



## Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council

### NON-GOVERNMENT (Voting)

Tetsuzan Benny Ron  
*Business Commerce*

James Coon  
*Citizen-At-Large*

Vacant  
*Commercial Shipping*

Barbara (Maka'ala) Kaaumoana  
*Conservation*

Judith Lemus  
*Education*

Myrick (Rick) Gaffney  
*Fishing*

Adam Pack (Chair)  
*Hawai'i County*

Roberts (Bob) Leinau  
*Honolulu County*

George Thompson  
*Kaua'i County*

Solomon Pili Kaho'ohalahala  
*Lana'i Island*

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*Maui County*

Walter Ritte  
*Moloka'i Island*

Matthew Kawaiola Sproat  
*Native Hawaiian*

Douglass Cole  
*Ocean Recreation*

John (Jack) Kittinger  
*Research*

Kelsey Poole  
*Tourism*

Gregory Kaufman  
*Whale Watching*

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*DBEDT – Office of Planning*

Veronica Rocha  
*DBEDT Renewable Energy*

Carty Chang  
*DLNR*

Elia Herman  
*DLNR – Hawaiian Islands  
Humpback Whale NMS*

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*DOH*

Sandra Rossetter  
*DOT – Harbors*

Keola Lindsey  
*OHA (Voting)*

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*NMS of American Samoa*

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*Papahānaumokuākea NNM*

Take Tomson  
*NOAA OLE*

Rachel Sprague  
*NOAA Fisheries PIRO*

Eric Kingma  
*WESPAC (Voting)*

Shelly Lynch  
*US Army Corps of Engineers*

Eric Roberts  
*US Coast Guard*

Janice Fukawa  
*US Navy*

## 67<sup>th</sup> Meeting

March 31, 2015, 9 am – 5 pm

Pagoda Hotel, International Ballroom, Honolulu

### **Purpose**

The purpose of this meeting is to provide the Sanctuary Advisory Council with a summary of the process and actions taken to develop the Draft Management Plan/Draft Environmental Impact Statement and proposed rule. The objective is for the council to understand the proposal in order to prepare for a council resolution at the May council meeting. The Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (RAC) has been invited to participate in this meeting since members of the RAC can provide valuable input for implementing an archipelagic-wide approach to marine ecosystem-based management in the Hawaiian Islands.

### **Welcome and Introductions**

Sol Kaho'ohalahala opens the meeting with a pule at 9:08. Chair Adam Pack welcomes everyone to the 67<sup>th</sup> Sanctuary Advisory Council meeting and explains the purpose of the meeting is to have this SAC meeting occur as close to the release of the Draft Management Plan as possible. We are joined today by Dan Basta, RAC, partners, and members of the public.

Secretary Jack Kittinger takes attendance.

**Primary SAC and RAC council members present:** Adam Pack, Jack Kittinger, Kem Lowry, Judy Lemus, Rick Gaffney, Walter Ritte, Laura Thompson, Robin Newbold, Janice Fukawa, Clarissa Honeker, George Thompson, Take Tomson, Rachel Sprague, Eric Kingma, Laura McIntire, Elia Herman, Keola Lindsey, Greg Kaufman, Malia Chow, Shelly Lynch, David Swatland, Sandra Rossetter, Rick Lee, Kelsey Poole, Joshua DeMello, Eric Roberts, Teri Leicher, Leo Asuncion, Bob Leinau, Carty Chang, Tammy Harp, Jim Coon, Maka'ala Kaaumoana, Linda Paul, Sol Kaho'ohalahala

**Alternate SAC and RAC council members present:** Teri Leicher (for Tetsuzan Benny Ron), Nina Monasevitch, Thorne Abbott, Rebecca Alakai, Judith Cucco

**Others present:** Dan Basta, Kekoa Kaluhiwa, Pam Fujii, Janet Lee, Paul Wong, Shannon Lyday, Hoku Johnson, Bo Petty, Allison Ikeda, Tracy Kirby, Brandon Jimon, Alissa Miller, Anne Walton, Alton Miyasaka, Allen Tom, Maria Carnevale, Athline Clarke, Mel Wills, Melissa Clarke-Johnson, Adi Phillips, Frazer McGilvray, Carmen DeFazio, Patty Miller, Ka'au Abraham, Jean Souza, Hans VanTilberg

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**Excused:** Tetsuzan Benny Ron, Doug Cole, Matt Sproat, Veronica Roche, John Taschner

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## Introductions

Council members and meeting attendees briefly introduce themselves.

