



DRAFT – Subject to Council approval or revisions at Council Meeting #72
Hawaiian Islands Humpback Whale National Marine
Sanctuary Advisory Council

NON-GOVERNMENT (Voting)

Teri Leicher
Business Commerce

James Coon
Citizen-At-Large

Glenn Hong
Commercial Shipping

Barbara (Maka'ala) Kaaumoana
Conservation

Judith Lemus
Education

Myrick (Rick) Gaffney
Fishing

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Vacant
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Walter Ritte
Moloka'i Island

Matthew Kawaiola Sproat
Native Hawaiian

Douglass Cole
Ocean Recreation

Mark Deakos
Research

Kelsey Poole
Tourism

Tara Leota
Whale Watching

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DBEDT Renewable Energy

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DLNR

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DOH

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DOT – Harbors

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NOAA OLE

Jeff Walters
NOAA Fisheries PIRO

Eric Kingma
WESPAC (Voting)

Tunis McElwain
US Army Corps of Engineers

Eric Roberts
US Coast Guard

Janice Fukawa
US Navy

MEETING MINUTES

71st Meeting

June 29, 2016 9:00 am – 3:30 pm

NOAA Inouye Regional Center, Honolulu
Ko'olau Haka Conference Room, Room #1564

Welcome and Introductions

- Acting Chair Sol Kaho'ohalahala called the meeting to order and Ka'au Abraham and Sabra Kauka performed opening pules.
- Acting Secretary Judy Lemus takes attendance.

Primary SAC council members present: Bruce Anderson, Leo Asuncion*, Malia Chow, Athline Clark**, Janice Fukawa, Rick Gaffney, Chris Hawkins (for Eric Kingma), Clarissa Honeker, Maka'ala Kaaumoana, Sol Kaho'ohalahala, Sabra Kauka (for Matt Sproat), Jim Kelleher (for Glenn Hong), Gordon LaBedz (for Doug Cole), Teri Leicher, Judy Lemus, Tara Leota, Keola Lindsey, Laura McIntyre, Nina Monasevitch, Jeff Pollack**, Kelsey Poole, Walter Ritte, Eric Roberts, Sandra Rossetter, Jeff Walters

*via teleconference

**not present for roll call but attended later in the day

Alternate SAC council members present: Frazer McGilvray, Kim Rogers*
Carlie Wiener

Primary members excused: Gene Brighthouse, Doug Cole, Jim Coon, Mark Deakos, Glenn Hong, Eric Kingma, Tunis McElwain, Robin Newbold, Veronica Rocha, Matt Sproat

Staff: Ka'au Abraham, Jacqueline Baker, Rebecca Holyoke, Ed Lyman, Jon Martinez, Shannon Lyday Ruseborn, Denise Shiraki, Jean Souza, Allen Tom

- Sol: The purpose of today's meeting is to discuss and receive updates on sanctuary activities and to review and discuss the charter. At 2:15 this afternoon we will have time reserved for public comments, so keep this timeframe in mind as we move through the agenda. So with that let's move to the council business.

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Council Business

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- Sol gave instructions for voting for council officers and the council voted on their paper ballots. Ballots were for the following nominations: Chair: Sol Kaho'ohalahala; Vice-chair: Maka'ala Kaaumoana and Eric Roberts; Secretary: Judy Lemus. Staff collected and tallied the votes.
- Approval of Meeting 70 minutes:
Rick Gaffney motioned to accept the minutes. Maka'ala Kaaumoana seconded the motion. Discussion: Maka'ala added a mahalo for the thoroughness of the minutes. Malia Chow reminded the members that meetings are audio recorded. All members said aye to accept the minutes, there were no objections.
- Welcome to New Members at Table:
Shannon Ruseborn introduced the following: Tara Leota – new Whale Watching primary; Carlie Wiener –new Education alternate; Sabra Kauka – Native Hawaiian alternate that has been on for a year but this is her first meeting; James Kelleher – commercial shipping alternate that has been on but this is his first meeting; Nina Monasevitch - was the Kauai Island alternate and is now the primary; Chris Hawkins is representing WESTPAC today.
- Thank you/Acknowledgement of Past Members:
As we are bringing on new members, we want to thank those who are no longer on the council. Jack Kittinger served as secretary and the Research seat on the council. Also Bob Leinau, George Thompson, and Greg Kauffman are no longer on the council and we want to thank them for all the work they did. We're going to send around a mahalo card for these past members so when that comes around please sign.
 - Malia Chow: She wants to share that George Thompson was recently nominated and accepted as a board member for the local chapter of the National Marine Sanctuary Foundation so he will still be very closely involved with the sanctuary.
- Applicants from May Recruitment (Shannon):
The last recruitment for new council members ended May 31 in which we recruited for 8 seats. The next recruitment period is in August and many of you who are currently serving have terms that are up (see sheet in folder). I wanted to call this to your attention so that those who are seated are aware and can reapply if they want to. As always, I would love SAC members help with recruiting so please help us spread the word when I send the announcement out.
 - Sol: Any questions on the recruitment?
 - Will the clock be reset on the terms with a new charter? Shannon: It wouldn't be retroactive so term limits would start at the signing of the new charter. We'll go more into that later.
- Travel Expenses (Shannon):
There is an envelope in your packet for parking receipts to make sure you are reimbursed. Also, some of you have a form in your packet because some of your information is out of date so please fill that out so that you can be reimbursed for travel and per diem.
- Announcement of New Council Officers (Sol):

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Chair would like to announce the results of the election for officers: Secretary will be Judy; Vice-Chair will be Maka‘ala; Chair will be Sol. He thanked everyone for their confidence in these officers moving forward.

