds).

Motion by Alex Sheftic and seconded by Maka‘ala Ka‘aumoana to forward the Offshore Development Working Group recommendations report to the sanctuary management, as amended to include only the first definition of the precautionary principle.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka‘ala Ka‘aumoana, Kimokeo Kapahulehua, Donna Brown, Robin Newbold, Walter Ritte, Kehau Watson, Sharon Pomroy, Sol Kaho‘ohalahala, Liz Kumabe, Phil Fernandez, Eric Kingma (with reservation, see above)

Water Quality Working Group Recommendations Report

Robin Newbold motions to move the Water Quality Working Group recommendations report forward to sanctuary management. Eric Kingma seconds.

Eric Kingma notes that he will oppose this motion due to the same reservations about utility of having a management authority for ecosystem-based management. He notes that things could be handled by EPA and DOH.

Phil Fernandez comments that he will vote yes, with reservations about going to ecosystem-based sanctuary.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka‘ala Ka‘aumoana, Kimokeo Kapahulehua, Donna Brown, Robin Newbold, Walter Ritte, Sharon Pomroy, Sol Kaho‘ohalahala, Liz Kumabe, Phil Fernandez (with reservations, see above)

Nay: Eric Kingma (see above)

Absent from room: Kehau Watson

Humpback Whale Protections Working Group Recommendations Report

Jim Coon motions to move the Humpback Whale Protections Working Group recommendations report to sanctuary management. Donna Brown seconds the motion.

Phil Fernandez notes that the workshop report doesn’t include information about the down-listing of humpback whales on IUCN Red List; wants to bring that to council’s attention.



Vote. Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Kimokeo Kapahulehua, Donna Brown, Robin Newbold, Walter Ritte, Sharon Pomroy, Sol Kaho'ohalahala, Liz Kumabe, Phil Fernandez, Eric Kingma
Absent from room: Kehau Watson

Climate Change Working Group Recommendations Report

Eric Kingma motions to forward the Climate Change Working Group recommendations report to sanctuary management, noting that the Climate Smart program offers opportunity to do lots of work in this area. Alex Sheftic seconds the motion.

Alex Sheftic asks if there are any studies that have been done to model future high tides in addition to sea level rise in general.

Eric Kingma answers that they are likely related, but sea level rise may not change the occurrence of high tide events.

Jack Kittinger comments that the principle recommendation has to do with the Climate Smart Program, which is mitigation, but there is a difference between mitigation and adaptation.

Eric Kingma suggests that there could be added adaptation strategies in the action plan in the first recommendation; Eric Kingma motions to amend the report to include on page 3, recommendation 1(f)...action plan "that includes adaptation strategies." Jack Kittinger seconds the motion.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Kimokeo Kapahulehua, Donna Brown, Robin Newbold, Walter Ritte, Sharon Pomroy, Sol Kaho'ohalahala, Liz Kumabe, Phil Fernandez, Eric Kingma, Kehau Watson

Eric Kingma motions to forward to sanctuary management the amended report that includes on page 3, recommendation 1(f) Develop climate change action plan "that includes adaptation strategies." Jack Kittinger seconds the motion.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Kimokeo Kapahulehua, Donna Brown, Robin Newbold, Walter Ritte, Sharon Pomroy, Sol Kaho'ohalahala, Liz Kumabe, Phil Fernandez, Eric Kingma, Kehau Watson

Robin Newbold states that the boundaries should be changed because climate change effects are everywhere.

Marnie Meyer comments that sea level rise may be variable in different parts of the state, but other impacts of climate change such as ocean acidification affect the entire ocean.



Ocean Literacy Working Group Recommendations Report

Liz Kumabe motions to forward the Ocean Literacy Working Group recommendations report to sanctuary management. Phil Fernandez seconds the motion.

Jim Coon notes that he would like to see State of Hawai‘i Ocean Resources Management Plan (ORMP) included in the report.