## Remarks by Dan Basta, Director, Office of National Marine Sanctuaries

Sanctuary advisory councils speak for the community; they are a direct voice. Community-led processes are a movement in our country today. For example, the current sanctuary nomination process to establish new sanctuaries is based on community input.

We must think about Hawai'i as a single archipelago. Managing ecosystems are not what sanctuaries really do around the US. But in Hawai'i it has special meaning; it is symbolic for the Pacific. It is essentially a self-contained and independent ecosystem, and nowhere else in the US is like it. Why do we care about ecosystems? Because unintended actions can cause tipping points, so we need to understand the system and work with an ecosystem framework in mind. This management plan is a starting point of where we can start to work on connectivity issues.

The council should ask if the draft management plan is a faithful reflection of what you brought to it. What are the most important things in the plan to get you on the right path? Do not focus on how to fund the plan. Be clear about what you can do now with the available resources, and we can do more as more funds become available.

We only fail when we do not work together to solve things. For example, in Monterey, California, we were asked to help run a process to help understand how to address pollution from agriculture. The sanctuaries were asked to help manage the issue, even though we (sanctuaries) did not have authority on the land. However, we were involved because what happens on the land affects the sanctuary. While nothing was mandated, and although it took 5 years, in the end we came up with a plan.

The draft management plan is historic because we are the first in Hawai'i to propose to manage an ecosystem. We can provide a model and concept that others can use.

## Q & A Period

Tammy Harp: When we talk about the Hawaiian archipelago, we are talking about Archipelago with a capital "A" and we should write it as such, too.

Tammy Harp: How will we work with the military? Dan Basta: We are currently in discussions to work with the Navy. The Navy is responsive to working with sanctuaries. An innovative thing that we could create is a space/zone that we co-manage with the Navy.

Bob Leinau: What is your response to a comment someone made in the paper: "Don't trust the feds"? Dan Basta: I don't trust the Feds. I don't mean people, I mean systems. It's about determining where communities are and how we can connect to them. What if the state does not support us? That is not something I want to think about. We must find

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common ground. We want the state to support the full sweep of communities; that is the importance of the council and the communities the council members represent—to make everyone, including the feds, act differently. We must be adaptable because it is dynamic process.

Adam Pack: Can the SAC work together/meet more frequently? Dan Basta: Our budget has been flat for 10 years. It is not about budget. For example, in California the sanctuaries expanded because of community involvement. The legislation was not making it happen, but the community could make it happen. The community can do the right things and can create bodies just like the SAC, to make things happen. For example, I created a Business Advisory Council that has big corporations on board because they want to bring their companies some value that hasn't been there. We cannot solely rely on federal funding so we must find other solutions.

Greg Kaufman: Why are we not combining the PNMN with HIHW Sanctuary as an archipelago? Dan Basta: Great question. We must be realistic. We cannot spin people off on a plan we cannot deliver. This would need to be proposed to us, not directed from the top down. Linda Paul: Separate laws and regulations must be considered and these cannot easily be changed or combined. The NWHI are governed by three executive orders. Tammy Harp: We had a monument designated that we did not want by Executive Order. Dan Basta: That happened because there was a 5-year public process that was supposed to be worked on over time, but the president decided to put the monument in place with an Executive Order. It was a bold move that had significant consequences around the world. When it was the Northwestern Hawaiian Islands it was a “truck stop” to the world, but as Papahānaumokuākea, it became an important place.

### Council Business

Robin Newbold motions to approve meeting 66 minutes. Motion seconded by Maka‘ala Ka‘aumoana. Note to strike Greg Kaufman’s name from the meeting minutes as he did not attend. Motion passed unanimously.

Adam Pack acknowledged Jim Coon, Judy Lemus, and Jack Kittinger for reviewing the previous round of SAC applicants, and he will be reaching out to a new group of members to review applicants from the application period that closes on March 31.

Please save the date for the next Sanctuary Advisory Council meetings to be held May 18-19, 2015.