- Sol: There will be a slight change in our agenda to accommodate council members who need to depart earlier today. The State of Hawai‘i report will be next.

State of Hawai‘i Report (Bruce Anderson, Division of Aquatic Resources Administrator)

- I wanted to report out on the legislative session. Governor Ige supported a permanent position at Division of Aquatic Resources (DAR) for a sanctuary co-manager/coordinator but the legislature did not support it this year. The good news is that we are working on our MOA with NOAA and starting October 1 we have funding from NOAA to fill this position. There is a workplan that goes along with the MOA and this work plan still needs to be developed and refined. There are some great opportunities to better define the roles of the State and NOAA towards working together at the sanctuary. This is to make sure that we work more efficiently moving forward. We welcome input from this group as we work to put that together.
- We have gone through a reorganization at Department of Land and Natural Resources (DLNR) and what we are doing is creating a new home for the sanctuary and the monument. These staff will be part of DAR when we fill the co-manager position then he/she will report to Bruce. We are going through a major reorganization at DAR as well. Elia Herman is currently working in the protected species program.
 - Rick Gaffney: Do we know who the roadblock was in the legislature for preventing the funding for the co-manager position?
 - Bruce: No, that’s not clear. But it’s surprising that it was not authorized because usually when the Governor asks for something it gets approval.
 - Rick: Did it die in conference or before conference?
 - Bruce: It died before conference.
 - Rick wants to know who is standing in the way. There are legislators who don’t understand the need and we need to talk to them.
 - Bruce: There could have been a broad policy regarding new positions. But we have had one new biologist position and seven temporary positions that have been converted to permanent ones so we had a good year on that front.
 - Jeff Walters: Did the monument co-manager position get State funding?
 - Bruce: We asked for both positions and neither one was funded. We do currently have funding through NOAA for the monument co-manager.
 - Jeff: The new biologist position you mentioned, is that supposed to be the protected species biologist?
 - Bruce: I think it was for coral reefs.
 - Judy Lemus: Do you plan to recruit internally or externally for the sanctuary co-manager position that is funded for next year?
 - Bruce: Not sure that has been discussed yet but it could be recruited externally and internally. As a note, if we only do internally then it is only open to civil service positions. So Elia, for example, might not be eligible.

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- Maka'ala: I'm hoping that in future DLNR reports that you might be able to report on some of the DAR efforts that are occurring in the sanctuary. I would like to see the collaboration and coordination and know what DAR is doing in the sanctuary.
- Bruce: I will highlight some of the major projects. First of all, the Haena CBFA management rules were presented and at a public hearing 3 months ago on Kauai. It went well. That plan will be presented to the DLNR board. Also, we are working on the establishment of a reserve at Kaupulehu. This would restrict fishing out to 20 fathoms and from 20-100 fathoms there are restrictions on the species that can be collected. This is the first time we've done something like this and admittedly it is somewhat controversial, but the intent is to protect reef-associated species. The controversy was around what species should be protected, if any, and general restrictions on fishing. The plan would be to have regular monitoring to assess the efficacy of the closure and evaluate options for changing the rules. There was overwhelming support at the public meeting.
- Kelsey Poole: For the Kaupulehu rule, why specifically that 3.5 mile stretch of coastline? Many community members are assuming that the rich have a lot of say and don't want the locals tramping on their beach. The community wants to know why you chose that reef and what results you expect to see with a closure?
- Sol: The question is a good one but not something we want to take up here. Bruce and Kelsey agreed to discuss it outside of this meeting.
- Bruce: Another thing this group might be interested in is a survey of 70-80 global scientists to ask them what they are doing to address coral bleaching. We now have a report that details what they have done. I can arrange to do a presentation here if members are interested in hearing about this.
- Sol asked that the state give a report at all council meetings about state initiatives, though the SAC may not take up all issues.
- Walter Ritte: The contingency I represent depend on ocean resources for survival so this is an important topic. We spent years trying to figure out how to protect our resources because we felt that DLNR was not doing their job to protect them. So I'm still fuming from the last meeting where DLNR told us that we're not going to support moving past whales and participating in ecosystem based management. For us, that was a huge loss and I had a hard time figuring out if I even wanted to come back to the SAC and waste more time. I wondered whether you are really a good co-manager. I want to know what is going to be the relationship between this group and the State with regards to the management plan. It's a good plan and we busted ourselves putting it together. So I want to know from the State what the intention is with regards to this plan. If you're not going to accept the whole plan, are there parts that we can go back to the communities with? For the State to go on their own and for this group to go on their own is not beneficial to the community. I'd like to request that somehow there is a working group that goes over this plan to determine if there are parts that we can work with the State to implement.