Jack Kittinger points out that it’s in the Native Hawaiian Working Group report.

Marnie Meyer notes that whether the ORMP is included in the report or not, all working group reports will be taken into account in the update of the ORMP this year.

Walter Ritte adds that he would like to see it someplace else, even if it is already in the Native Hawaiian Working Group report.

Kehau Watson points out where the ORMP is mentioned in the Native Hawaiian working group report.

Jim Coon motions to amend the last line of the 2nd paragraph on page 2, under recommendations to read: ...adopting a dynamic assessment program that continually accrues information, “including the Hawai‘i ORMP” to improve future programs. Jack Kittinger seconds the motion.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka‘ala Ka‘aumoana, Kimokeo Kapahulehua, Donna Brown, Robin Newbold, Walter Ritte, Sharon Pomroy, Sol Kaho‘ohalahala, Liz Kumabe, Phil Fernandez, Eric Kingma, Kehau Watson

Jim Coon motions to forward the amended report to sanctuary management and Jack Kittinger seconds the motion.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka‘ala Ka‘aumoana, Kimokeo Kapahulehua, Donna Brown, Robin Newbold, Walter Ritte, Sharon Pomroy, Sol Kaho‘ohalahala, Liz Kumabe, Phil Fernandez, Eric Kingma, Kehau Watson

Enforcement Working Group Recommendations Report

Becky Hommon motions to forward the Enforcement Working Group report to sanctuary management. Teri Leicher seconds the motion.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka‘ala Ka‘aumoana, Kimokeo Kapahulehua, Donna Brown, Robin Newbold, Walter Ritte, Sharon Pomroy, Sol Kaho‘ohalahala, Liz Kumabe, Phil Fernandez, Eric Kingma, Kehau Watson



Maritime Heritage Working Group

Teri Leicher motions to forward the Maritime Heritage Working group recommendations report to sanctuary management. Sharon Pomroy seconds the motion.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Kimokeo Kapahulehua, Donna Brown, Robin Newbold, Walter Ritte, Sharon Pomroy, Sol Kaho'ohalahala, Liz Kumabe, Phil Fernandez, Eric Kingma, Kehau Watson

Additional Discussion

Becky Hommon acknowledges everyone's hard work in the development of the recommendation reports.

Walter Ritte notes that he is disappointed in the voting records of the fishing and WESPAC seats, especially regarding the Native Hawaiian Working Group recommendation report. He explains that the first time he heard about the ecosystem approach was in a meeting with WESPAC, and at that time, he felt really supportive of their efforts. So he adds that he felt floored today when the WESPAC vote was against the ecosystem approach; for WESPAC to take a position against the Native Hawaiian Working Group was extremely disappointing.

Jim Coon suggests that the council considers elevating the ORMP as part of the whole package rather than select working group reports, and that many recent actions have resulted from the ORMP framework, it's a living document. He adds that including it with all working groups would serve us all well.

Adam Pack suggests this as a new business item.

Kehau Watson asks how the council can be engaged in the revision of the ORMP.

Marnie Meyer answers that the ORMP is reviewed every 5 years by selected consultants, and that there will be consultation and evaluation prior to public review; development takes approximately 2 years, so the planned release for the final plan is late 2013.

Eric Kingma clarifies WESPAC's position, noting that there is apprehension about another layer of management bureaucracy, and how it will further enhance management of marine resources, especially given federal budgetary restraints. WESPAC doesn't see the current value, but will certainly work with everyone in this room to look at information and gaps.

Thorne Abbott suggests that the ORMP can be referenced in community plans in order to keep consistency.

Robin Newbold indicates her appreciation of the different voices and dissenting opinions, noting that it will help the council move forward and be more prepared to face the community because dissenting opinions have already been raised here. She adds that she is proud to participate in this council.