### Background of Management Plan Review

#### *Presentation by Malia Chow*

Malia started the presentation with an overview of the National Marine Sanctuary system and information about the Hawaiian Islands Humpback Whale National Marine Sanctuary. Malia discussed the Management Plan Review process, which started in 2010 with public scoping. Over 12,000 comments received from the public during the scoping process were binned into priority issues. To address these issues, 9 working groups were formed in 2012 by the Sanctuary Advisory Council.

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### Tracking Working Group Recommendations

#### *Presentation by Shannon Lyday*

The 9 working groups formulated 170 recommendations which the council approved to forward to sanctuary management. These recommendations were used by the staff as the framework for developing the draft management plan. Sanctuary staff tracked what happened to each of these recommendations and categorized them into the following: Management Approach, Draft Environmental Impact Statement, Regulatory Package, Draft Management Plan, or Initiated/Ongoing/Completed activities. 94% of the recommendations were captured in one of these categories, and many recommendations were captured in more than one category. The majority were captured within the Management Approach (17%).

### Management Transition

#### *Presentation by Malia Chow*

The sanctuary is proposing to change the focus from single species to ecosystem based management. The new management framework consists of both programmatic and regulatory changes. It is important to note that the sanctuary will still “be open for business”, i.e. the sanctuary is not closing off any areas. The sanctuary is proposing a new name, “Nā Kai ‘Ewalu”. Sol Kaho’ohalahala provided input on the proposed name change as chair of the Naming Working Group.

Adam Pack: What about duplicating efforts among agencies? Malia Chow: This process has led to greater communication and increased coordination between partners at NOAA. It is our intention and goal to avoid duplication and instead enhance efforts.

Bob Leinau: Are soundscapes and seascapes the same? What about the Navy? Dan: One of my particular concerns is soundscapes. It is a bigger problem than marine mammals. The sanctuary is actively engaged in researching ocean noise and coming up with a position on ocean noise. The studies are about all sounds, not a particular sound. We are working with the Navy on this issue. The Navy has more data on sound in the ocean than we do.

Walter Ritte: The anti-federal sentiment is prevalent in the community. What is going to be the response from DLNR, WESTPAC, and the Army Corps to this plan? They are going to be the ones with impact. How do we know this before we go out into the community representing the government’s plan? Dan Basta: This is not a federal government plan. It is your plan. Walter: That is not the problem. When we go out into the community, we need more ammunition to respond to public groups. Malia Chow: We have consulted with our partner agencies throughout the development of the plan and we continue to work with our state partners to ensure that we have not proposed actions that they would not support.

Greg Kaufman: The Hawaii governor has the final signatory authority on the plan. We have a new governor and we do not know his position on this. Malia Chow: We agreed that we would wait for the state to voice their position. We believe they wish to wait to hear what the public has to say. This is an opportunity for the public to make their voice heard.

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Eric Kingma: I want to respond to Walter. WESTPAC listens to the fishing community. We have some time to hear what the fishermen feel. We do not have a position yet.

Walter Ritte: We need to know, who drives the community? Sol Kaho'ohalahala: When we were in working groups, most of our decisions were unanimous, but some members made comments that they did not agree and that made it difficult for consensus. Maybe those members should have said, "We agree with the plan, but we had some points that need to be modified."

Dan Basta: As a single species sanctuary we are limited in what resources we can bring to Hawai'i. If Hawai'i remains a single species sanctuary, we will not get the investment, attention, or new programming that will occur if we become ecosystem-based.

George Thompson: Will public comments be made available to the council during the process, or summarized afterwards? Malia Chow: We are looking into having comments available online during the process.

Jack Kittinger: The management plan working group will look at past comments to see how they've been incorporated; they are not looking at new comments.

Rick Lee: Is the release of the plan being widely announced? Malia: The announcement has been widely distributed via press releases, our web site, and social media.

Malia Chow: Nowhere in the sanctuary are we closing off access. We have changed our focus to reflect what is important to us. It is important to keep that in mind as you review the plan.

### **Draft Management Plan**

*Presentation by Anne Walton*

The Draft Management Plan consists of the strategies and activities and the Draft Environmental Impact Statement (DEIS) contains the range of alternatives and the analysis of the impacts from those alternatives. As part of this process the sanctuary revised its goals, vision, mission and values. The draft management plan is divided into 5 thematic areas: Implementing Ecosystem Protection, Perpetuating Cultural Heritage, Transitioning Towards Sustainability, Sanctuary Focus Areas, and Ensuring Management Effectiveness.