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- Bruce: I hear you and I think there is a lot of the plan that can be implemented. I welcome the opportunity to get feedback from everyone here. The decision, the action that was taken, was that NOAA withdrew their proposal. That isn't a reflection on the plan, which was a good one. I would personally, and I'm sure I can speak for Suzanne (Case), be very open for looking at the plan and seeing what we can pick out to move forward with, even if we don't move forward with redefining the sanctuary.
- Sol requested to hold the discussion until the next agenda item.

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Update to Sanctuary Advisory Council Charter (Rebecca Holyoke, ONMS Council Coordinator and Sol Kaho'ohalahala, Charter Working Group Chair)

- Rebecca Holyoke introduces herself and her role with the sanctuary program.
- Sol: I am going to present the recommendations that came out of the charter working group. Then I am going to ask Becky to comment on each recommendation about the position of the Office of National Marine Sanctuaries (ONMS). It is clear to us that while we, as a working group, make the recommendations to ONMS, it is not something that we get to vote on. These decisions are made by ONMS. I invite the members to add additional recommendations and comments to Becky to be considered by ONMS.
 - Term limits for non-government members – Consensus was to make these terms 3 years. The working group thought 3 year would work best, rather than the shorter option of 2 years. We also want to make sure the terms are staggered so that we don't have a full turnover every three years.
 - Becky: This is consistent with the national policy and serves as a way to ensure that we bring in fresh views to the council.
 - Gordon La Bedz: 9 years sort of negates the point of term limits, doesn't it?
 - The member would still have to rerun every three years so that provides the opportunity for change. Gordon still felt this was too long.
 - Council officers – The working group recommended 2 year terms and have a max of 2 terms for all council officers.
 - Becky: We support this position. This is more restrictive than what is in your current charter.
 - Travel costs – The charter was inconsistent in that it allowed for some travel costs to be covered but not others so we recommended to change the language to ensure that both working groups and subcommittees could recover travel costs.
 - Becky: The original policy was to only allow travel costs for SAC members, but we have recently relaxed that in recognition that some places like this site require more travel than other sites.
 - Walter: When we travel, why do we pick the most expensive airlines?

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- Malia: We have a federal contract with certain carriers so we don't always have much of a choice.
- Annual work plan – The working group had consensus that we would develop a 3-year work plan which would be more suitable than an annual work plan.
 - Becky: The whole idea is for a council to think about what they're working on, and even though from a financial perspective, we plan for 1 year, we are fully supportive of a 3-year workplan.
 - Maka'ala: Bruce, could the plans for DLNR be annual or could that work plan also reflect a 3-year plan so that there is some consistency?
 - Bruce: We could have a 3-year plan that is chopped up into annual deliverables for budgetary considerations.
 - Walter: How often do we meet as a SAC?
 - Sol: 2-3 times per year.
- Representation on the council – Since our work has moved from ecosystem-based management back to whales, we're looking at the make-up of the body of this group and whether or not the amount of representation is relevant to a single species sanctuary
 - Becky: We agree with this. Every time a charter expires this (council seats) is something we look at.
 - Gordon: Does NOAA pay the travel expenses for the government representatives and do they have a vote at the table?
 - Becky: Currently for the HIHWNMS, there are only 2 voting government seats (WESTPAC and OHA). It is different for each advisory council across the system, but most governmental seats are non-voting.
 - Malia: Regarding travel, all government seats pay their own travel.
 - Walter: This idea of not moving towards ecosystem-based management... If we change our charter to go back to whales only then I'm out of here.
 - Teri Leicher: We have said a lot about "if we were going to be a whale only sanctuary" but the one thing that didn't change was "and its habitat" so I would hope that habitat would still play a role. This is something to keep in mind moving forward.
 - Sol: What we are trying to do right now is get some of the mechanics of the charter together to ensure that we are fully manned in our pursuits as a council.
 - Chris Hawkins: There is a letter from WESTPAC in the folder that references this issue. Sol asked to move this discussion to a later point.
 - Walter suggests that the SAC needs to know what the sanctuary is going to do to determine how the council needs to be configured.
 - Judy pointed out that even if a recommendation is approved for the charter, there is an opportunity to amend it in the future.

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- Malia mentioned she will present on the future direction of the sanctuary later in the day.
- Government seats
 - DLNR – The vote was to remove the seat from the council. The rationale was that the working group feels they mishandled their responsibility of sanctuary co-management. DLNR sat in meetings with the council for 6 years but did not bring up their concerns with the proposal. The working group does not feel that DLNR has the right to be the lead state agency and that Office of Hawaiian Affairs (OHA) would be better suited to this role.