‘Aulani Wilhelm comments that since working groups were dealing with specific recommendations, she was trying to consider aggregate recommendations (e.g., what is the general direction that the council is calling for). In the past two days, she has heard about zones, which can be scary, but they’re also innovative, different ideas that the council can consider. She heard a call to not forget the whales, but put them in the bigger picture, and recognize that they’re not alone in the ocean. She heard about biocultural management and there will certainly be discussion about what this means. She heard in nearly every group a call for research capacity and development. She adds that there are many people around the world struggling with ecosystem-based management, but we need knowledge as a basis. She comments that the “next step” and management approach is already being woven. She explains that in the Northwestern Hawaiian Islands story, there was a pivotal time when the question from staff to the public changed from “What is your opinion?” to “Help us build a management regime worthy of this place,” noting that this council is already talking about worthiness and this can help break down potential / perceived / long-held opposition.

Malia Chow indicates that after lunch, council discussion will shift to new business and next steps. She notes that the last year has been a lot of effort for staff because the working groups were their main focus. Malia Chow acknowledges and thanks sanctuary staff for all of their hard work.

Adam Pack echoes Malia Chow’s comments and thanks sanctuary staff and working group participants, acknowledging the difficulty of this task. He comments on the difficulty of bring together multiple backgrounds and perspectives, and he marvels at the council’s ability to work to understand the source of different perspectives, and work together to ensure bright future for other generations.

Kehau Watson thanks Liz Kumabe, and especially Adam Pack for his leadership through this process, and his work in keeping the council on track.

Elia Herman thanks staff and council members for their work and support in transition into state positions.

Lunch

Adam Pack calls for a break for lunch. Meeting reconvenes at 1:15p.m. Adam Pack reviews tasks for the rest of the afternoon.

New Business

Adam Pack reviews the items for new business.

Secretary

Jim Coon, Maka‘ala Ka‘aumoana, Jack Kittinger, and Cindi Punihaole were mentioned as potential candidates.

Jim Coon nominates Maka‘ala Ka‘aumoana and Jack Kittinger. Phil Fernandez suggests Jack Kittinger since Maka‘ala Ka‘aumoana is already on the council’s executive committee, so the addition of his participation would extend the committee’s membership.



The council inquires Jack Kittinger of his availability to be the council's secretary. Jack Kittinger confirms that his work and research is still in Hawai'i and he is still active in what he does in his work. He plans on staying involved. He is committed to this process. It has been valuable to him and he would be happy to be secretary.

Sharon Pomroy seconds Jack's nomination nomination.

Voting is done by paper ballot.

Appointment of review committee for available council seats

Adam Pack notes that it would be optimal to have 3 to 5 people serve on the committee. Committee members have to be in seats which are not up for re-appointment. The following council members volunteer to participate in the review committee: Jim Coon, Sol Kaho'ohalahala, Maka'ala Ka'aumoana, Walter Ritte, and Becky Hommon.

Malia Chow explains that it is a multi-phase review process consisting of reviews by the council review committee, superintendent, in consultation with the state co-manager, regional director, and a final decision by the national director.

Sharon Pomroy asks when the application process will be open. Joseph Paulin answers that the application process will start sometime this spring so that any new members can be seated for the next council meeting.

Adam Pack reviews the additional items for new business. He notes that some items were addressed prior to the previous opportunity for public comment and can be voted on. There is clarification that for items related to the working group reports (e.g., three items from conclusion section of Native Hawaiian Working Group report, workshop from Ecosystem Protections Working Group report), there can be a vote prior to the next public comment since there was public comment yesterday after the report presentations. There will be another opportunity for public comment prior to voting on any new items that come up today.

Kehau Watson brings up three immediate steps for council consideration that were previously discussed: (1) support changing the name of the sanctuary, (2) create a Native Hawaiian Subcommittee on the council, (3) support the subcommittee holding public meetings to inform the Native Hawaiian community.

Kehau Watson notes that the council can vote to support a new name, but the name may have to be changed through legislation.