### **Range of Alternatives**

*Presentation by Anne Walton*

The DEIS evaluates 4 management alternatives. Each alternative builds upon the previous alternative, with alternative 1 being the status quo. Each alternative considers changes to the Management Plan, Boundaries, and Regulations. The preferred alternative is Alternative 3, which has the following components:

- Management Plan: Revised management plan with an ecosystem-based approach
- Boundaries:
  - Establishing new sanctuary boundaries around Ni'ihau
  - Extending boundary to Ali'i Beach on the North Shore of O'ahu

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- Aligning boundary with the ahupua'a of Ha'ena on Kaua'i
- Aligning boundary with the ahupua'a of Pīla'a on Kaua'i
- Extending the boundary around the ledges/fingers on the south end of Penguin Bank
- Regulations:
  - Sanctuary name changed to Hawaiian Islands National Marine Sanctuary – Nā Kai 'Ewalu
  - Revision of existing sanctuary-wide regulations
  - New sanctuary-wide regulation prohibiting the disturbance of cultural and maritime heritage resources
  - New Special Sanctuary Management Area (SSMA) regulations apply to Maunalua Bay in addition to Penguin Bank and the Maui Nui Area

Maka'ala Kaaumoana: Can the alternatives be mixed and matched? For example, can some pieces of Alternative 4 (adding Hanalei River) be added without the entire Alternative 4 package? Anne Walton: Yes, different pieces can be added; we just limited the proposed alternatives to four to avoid so many variations.

Malia Chow: To address the difference of a monument and a sanctuary: all things in a sanctuary are allowed except what is prohibited, whereas in the monument all things are prohibited except what is allowed. Statewide, we are prohibiting damaging cultural resources; a permit will be required if something is proposed that may damage cultural resources.

Greg Kaufman: Currently we have a single species sanctuary and the boundary is not scientifically based but is politically based. Tweaking these boundaries is not a scientific approach to protecting species. Malia Chow: We did not modify the boundaries based on a scientific approach. We are asking communities to self-identify areas of special significance and self-identify themselves as wanting to be involved with the sanctuary.

Teri Leicher: Please address if the proposed regulations affect beachcombing, moorings, etc. Anne Walton: We'll discuss that more in the next presentation, as well as exemptions, permits, etc.

Bob Leinau: Is the shoreward sanctuary boundary the high-water mark? Anne Walton: It is the highest high water mark.

Adam Pack: Since 1998 there has been a 6% increase of the humpback whale population. Will there be approach regulations outside the sanctuary if NOAA changes the designation of the humpback whale to no longer be endangered? Rachel Sprague: State approach regulations already apply. Malia Chow: We are disconnecting our approach regulation from MMPA and ESA; so this is an area that we are enhancing protection in federal waters.

Rachel Sprague: I'm having a hard time understanding how permitting will add a benefit protecting species already covered under the ESA. Anne Walton: It is important that we do

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not duplicate regulations, however, the added value is that if we had a regulation that duplicates existing regulations, our fee structure is higher.

Jack Kittinger: Please expand on the protection of cultural resources in the sanctuary.

Malia Chow: There currently is not federal recognition of Native Hawaiians. So we went as far as we could to mimic state laws where possible to foster and promote traditional and customary practices.

Teri Leicher: New regulations are what scare people the most. If it is going to be regulated it needs to be more clearly explained. Malia Chow: This is the government stepping up to do the right thing and do what we are being asked to do. For example, for fishponds, 17 permits that were previously required turned into a “one-stop” permitting process. What would it look like if we streamlined permitting processes in other areas?

Greg Kaufman: Proposed regulations destroyed the original sanctuary designation process. What made it work was not having regulations. Now you are adding on regulations. Backlash will occur because of renegeing on past promises. Malia Chow: Some say no regulations, some ask for more. Greg asked Jim Coon if he agreed it would be a very hard sell, Jim did.

Tammy Harp: Is anyone doing anything to protect the ‘Au‘au Channel? When we talk about protecting cultural resources, does that include the replenishment of depleted resources such as the fish that used to be plentiful in the ‘Au‘au Channel, fish that for generations have been the primary food source of many people? What about the damage caused by military acoustic systems? Is anyone doing anything about protecting resources from that?