- Becky: Our position is that our relationship with the State is very important so we would like to work directly with these agencies to determine their role with the council. We're not ready at this time to say that we were going to remove DLNR. They are a key partner and they are key moving forward.
- Gordon: Removing DLNR sounds kind of vindictive. I agree with the rationale but we need them at the table.
- Teri Leicher stated she is not in favor of removing DLNR.
- Rebecca Alakai: I have a proposal that Division of Boating and Recreation (DOBOR) should have a seat at the table since they are in charge of recreational boating. Also maybe Division of Conservation and Resources Enforcement (DOCARE). With respect to OHA, I'm not sure they would be the right office to be the sanctuary's lead co-manager. I don't think they don't have authority to accept an Environmental Assessment or Environmental Impact Statement.
- Walter: The thought of switching from DLNR to OHA makes me cringe because OHA isn't meant to be a state agency; it is a representative of the Hawaiian community. I thought the SAC would be dealing with the Governor, not the agencies, since the Governor is the sanctuary co-manager. But to take the State out of it is a big mistake. As a community member, we need both agencies.
- James Kelleher: How much money and resources does DLNR provide to the sanctuary?
- Bruce: We have \$0 in our budget specifically dedicated to the sanctuary but we have staff that deals with all aspects of the water, which includes within the sanctuary boundaries. This brings up one of the challenges that we have. Since we don't have funding specifically for the sanctuary, what is the State's role? This is a discussion to be had. And for the record, I think it would be a huge mistake to remove DLNR from the council.

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GOVERNMENT (Non-Voting)

Leo Asuncion
DBEDT – Office of Planning

Veronica Rocha
DBEDT Renewable Energy

Bruce Anderson
DLNR

Laura McIntyre
DOH

Sandra Rossetter
DOT – Harbors

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- Walter: In response to the budget, that is our (the SAC) job. That is where we come in. We need to lobby for DLNR to get more money. We can't depend on people like John Armor to make it happen.
- Allen Tom: It is notable that DAR had 2 bills to fund the co-manager positions.
- Rick: As I said earlier, we need to know who the problem legislators are so that we can talk to them.
- Keola Lindsey: With respect to OHA, we are separate from the executive branch so while they don't represent us, we in turn cannot represent them. So we are not interchangeable. The question is what is the most effective role for OHA and how do we best represent our interests? Whether we vote, or whether or not we are on the council, our job is still the same. OHA is willing to have a conversation about the voting rights of OHA, but we do expect to advocate and give input in some format. We are having a hard time giving up a voting seat without knowing what comes next. If not voting, then what?
- Rick: I would like to remind people that as I understand it, when the Sanctuary was first put into place it was the Office of Planning (OP) that was the State lead. The bottom line is that the Governor's office is the decider. They should decide which state agencies participate. Part of what we did in the working group was to look at the agencies that have showed a lack of interest/participation over the past year and reevaluated their seats.
- Leo Asuncion: When the sanctuary was designated, the Office of Planning office was the lead co-management agency because there was no sanctuary office or program in the state. We had the coastal zone management program. The agencies evolve over time but what needs to come out of this is a clear understanding of what an agency's role is and what the need is for them for on the SAC.
- Gordon: To clarify, is OHA as a voting seat up for question?
- Sol: It is up for discussion but we have not gotten there yet. It's the next item.
- Judy explained that the working group process wasn't a unanimous process and ended up with piecemeal recommendations.
- Sol: I want to address the vindictiveness comment. That wasn't what the discussion was about. But the working group didn't want it to be lost that we spent 6 years working with the State of Hawaii only to be left in the end like we hadn't had a partner at all. So we wanted to open up this discussion.

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- Frazer McGilvray: How many state representatives are on other sanctuary advisory councils?
- Becky: It varies across the sanctuaries.
- Rick: One of our goals in the working group was to look at a really big advisory council that has grown incrementally over time and decide whether everyone really needed to be here. Because the larger the council, the harder it is to make decisions.
- Bruce: I do not think DLNR needs to be voting member. We should participate on the council as an active member but a non-voting member should be appropriate. As a personal opinion, I think OHA should remain a voting member.
- Laura McIntyre: Thanks to the working group for recommending to keep the Department of Health (DOH). We don't think we need to be a voting member. DOH's position is that it would be a huge mistake to remove DLNR. We also think that it would be a good idea to have other DLNR divisions, other than DAR, at the table. We think it would be as beneficial to have as many non-voting members as possible to have more interaction and a greater understanding of community concerns.
- Sanctuary Co-manager – The working group recommends eliminating the co-manager seat.
 - Bruce: I think the co-manager position is better described as a coordinator position. The seat shouldn't have a vote. The coordinator should consult with various State agencies which could obviate the need for all of these various agencies to be represented on the council.
 - Maka'ala: The co-manager's position should be clearly defined so that they do just that.
 - Sol: What we have here is an evolution of the State's position but our job here was to reflect on the makeup of the council as it is now. So when the State says that they're not funding the state co-manager position, then we have to look at why we have that seat. But this is not the final recommendation. So if now we're talking about how we want to evolve and define the co-manager position that's fine and let's make all of that clear.
 - Jeff Walters: Does the council, as it is now, advise NOAA only or NOAA and the state?
 - Becky: The primary party that the council is providing advice to is NOAA.
 - Jeff: If we are not advising the State, then the State membership needs to be thought about.