Adam Pack states that he would like to vote on the three items separately. He adds that he would like to see a naming committee or working group.

Sharon Pomroy clarifies her concerns about the naming of Papahānaumokuākea Marine National Monument, and that it wasn't necessarily an issue with the name, but that communities were not given the opportunity to be involved in the naming process.



Phil Fernandez suggests recommending a new name to management with the presumption that it wouldn't be used immediately.

Kehau Watson suggests voting on the subcommittee first.

Gordon LaBedz points out that these three items would all require money. He adds that this spending is of tax payers' money, and he is concerned about the monetary requirements of face-to-face meetings, re-printing of materials with new logos, etc.

Adam Pack asks Kehau Watson to articulate what the subcommittee would accomplish.

Kehau Watson advocates that the subcommittee would support having collective representation of the Native Hawaiian community. She also adds that the single Native Hawaiian seat on the council is limited in ability to develop and foster collaborations beyond the council. She notes that the working group worked very well as a unit, and they had diverse expertise, and that a subcommittee would ensure ongoing dialogue between islands, positions, and from the larger community.

Phil Fernandez asks about membership criteria for subcommittee participation.

Joseph Paulin clarifies that subcommittees can only include council members (primary and alternates), and working groups can include council members and non-council members.

Jack Kittinger wonders whether a working group would work similarly. Adam Pack clarifies that working groups are formed to accomplish particular tasks and then disband. The Native Hawaiian group would be a standing subcommittee.

Kehau Watson notes that the limitation of membership of the subcommittee to council members doesn't necessarily limit input from larger community and the subcommittee would keep mindful of gathering input from others.

Maka'ala Ka'aumoana motions to form a Native Hawaiian Subcommittee within the sanctuary advisory council. Kimokeo Kapahulehua seconds the motion.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Kimokeo Kapahulehua, Donna Brown, Walter Ritte, Sharon Pomroy, Sol Kaho'ohalahala, Liz Kumabe, Eric Kingma, Kehau Watson

Abstain: Phil Fernandez

Absent from the room: Robin Newbold

Kehau Watson motions for the sanctuary to support the new subcommittee holding public meetings to inform the Native Hawaiian community about the activities of the Native Hawaiian Subcommittee and the Native Hawaiian Working Groups' management recommendations to the council that were forwarded to sanctuary management. Sharon Pomroy seconds the motion.



Walter Ritte notes that the council's ability to get out in the community will measure how successful the council will be.

Becky Hommon wonders why there is no other subcommittee for other working groups or overarching issues (e.g., ocean users, fishing).

Adam Pack replies that the formation of this subcommittee doesn't prevent the proposal to form any other.

Malia Chow comments that all council members are encouraged to reach out to their communities and constituencies and that a motion is not necessary to achieve that.

Liz Kumabe raises a concern that when other subcommittees would want to reach out to communities, they would need approval from the council. There is discussion and clarification that "support" is not limited to financial resources, support could come in the form of staff time and materials.

Jim Coon asks if subcommittee meetings would be open to the public and Kehau Watson answers that they would.

Vote on the motion: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Kimokeo Kapahulehua, Donna Brown, Walter Ritte, Sharon Pomroy, Sol Kaho'ohalahala, Liz Kumabe, Eric Kingma, Kehau Watson, Phil Fernandez, Robin Newbold

Kehau Watson motions to form a working group to consider a name-change for the Hawaiian Islands Humpback Whale National Marine Sanctuary. Sharon Pomroy seconds the motion.

Eric Kingma wonders if there is a timeline for the new name since it seems it should be done prior to the draft management plan.

Malia Chow suggests that the group complete the task as part of the package when the draft management plan is submitted.

Phil Fernandez suggests organizing the working group process similar to this previous one, including work plan and formalization of objectives.

Jack Kittinger adds that the working group would need a chair and co-chair.

Robin Newbold notes that she agrees with the name change, but shares Gordon LaBedz's concerns about monetary resources.