Rick Gaffney: How much of this plan addresses management changes such as the potential de-listing of humpback whales? Does this plan lock us in to something? Malia Chow: One requirement of management plans is that we revisit the plan every 5 years to evaluate how well the plan is working, how we are working with our partners, interagency effectiveness, and effectiveness on the ground.

### **Proposed Boundary Changes**

#### *Presentation by Malia Chow*

Malia gave details on the proposed boundary changes at Ni‘ihau, north shore of Kaua‘i, and north shore of O‘ahu.

Eric Kingma: Regarding the Ni‘ihau one-pager, Malia said that it is being added primarily for cultural reasons, but the one-pager says it is a concern because it is an area of over-fishing. It lists catch levels. Catches don’t represent fish abundance levels.

Maka‘ala Kaaumoana: The restoration of Pila‘a is critical to offset damage. Pila‘a was the site of the largest clean water violation in Hawai‘i.

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Eric Kingma: What is the sanctuary's role in actually supporting the restoration work at Pila'a? Malia: One way is the sanctuary is supporting interns and college students from Kauai Community College who will work on the restoration project.

Bob Leinau: If harbors are excluded, how will the sanctuary's proposed boundary change impact current regulations in the harbor? Malia Chow: As part of our compact agreement, the State retains the authority to regulate harbors, so the State would have to invite us to partner with it for our regulations to have any effect in harbors.

Maka'ala Kaaumoana: In Haena, the community is very interested in including the entire ahupua'a.

Greg Kaufman: If the ahupua'a boundary is the reason for the expansion in Haena, the ahupua'a boundary method should be implemented everywhere. Malia Chow: This boundary change came in response to public comment; all current boundary changes were by the initiation of the community. Maka'ala further described the proposed expansion areas on Kaua'i. Hanalei River is one of America's heritage rivers and is one of if not the largest estuary in the state. The entire bay is in the sanctuary and the ahupua'a boundary change is what the community asked for.

Rick Gaffney: What are some of the community requests that didn't make the cut?

Malia Chow: Puako is an example; they asked for fishing regulations. The sanctuary did not do this, and did not see that we could add value to existing state regulations.

Eric Kingma: You have a preferred alternative; are all the boundary changes in the preferred alternative? Malia: That is a very good point and what we have put forward as the preferred alternative are the boundary changes that have been negotiated with the state. There is one other proposed boundary change in Alternative 4: Hanalei River.

Greg Kaufman: You didn't talk about the proposed boundary change in Penguin Banks. Malia Chow: The NOAA Office of Coastal Survey is changing from depth to digital coordinates. This means that you create a series of digital coordinates to "straight-line" boundaries. Precious coral beds are in that area, so the sanctuary straight-lined across the fingers.

### **Proposed Regulatory Action**

#### *Presentation by Anne Walton*

Anne first described what the current sanctuary regulations are. Then she described the proposed revisions to the existing regulations (e.g. clarifying the approach regulation). The new regulations were described as well as to where they would apply (Special Sanctuary Management Areas).

Greg Kaufman asked for further explanation about the boundary changes at Penguin Banks. Malia Chow: That boundary adjustment is in federal waters. The 100 fathom isobath may have changed since the sanctuary's designation due to shifting depths. The sanctuary

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program is switching boundaries from the depth determined 100 fathom isobath to digital coordinates. Anne Walton: We had gains and losses by switching to digital coordinates so it ends up being about the same amount of area.

Greg Kaufman discussed some political motivations and background to the development of the original regulations.

Teri Leicher: What about mooring buoys? Anne Walton explained that manager permits would be a tool for allowing mooring buoys since the net benefit outweighs the damage to the sanctuary seafloor. Jim Coon: Moorings are a way to protect resources in the long term; we have sites identified and we hope we can move forward with that plan. Anne: The regulations are designed to help protect sanctuary resources, not inhibit actions that would protect them (such as mooring buoys).

Eric Kingma: Would application for these permits require more environmental review?

Anne: It depends upon the permit, but environmental review is likely. Jack Kittinger: Regulations are a change for the sanctuary. There is some uneasiness with this, and I want to know how this process will involve the state. Malia: We are currently reviewing the compact agreement with the state. Co-management considerations are needed - we do not want to add a layer to the permitting process. Where there is overlap, our ability to authorize permits will allow us to sign off on another agency's permit. Adam: If permits are already in place, you would just sign off on them? Malia: If you are already authorized you will not need to go through the sanctuary for approval. Jack: An appendix explaining this would be valuable. Teri Leicher: What about if this is a new versus an existing permit request? Anne: Anything pre-existing will be grandfathered in. For new users the process for applying for a permit would be the same.