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- Maka'ala: If the co-manager understands their responsibilities, and represents the State at the table, then that's great but why then would we have all the other State seats AND a co-manager if the point of the co-manager is to represent the State?
- Maka'ala: With the development of this MOA, will the SAC get to review this?
- Terri: In the past the co-manager represented DAR.
- Malia: This MOA is already under review by NOAA General Counsel but what I think you really are talking about is the work plan. Bruce, would you be willing for the council to review the work plan?
- Bruce: We are very interested in hearing what your recommendations are and participating as much as you can in providing input into the process but all of that needs to be defined. We welcome your input on it as we move forward.
- Division of Business, Economic Development, and Tourism (DBEDT) – Working group recommendation was to remove.
 - Becky: We're (ONMS) going to look at all of the government seats holistically, so let's just move on to comments.
 - Kelsey: I support removing.
 - Gordon agrees with removing DBEDT.
 - Malia: I want to clarify that the branch of DBEDT at the table is the energy office that deals with renewable energy. The issue is that currently the proposed windfarms are outside sanctuary waters but the cables they need to connect to power stations will run through the sanctuary. But we'll be having conversations with DBEDT on this regardless of whether they are on the council or not.
- Office of Planning – Working group recommendation was to keep.
 - Gordon: Why the support to keep? They don't seem to be a very critical agency.
 - Leo: OP is more of a policy office. The reason for staying is more historical. I will not speak to whether or not we should stay on.
 - Laura: The more people at the table the better. OP used to be under the Governor's office but now is separate and they have a lot of resources that might be helpful.
 - Teri: I want to note that if we need to bring people in for expertise on any given issue then we can do that. So we do not need to have everyone at the table all the time.
- DOH – Working group recommendation was to keep.
 - No comments

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- Department of Transportation (DOT) – Harbors Division – Working group vote was to remove, but this was a split vote. Some felt that there was duplication in representation with the commercial shipping seat.
 - Sandra Rossetter: The Harbors Division is in large part responsible for infrastructure, so our responsibility is somewhat excluded from the shipping industry. Though I do try to take information back to the commercial shipping industry.
 - Maka'ala: All harbors are excluded from the sanctuary.
- National Marine Sanctuary of American Samoa – Our consideration is whether they should be seated here. We think they can always be invited if relevant but maybe don't need to have a seat on the council.
 - Becky: We agree and are totally in support with this recommendation.
- Western Pacific Fisheries Council (WESTPAC) – The working group vote was to remove them from the council. The discussion was that if we are to be a whale sanctuary then what would their role be? Furthermore, their justification is federal waters and most of the sanctuary is in State waters. Also, they bring negativity and a low quality of participation and their voting is generally in opposition. Other discussion points were that opposition is a good perspective to have and that they might have other expertise.
 - Becky: This is a discussion we need to have with WESTPAC.
 - Maka'ala: Do other fishery councils have representation on sanctuary advisory councils?
 - Becky: Only two other sites do in a non-voting capacity.
 - Chris: Please refer to your packets for a letter from the Executive Director of WESTPAC with discussion points regarding this subject. WESTPAC would like to remain on the council as a voting seat. I would not characterize Eric's (Kingma) work as low quality or negative. This decision may be a bit vindictive.
 - Teri: I don't think this is anything personal towards Eric. It is just that a lot of time his hands were tied by the agency he was representing. I want to think more about what WESTPAC can bring given that the sanctuary is mostly in state waters.
 - Gordon: Every single day 1,000 cetaceans die in fishnets. Those fishnets come from fishermen and WESTPAC needs to be at the table.
 - Bruce: I want to reinforce the point that WESTPAC is important to be at the table. WESTPAC has done a lot to

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address bycatch and other issues. Maybe not as a voting member, but you want their voice at the table.

- Walter: I support getting rid of them. I have mostly had interaction with them at the community level and what I have found out about them is that they organize community resistance. They go to meetings and hand out misinformation. It happened with the monk seals and the movement to change the whale sanctuary. They organized community groups to come together to fight. So this feels like hanging ourselves by having them at the table. I don't trust these guys at all.
- Maka'ala: I completely agree and I was also taught to keep enemies close. If someone represents an interest that is involved with the sanctuary then we should certainly include them, but I have never in 5-6 years heard the word "longliner" uttered in these meetings or included in the minutes. What I know from the last few years is "WESTPAC says no". What I know is when we try to do something community-based, the one block with a ton of money and organizational skills beyond what we have is WESTPAC. Having said that, if they want to change colors and actively participate in the conversation then I am totally open to that. But I will tell you that as my tenure on this council that is not what I have experienced. I have not been educated, I have not been enlightened on the angst of the longliners, I have just seen them being obstructers. I would welcome them on the council but not as a voting seat.
- Chris: You all have me at a disadvantage because I don't have the voting record before me but I can't imagine every single vote has been no.
- Rick: I would like to support the point that Maka'ala and Walter has brought up. WESTPAC stands in the way of conservation across the State, and they are doing so with the PMNM expansion. The other thing I don't like about their participation with this council is that they bring a lot of misinformation. They seem to want to ignore truly local fishermen and focus on supporting the longline fishery. I don't think we should support what they do by giving them a voting membership on this council.
- Sol: My issue is that there was a situation where Eric agreed to 99% of the Native Hawaiian working group recommendations but it was because of the 1% that he did not agree with that he voted against it. He wouldn't vote "yay with reservations." And for that reason I question the value of WESTPAC and what it brings as a voting member.

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- Nina Monasevitch: I support all that Walter, Sol, and Maka'ala said.
- Eric Roberts: What was the status of the US Coast Guard on the council?
- Sol: There was no recommendation by the working group so status quo.