Sharon Pomroy comments that she is not concerned about a change in the logo. The current name informs the world, but here in Hawai'i a different name could reflect the local community.

Teri Leicher notes that rather than forming a working group, the Native Hawaiian Subcommittee could outline the process.



Kehau Watson clarifies that the working group could be beneficial in seeking advice outside the council.

Malia Chow adds that a subcommittee needs to report back to the council for approval.

Jack Kittinger supports a timeline to be built in to the process.

Vote on the motion: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Kimokeo Kapahulehua, Donna Brown, Walter Ritte, Sharon Pomroy, Sol Kaho'ohalahala, Liz Kumabe, Eric Kingma, Kehau Watson, Phil Fernandez, Robin Newbold

Jack Kittinger motions that the council recommend the sanctuary and its partners convene a workshop including former members of the Native Hawaiian Working Group and the Ecosystem Protections Working Group – together with other experts and cultural practitioners – to discuss and make recommendations on integrating Native Hawaiian cultural management practices together with Western scientific knowledge for the sanctuary management plan, and that this workshop should occur prior to the drafting of management action plans in order to best inform the building of a draft management plan. Jim Coon seconds the motion.

Phil Fernandez asks if the workshop will be solely for members of those two working groups. Jack Kittinger replies that it is for other council members as well.

Adam Pack notes that the text of the motion needs to reflect that the working groups are now dissolved, and refer to them as “former” working groups.

Eric Kingma agrees that the workshop should be open to all council members.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Kimokeo Kapahulehua, Donna Brown, Walter Ritte, Sharon Pomroy, Sol Kaho'ohalahala, Eric Kingma, Kehau Watson, Phil Fernandez, Robin Newbold, Liz Kumabe (with the reservation that it should be an inclusive workshop)

Adam Pack states that the council chair (Adam Pack) and sanctuary superintendent appoint chairs for the working group and subcommittee. Sol Kaho'ohalahala is appointed as the chair of the working group that will propose potential new names for the sanctuary. Kehau Watson is appointed chair of the Native Hawaiian Subcommittee.

[Discussion on motions relating to the following items (ORMP, Hā'ena boundary and Kumulipo acknowledgement) occur here, but were voted on following the public comment period].

Jim Coon motions to include the Ocean Resources Management Plan in the process of developing the management plan. Maka'ala Ka'aumoana seconds the motion.

Marnie Meyer states that the sanctuary has worked closely with the Office of Planning to incorporate the ORMP in the management plan review process.



Maka‘ala Ka‘aumoana provides background information about the motion she would like to propose: the Hanalei community was briefed on management plan review and they wondered about a boundary adjustment to include the entire Hā‘ena ahupua‘a and make the sanctuary boundary consistent with the ahupua‘a boundary. State law governs Hā‘ena community-based subsistence fishing area which has nothing to do with the sanctuary boundary.

Maka‘ala Ka‘aumoana motions for the sanctuary management to consider boundary adjustment from Ka Ilio point to include the entire Hā‘ena ahupua‘a. Donna Brown seconds the motion.

Phil Fernandez asks if there should be more input from the Hā‘ena community in the whole ahupua‘a.

Maka‘ala Ka‘aumoana indicates that this was feedback after the management plan review update meeting that occurred with the community of the area.

Teri Leicher notes that there was a public petition that advocates for no expansion of the boundary and now there’s this area that wants boundary expansion. She wonders how to handle this.

Kehau Watson notes that this is what the process is for because it provides for public input and this is all the council can do.

Sharon Pomroy comments that the expansion of the boundary is more in line with the cultural values of people who have been there. She comments that there needs to be education for the tourists and visitors about how they should act. She adds that this community is saying that they don’t have adequate protection and now they’re asking for help. They may not be trying to make it exclusive, but they may be trying to be able to educate so there isn’t continual trashing of the resources.

Jack Kittinger points out that Sharon Pomroy provided an example of co-management with communities which has been brought up by several working groups.