Greg Kaufman: Previously when fines went up it became a surprise to the community. There is nothing in here that explains fines or regulation. Sandra Rossetter suggested that this should be explained in the document. Anne & Elia agreed. David Swatland: Normally, civil penalty fee schedules usually don't come out until after regulations are finalized. You may wish to look at other sanctuaries' fee schedules to get an idea of fines. Malia: Any fines assessed and collected come back to the sanctuary. Greg: If you get fined by the sanctuary, you could lose your license, whereas currently that is not so.

Leo Asuncion: Where is the actual regulatory language? Malia Chow: The actual language is in the federal register which published the proposed rule.

Teri Leicher: I'm concerned that new protections could be shot down because of new regulations. We need things clearly spelled out. Jim Coon: With a new administration this reminds me how small issues like this prohibited acceptance of the sanctuary in the past. We may be pushing too much at this time. Teri: People are afraid of the regulations we have and this could make it worse. (e.g. condo commandos sitting on balconies judging operators on the water.) Malia Chow: Enforcement looks at intent when investigating reports and most reports do not end up as a violation. Discussion continued between Rachel, Greg and Teri. Teri: When people are reading this, they may see it as something

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new and it may cause them to resist it. Adam Pack: It is good this is up front in the plan and not being hidden deeper back.

Eric Kingma: What is a sanctuary resource? Anne Walton: All natural resources within the sanctuary.

Walter Ritte: Soil coming into the sanctuary that damages a sanctuary resource? Anne: It could include soil coming into the sanctuary and harming the environment.

Walter Ritte asked if the community comes up with a management plan, would the sanctuary support it? Malia Chow: First the state would need to accept it. Discussion between Walter, Malia, Elia and Anne. Malia: The compact agreement with the state is being renegotiated. If there is strong concern about the process, now is the time to deal with that. The public has a chance to weigh in and we will take those comments to the state. If communities are not satisfied with the status quo, we can use this process to leverage community desire and state responsibility.

Greg Kaufman: All harbors are outside the sanctuary and under DOBOR authority. How will boat operators discharge? Elia Herman: Discharge is currently not allowed in state waters and now it would not be allowed in the 'Au' Au Channel (federal waters).

Laura McIntire: We appreciate volunteers wanting to look at water quality, but we have skilled people at DOH. Malia Chow: We are looking at developing a MOA with DOH.

Elia Herman asked about damage assessment of sanctuary resources under National Marine Sanctuary Act. Malia Chow stated that if resources are within the sanctuary there could potentially be daily fines and all money would come to the sanctuary.

Eric Kingma: What about fisheries and subsistence fishing? Malia: As long as you are not damaging sanctuary resources you can fish in the sanctuary. Eric: Fishing kills fish and it is taking a sanctuary resource, is that in violation? Malia: Not if it is not damaging the bottom. The average ocean user will not be affected by this proposal. If you are operating under a legal fishing permit you are exempt from sanctuary regulations.

Laura McIntire: Brought up the molasses spill. Fish were killed, but the issue was the cleanup, so fines went to pay for overtime by the Department of Health cleanup workers. If the fees will now go to NOAA or the sanctuary, but the Department of Health workers will still be the ones doing the clean-up, then the fees are not going to the agency that does the work.

Eric Roberts: The Coast Guard is not mentioned as exempt from the regulations like Department of Defense. Malia Chow: The public will weigh in on a proposal from the Gulf of the Farallones National Marine Sanctuary to see if the Coast Guard will be exempted.

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Jack Kittinger: By focusing on regulatory issues we may lose focus on other areas. Part of the task ahead is to clarify or explain regulations and fines clearly. Greg Kaufman: It would be good for the SAC to work as committees ahead of time and focus on these issues.

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## Public Comment Period

### Mel Wills

*See Attached Submittals*

### Nina Monasevitch

*See Attached Submittals*

## Sanctuary Focus Areas

*Presentation by Malia Chow*

Malia described sanctuary focus areas, which are discrete areas within the sanctuary with specific place-based management actions. Proposed sanctuary focus areas are Ni'ihau, Pila'a, Maunalua Bay, and Southern Maui Nui.