○ Non-government seats

- Citizen-at-large – Working group vote was to remove. The discussion was around the fact that this is a duplicative seat since the council already has representation from all islands. This seat is a relic of the past, leftover from before when all islands were not represented
 - Becky: From our standpoint, we really want to hear from you on this one. We want to make sure we're not missing anything, but if you all concur then we will support.
 - Teri: It might be worth considering down the line having multiple representatives from the islands (e.g. Hilo and Kona on Hawaii) because they have different needs. Just something to think about down the line.
- Fishing – Working group recommendation is to remove. The discussions were around the fact that the sanctuary is a single species sanctuary and does not regulate fishing so why is representation needed. On the other hand, whales get entangled in fishing gear so it might be good to keep them.
 - Gordon: I recommend keeping this seat. WESTPAC doesn't represent the small guys so we need to have them at the table. We proposed speed limits and that would affect them so I see a need to hear from them.
 - Becky: It is our initial reaction that we would not remove them from the SAC. They are an important component of the community.
 - Kelsey: I also agree with keeping.
 - Rick: We are proposing to create two new seats too, and maybe fishing could be represented by those new seats.
 - Jeff: Would non-commercial recreation include fishermen? In the definition of these seats we could include a description that would include the fishers.
 - Becky: To comment on the recommendation for the combining of seats, this is something that we are open to, but again, we really want to hear from you all to ensure that we have the right people at the table.
 - Kelsey: I am concerned with combining positions. It makes things really broad so it could be hard to hear some of the voices that we really need to hear.

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- Jeff: I understand that some hard decisions need to be made to keep the council from getting too large.
- Alton: Keep in mind that the boating and the aquatic resources side of things are different in DLNR.
- Teri: I think it is too big of a job for one seat to represent all those different voices and interests. So I think we need to keep fishing.
- Becky: I would like to note that some other councils have consumptive and non-consumptive seats, rather than commercial and recreational seats.
- Nina Monasevitch: I am in support of keeping whale watching as a seat. I would agree that combining business/commerce/tourism into one but I don't think whale watching should be taken out.
- Gordon: I agree, especially if we are a whale sanctuary. There are more and more whales and more whale watchers and we need to have a representative from that industry.
- Sol: I would like to remind people that all we are looking for here is redundancy and trying to reduce it.

- Next steps
 - The sanctuary will develop a strategy for transitioning seats and make a final decision on seats.
 - The final charter will be distributed when signed in August (deadline is August 26, 2016).

Papahānaumokuākea Marine National Monument (PMNM) Update *(Athline Clark, PMNM Superintendent)*

- Allen Tom: From the NOAA standpoint, we have no viewpoint on the proposed PMNM expansion. People seemed confused on this but this is Pew's proposal, not NOAA's. I mention this because I would like some members here to talk about it if they want to say something because there are members here who have been involved with the writing of the proposal and providing input.
- Sol: I am directly involved with that initiative and I did make presentations to the PMNM RAC for the purpose of helping that council make a decision. As to whether this council needs to act on it, I don't think it does necessarily but I would like to invite people to support the proposal if they want and send letters to President Obama as an individual. But as far as the SAC, I don't think it would be necessary for us to make that kind of a decision.
- Athline Clark:
 - Presented two different maps regarding the proposed boundaries for the monument expansion. The majority of the focus on the deep reef areas has been inside the boundaries. Most of the information we have is for sets of data that is inside the boundaries. One question researchers have looked at

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- are whether where there are high levels of relief if there are also high levels of biodiversity and the answer was yes. They also did some work on some of the critters they found there and found several “largest in the world” organisms. There are 4 known wrecks from the Battle of Midway as well.
- The process for looking at the proposed expansion started about 6 months ago with a letter to President Obama from a number of prominent Native Hawaiian individuals. The most recent proposal was sent by Senator Schatz and this included a different proposed expansion area. We still have no final administrative position on this. If the administration decides that they will move forward with this then there will probably be public hearings held on this. We don't know where, when, how many, but they are likely to be completed by this summer.
 - Sol: This is just informational, so if you have any questions with things that deal beyond that please reserve that for some other time.
 - Walter: Is ROV data collection being done?
 - Athline: We have some.
 - Walter: What is the role of the military in all of this? One of the things coming really strong from the community is that this is just another way for the military to take on the Chinese and get a bigger foothold for the military in the Pacific.
 - Athline: The EEZ is already claimed by the US and there is already an exclusion for military use in the existing monument. So if the proposal goes through the change will be with regards to access to fishing. There wouldn't be a change in military usage.
 - Sol: To clarify on the fishing restrictions, this would take out longline fishing, not small boat fishing. Also, this map presented by Senator Schatz is designed to allow small fishing to have access to that small part of the monument that Kauai fishermen are already using.
 - Athline: I can get a copy of the Schatz letter to Malia for her to share with SAC if you want it.
 - Eric Roberts: I would like to clarify that if this expansion goes forward, it would be under domestic laws and would have no impact on foreign fishing, which is already prohibited in the EEZ.
 - Jeff: Would an EIS and management plan be required?
 - Athline: Not necessarily.
 - Allen: But we may do one anyway.
 - Athline: It depends on what agencies are involved.
 - Teri: Why wouldn't we, as the SAC, want to have a position on this?
 - Sol: This is the monument's responsibility, so I didn't come here today asking the SAC to take an action on it. But if you want to make a motion, go ahead.
 - General agreement that if this body wanted to take an action then it would need to be done in the future as there is insufficient information on the table right now.