Sol Kaho‘ohalahala provides background information for his motion he would like to propose: including Kumulipo in the process. He motions that the council acknowledge the Kumulipo as a gift to all of us by our kupuna (ancestors). Maka‘ala Ka‘aumoana seconds.

Public Comment

Kevin Millett comments that the council should adopt the policy of when there is a lack of scientific information to fall back to traditional practices and when there is firm science available to refer to that. He adds that if the Native Hawaiian Subcommittee meetings are public, it’s important to actually make it public, not just something that’s passed by word of mouth within a specific community. Regarding the item to adjust the sanctuary boundary at Hā‘ena, there is no personal objection. Regarding the item to adjust the boundary at Na Pali, it isn’t out with the public, and this idea needs to go back to Kaua‘i in a big open way before the council votes on it.

Mel Wills notes that he feels blind-sided [by boundary expansion], given the 6,000 petition signatures. He adds that expansion to the Na Pali coast would entirely disrupt this procedure. The economic impact is significant to the families that make their living from tourism. Businesses would drop by the wayside. It would be impossible to do what the businesses are currently doing there. Repercussions would be



astounding. He asks the council to oppose the expansion to the Na Pali coast. Regarding the 500 yard adjustment at Hā'ena, he would like to say yes. Show me results of the reef coming back at all in 5 years then you can have as much as you want. People would back the sanctuary. He notes that he doesn't want to go back and tell people on Kaua'i that the council supports changing the boundary to include the Na Pali coast.

Gordon LaBedz comments that the Kaua'i boundaries are a result of historical opposition to the sanctuary and that the current mayor and county council support environmental protection. He hopes the management puts speed limits during whale season, noting that there are jet skis and speed boats to consider. He comments that the 6,000-signature petition was used as sign-in sheet, that people signed it multiple times, 3-5 times, and that it said the sanctuary was proposing to ban surfing and fishing which wasn't true. He adds that the petition needs to be disregarded, noting that Kaua'i supports the environmental community. There is a very vocal fishing community and they are very fearful. It's important to communicate the message appropriately.

Nina Monasevitch supports the boundary recommendations that Maka'ala brought forth. She notes that it's a good example of working together with collaborating groups and individuals. She reiterates that speed kills, it's the main factor in vessel strikes with whales. Supporting research is current and peer-reviewed (especially the juveniles and calves can't get away and they don't go very deep). She adds that research can be found on Koholā Leo website and in working group documents. She is in agreement with Gordon LaBedz about the 6,000 signatures on the petition. She comments that she attended several meetings and thought it was a sign-in sheet, so there was misrepresentation for the petition and she also tried to correct misinformation. She adds that many people were giving misinformation over the radio which caused a lot of stress on the island. She states that we need a thriving ocean in order for our species to thrive. She encourages recommendations that actually give protections.

New Business Continued

Jim Coon restates the motions to include the Ocean Resources Management Plan in the process of developing the management plan. Maka'ala Ka'aumoana seconds the motion.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Donna Brown, Walter Ritte, Sharon Pomroy, Sol Kaho'ohalahala, Eric Kingma, Kehau Watson, Phil Fernandez, Robin Newbold, Liz Kumabe

Absent: Kimokeo Kapahulehua

The council reviews Hā'ena ahupua'a boundary motion and discusses further.

Jack Kittinger indicates his support since it is coming from the community and it establishes a dialogue with the community.

Jim Coon states that historically making boundaries for the sanctuary created big problems. He comments that he has an overarching concern of reaching out to community in a broad sense to reaffirm what we're doing and tread sensitively with the community.



Adam Pack reminds the council that these are non-binding recommendations.

Alex Sheftic notes that he is having problem deciding how to vote for an area that he is not familiar with and when there seems to be dissenting opinions in the same geographic area. Since he is representing an area which is elsewhere he states that he will abstain from the vote on the boundary adjustment for Hā'ena.