Eric Kingma: Is the Maui Nui research area only for water quality research? Is the research plan in the draft management plan? Malia: The outline is in the document, but I do not call it a research plan. Laura McIntire: We have projects and water quality plans around the state available online.

## Section 106 Consultation Process

*Presentation by Hans Van Tilburg*

We need to know where historic properties are before we can determine the impact of our regulations and protections. So we are doing our Section 106 consultation process after the release of the DEIS. A request for input was sent out to a large number of consulting parties but we had a small amount of interest. We need to determine how to define the value of cultural resources. The results of the Section 106 consultation process will be made available to the public on the sanctuary's website.

Joshua DeMello: Civic Clubs may be a good place to get people to provide information for this process. Bob Leinau: Can you share past documents as well?

## Management Plan Review Working Group

*Presentation by Jack Kittinger and Sol Kaho'ohalahala*

Jack and Sol are the co-chairs of the MPR working group. The primary task of the working group is to review the draft management plan. Working group members may include SAC chairs and co-chairs (current and former) of the previous working groups that led the development of the nine working group reports. To keep the working group at a manageable size, they are expecting to limit the group to approximately one dozen participants. They do not want to limit the evaluation of the draft management plan to only consider the working groups' recommendations; that would be a focus, but they will also consider other relevant issues related to the sanctuary. The working group will develop

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recommendations through open discussion then bring them to the full council at the May meeting.

Jim Coon: How often do you plan to meet and where? Jack: We need to work with sanctuary staff and each other to decide. We hope to have one in-person meeting before the SAC meeting in May, as well as phone conversations.

Greg Kaufman: The council should be the voice of our constituents, so I feel we should not be evaluating the document until we hear public comment. Jack: That is a valid comment, however, we are working under a tight timeline. Greg commented that the public hearing dates on each island are very good opportunities for SAC members to be there listening.

Kelsey Poole: I agree that work can be accomplished faster in small groups, but how can the full council be involved in the MPR review process? Can we get minutes of these meetings?

Adam Pack: What is the best way to funnel information from the public? Jack: Realistically we do not have the time to do it as a working group but we can think about ways to make it work.

Eric Kingma: From experience of other sanctuaries, what are you asking SAC to do in terms of recommendations, etc. Malia: This is a decision of the council. Adam: We need to discuss which parts of the management plan to move on, or not move on. It could be that the working group makes recommendations like we did before, and move it up through the council. Eric: Are you looking for 1 vote or 15?

Shelly Lynch: The working group may be more of an internal check that the process is a good one.

Robin Newbold: A third objective of the working group could be to assure that all the efforts have been considered, and that after the public comment period that those comments are considered and incorporated.

Sol Kaho'ohalahala: This is going to be an ongoing, dynamic process. There are two roles of the council: to disseminate information as well as to receive information from the public. We will rely on sanctuary staff to make sure we are capturing the necessary information from the public hearings, but this group is not the receptacles of all the comments nor the mediators for the process.

Rachel Sprague: Public hearings are not the only way to get comment, and hearings may capture very different sentiment from online comments. Research has shown that public hearings usually capture more of the negative bias.

Elia Herman: I want to remind everyone that the public comment period is not the end of the process.

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Malia: Congress has a chance to chime in as well. We do not want to minimize the impact of how the council weighs in during the official comment period.

Teri Leicher: This is an opportunity to make sure our ducks are in a row. It would be helpful to know how the proposal will help the public.

Jack: We are targeting April 7 to come up with the MPR working group members and start outlining the workplan. There is a lot to accomplish over the next 6 weeks.

Robin: It seems that reviewing staff efforts to identify where the working group recommendations ended up would be a good place to start.

Adam Pack encouraged individuals to have an active role in the community. However, if you are making public comments, remember you are not speaking for the entire SAC.

Sandra Rossetter made request to include details of outreach efforts made throughout this process.

Greg Kaufman asked if the council can receive summary notes from the public hearings and noted that we haven't necessarily considered all issues that threaten the sanctuary, for example, vessel groundings which damage the reef. Malia: We are required to post all public comments on the regulations.gov web site. We will have staff video record meetings. Paul Wong provided the specific page number (p.367) in the sanctuary draft management plan that describes how the sanctuary will deal with vessel groundings.

4:58 Meeting adjourned.

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