Enforcement Update (Jeffrey Pollack, NOAA OLE and Eric Roberts, USCG)

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- Eric Roberts - Coast Guard District 14 – Operation Kohola Guardian 2016
 - 2015-2016 season included 54 surface patrols, 45 ASBP/41 AUZ flights, 385 boater interactions, 32 vessel boardings, 269 whale sightings, 6 conservation responses, 1 LE response.
 - In addition to our enforcement responses, we responded to 6 humpback whales (4 on water, 2 in-air responses), 2 harassment cases – one of which involved a humpback but once we got out there we were unable to get video evidence so that case didn't go through.
- Jeff Pollack - OLE
 - A lot of the contacts we have result in educational outreach and sometimes warnings. Occasionally investigations result from those contacts. We also conduct air patrols using coast guard aircraft. We also conducted land patrols, which is a major part of our efforts (285 hrs, mostly on Maui). This year we had 34 complaints, 22 of which involved humpbacks. We considered this a successful season.
 - Walter: How many boats do you have? Personnel?
 - Jeff: We have 1 patrol boat and less than 20 personnel.
 - Rick: Can you share how those numbers differ from previous years? For example, whale sighting numbers.
 - Jeff: Just in general, compared to previous years, our numbers were lower in terms of complaints. There may be a correlation to less humpback whale sightings but it could be other things too.
 - James Kelleher: What this presentation has shown, in my opinion, is that there really isn't any enforcement. Especially in comparison to other sanctuary sites, like the Florida Keys.
 - Jeff: I disagree and want to remind everyone that a lot of our efforts are not just patrols but responding to complaints and conducting investigations. And we do the best with what we have.
 - Sol: I want to remind the council that we're calling on people to give updates and that we don't want to challenge and debate the presenters.
 - Walter: A lot of the resource challenges are tied to engaging with the communities, so what is OLE doing in this regard?
 - Jeff: We do conduct a lot of outreach and talk with people and hear from the community. We also work extensively with DOCARE and receive information from them on what the community is saying.
 - Sol: Is DLNR and DOCARE an extension of your enforcement?
 - Jeff: They're not an extension because obviously they are a different agency but we do have a working relationship with them and work closely with them. We have a joint enforcement agreement that involves funding. This is a set up that is seen with many states.
 - Tara Leota: When we see something that is wrong, say on Kauai, what do we do? Take photos?
 - Jeff: If we happen to have personnel in the area who are not otherwise busy they respond. If there cannot be an immediate response, we ask people to document things but remember that they are not enforcement and they have

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to be careful of what they do. But documenting what they see, writing down information (license plates, etc.), all of that is helpful.

- Sol: I am suspending questions so that we can move on to the next presenter.

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Update on Proposed Humpback Whale Delisting and Upcoming Proposal for Spinner Dolphin Regulations (*Susan Pultz, NMFS Protected Resources Division*)

- Susan provided an update on the 2015 Proposed Humpback Whale Delisting. It is moving along and close to completion. We should see the final rule coming out soon.
- Proposed rule is for humpback whales to be separated into 14 Distinct Population Segments (DPS). Proposal is for humpbacks in Hawaii to be a DPS and will not be threatened or endangered.
- Current federal approach regulations with humpbacks in under ESA. NMFS is working on establishing approach regulations under the authority of the MMPA. The decision on whether to move forward with this at the same time as the delisting is announced hasn't been finalized yet but she expects the interim rule will go forward so that there is no gap in coverage.
 - Gordon: Are you absolutely certain the approach regulation was promulgated under ESA and not MMPA?
 - Susan: Absolutely, we would not be doing this otherwise.
 - Walter: Why do we need these regulations if the whales are doing fine?
 - Susan: Just because they are doing better and can be delisted doesn't mean there aren't valid reasons for stopping people and whales from getting too close to each other.
- Susan then went on to describe the evolution and details of a proposed spinner dolphin regulation. There have been observed changes in spinner dolphins due to human-dolphin interactions.
- NMFS is considering 5 different alternatives to enhance protection of spinner dolphins in Hawaii. They are planning for hearings in September.
 - Gordon: Would the spinner dolphin rules be global and under what authority?
 - Susan: It would just be for Hawaii and would be under the MMPA.
- There are several members who wish to speak more with Susan on the spinner dolphin issue and requested for her contact information to continue the discussion outside of this meeting.
- Jeff introduced Adam Kurtz to the council who will be working on outreach on this topic.
- Walter: Commented on the potential for community fatigue/overload – monk seals, spinners, monument expansion.

Public Comment Period

- No members of the public were present that wished to comment.