Kehau Watson clarifies that this is something that will go forward for sanctuary consideration and further analysis followed by public review.

Maka'ala Ka'aumoana restates the motion for the sanctuary management to consider boundary adjustment from Ka Ilio point to include the entire Hā'ena ahupua'a. Donna Brown seconds the motion.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Donna Brown, Walter Ritte, Sharon Pomroy, Sol Kaho'ohalahala, Eric Kingma, Kehau Watson, Phil Fernandez, Robin Newbold, Liz Kumabe

Abstain: Alex Sheftic (see above for reason)

Absent: Kimokeo Kapahulehua

The council reviews the Kumulipo motion and discusses further.

Sol Kaho'ohalahala adds that this is a tribute to the Queen and we can still learn from her.

Adam Pack notes that he is in support for this motion, adding that the Kumulipo has bonded the council together, giving them direction, and providing clarity to decisions they have made.

Jim Coon requests staff to provide a copy of the highlighted excerpt from Kumulipo that Sol Kaho'ohalahala shared to primary and alternate members.

Liz Kumabe offers her strong support because the Kumulipo is often used as a basis for outreach.

Sol Kaho'ohalahala restates the motion that the council acknowledge the Kumulipo as a gift to all of us by our kupuna (ancestors). Maka'ala Ka'aumoana seconds.

Vote: Passed

Aye: Jim Coon, Jack Kittinger, Doug Cole, Teri Leicher, Alex Sheftic, Everett Ohta, Adam Pack, Maka'ala Ka'aumoana, Donna Brown, Walter Ritte, Sharon Pomroy, Sol Kaho'ohalahala, Eric Kingma, Kehau Watson, Phil Fernandez, Robin Newbold, Liz Kumabe

Absent: Kimokeo Kapahulehua

Adam Pack calls for 5-minute break.



Next Steps

Malia Chow notes that the sanctuary had formally initiated its National Historic Preservation Act Section 106 consultation when it was published in the Federal Register notice of summer 2010 and that the council will be updated on this process at the next council meeting. She offers a presentation on the next steps following this sanctuary advisory council meeting. She notes that consultations with other agencies will include the council's recommendations and how sanctuary actions can enhance and add value to what is already being done. She adds that the sanctuary anticipates a preparation of a full environmental impact statement to analyze potential actions and develop alternatives. The next council meeting will also include a report back to the council on the status of the management recommendations. Regulations and rules will be included in as part of the package with the revised management plan but rule-making can also occur outside of management plan review on a separate timeline. Prior to the release of the draft management plan an additional council meeting would include program updates to highlight work that staff have done to inform decision-making (e.g., biogeographic assessment). The draft management plan will be unveiled to the council at the very beginning of the public comment period. Another meeting at the end of the comment period will give the council the opportunity to submit formal comment as a body. Throughout the next several years there will be continued community and council engagement and consultations with agencies, and subject area experts.

Teri Leicher notes that she would like to send out information to groups she's involved with including a link to the sanctuary website. She asks if the information will continue to be updated. Malia Chow answers that the website will be continually updated.

Jack Kittinger asks about the timing of the workshop to integrate Native Hawaiian cultural management practices and western scientific knowledge. He notes that the workshop would have to be pretty early this year so workshop planners would have to start reaching out to potential attendees soon.

Eric Kingma encourages the meeting minutes going out to the council and public fairly quickly to show the results of, and rationale behind, the voting.

Phil Fernandez asks if the details of roll call would be posted or whether it would just indicate if motions were passed or not.

Adam Pack requests that details be shown in the notes.

Adam Pack announces that Jack Kittinger is the new advisory council secretary.

Adam Pack thanks the council and asks for members to observe the room. There will potentially be new members at the next meeting. The membership here has achieved a lot.

Ka'au Abraham offers oli mahalo to close the meeting.

Adam Pack closes the meeting at 4:00 p.m.