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Superintendent's Report (Dr. Malia Chow, Sanctuary Superintendent)

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- Malia gave a report on recent sanctuary activities since January 2016 SAC meeting.
- 2015-2016 Ocean Count: Over 1500 volunteers participated. Future efforts including expanding to other islands, partnering with Pacific Whale Foundation on Maui, and investigating citizen science potential.
- Development of Strategic Plan for HIHW: Goal is to create a 2-3 year plan that identifies sanctuary initiatives and programs. We will work with the Management Plan working group to provide input.
- Management and Research Forum: This a key initiative proposed for spring 2017. This will build on past efforts (reports and workshops) and help develop a research plan for the site.
- Humpback Whale Awareness PADI Diving Course: Working with PADI to create a new course focused on humpback whales in Hawaii.
- Memorandum of Agreements: The sanctuary is currently developing formal agreements with universities, businesses, communities, and agencies.
- Walter: How many species of marine mammals do we have in Hawaii?
- General response was 23 or 24.
- Walter: How many of these marine mammals is NOAA responsible for?
- Jeff: Under the MMPA, all of them.
- Walter: How do we collectively organize all of these entities to be more efficient? Communities feel like they're getting bombarded from one group on one species and another group on another species. Is there a way to change the wording so we are doing ecosystem based management but not call it that? It seems that agencies care more about the animals than they do the people.
- Maka'ala: I want to note that there needs to be more community involvement, more opportunities for community members to express their thoughts and opinions. They should be asked. So for example, Malia, with the research forum, please come and ask us what we're thinking about and what we're concerned about. We want to be asked what science questions we want answered.
- Walter: You should also have strategic partnerships within NOAA.
- Malia: We have been talking quite a bit internally about whether there should be a management group that interacts within the agency so that we can have these interagency conversations. I think there needs to be an interagency committee similar to what the PMNM has and this is something I think the sanctuary should be moving towards.

Climate Change Report (Shannon Ruseborn, Resource Protection Specialist)

- All sanctuaries will be affected by climate change, but there will be different impacts to different sites.
- ONMS has a 3-pronged approach to climate change: Sentinel Site Research and Monitoring, Adaptive Management, and Solution-driven Public Engagement.

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- Greater Farallones NMS is paving the way for other sites to address climate change and are a resource to other sites.
- They worked with their SAC through a multi-step, multi-year process. This included synthesizing climate change impacts to the site, conducting a vulnerability assessment, and writing an adaptation report.
- They also host climate summits and have worked to green sanctuary operations to reduce the sanctuary's carbon footprint.
- There is the potential to conduct climate change work at HIHW.
 - Maka'ala: Asked for clarification on the location of the Farallones building in San Francisco.
 - Chris: Who is doing the science for the sanctuary?
 - Malia and Shannon answered that the sanctuary works with NCCOS and PIFSC and has scientists on staff.

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2015-2016 Humpback Whale Season Report (Ed Lyman, Large Whale Entanglement Response Coordinator)

- Update on lower humpback whale numbers: It appeared that whales may have arrived later, sightings may have been lower, and animals may have departed earlier.
- We are not sure why, it could have been El Nino, climate change, carrying capacity, resources on the feeding grounds, or a host of other reasons. We do not have quantitative surveys to tell.
- We had an increase in reports of “sailing” whales.
- We conducted health and risk assessment research including a pilot study with an unmanned aerial system. As usual we assisted partners in other humpback whale research initiatives.
- Entanglement update for 2015-2016 season: There were 6 confirmed reports and 4 responses. Ship strike update: 2 confirmed contact reports. This is the lowest in 3 years.
 - Teri: Did the whales stay in Alaska? Did they die? Were they poached? Is this a good time to be delisting them?
 - Ed presented the idea that the whales may have stayed in Alaska because the food source conditions were good. We need to keep monitoring the populations.
 - Carlie: Did you look at previous El Nino years and was there a dip in entanglement reports as well?
 - Ed: We looked at entanglement reports and there did not appear to be a match.
 - Judy: Has there been any discussion on transferring Ocean Count to other locations?
 - No, but general consensus was that this was an interesting idea and something to consider.
 - Jeff says that Ed's presentation and program is very valuable and shows why it's important to support.
 - Rick asked if the long-liner observer data is used towards population estimates.

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Next Steps

- Development of council workplan
 - Becky: Regarding other sanctuaries and work plans, all of them are a little different but generally they're more like spreadsheets rather than management plans. People meet and use their executive committee to do a retreat of sorts (not a full council meeting) and use them as the resource for outlining the comments and concerns they have heard from the whole council. Then they put together a game plan for presentation to the full council at the next meeting. I have sample workplans that I can share (Greater Farallones and Olympic Coast).
 - Sol: This is a good time for everyone in the standing subcommittees to consider what they would want included in a work plan. I like the idea of an executive committee coming together to make a game plan to present to the full council. Is this an idea that the council would want to support? We don't need a motion, just an agreement.
 - Maka'ala: In this vein, it would really be important for us to have a budget to see where the Sanctuary is. I don't want to put any more effort or energy into a work plan that is only going to be unfunded. I would like a clear idea of what the HIHWNMS budget is. I understand from other councils that they have budgets.
 - Becky: It isn't my understanding that other councils have sanctuary budgets.
 - There was a discussion on clarification of what the work plan is. Will the sanctuary and the SAC have the same work plan?
 - Becky: They are different.
 - Maka'ala questioned why.

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Sol adjourned the meeting at 3:30 pm.

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