

Sanctuary Advisory Council

Thirty-fifth Meeting

Wednesday, April 21, 2004

9:00 a.m. to 3:30 p.m.

Waikiki Beach Marriott

Milo 3 Room

FINAL MINUTES

Attendance

Primary Council Members Present: Athline Clark, Jim Coon, Liz Corbin, Bill Friedl, Walter Haas, June Harrigan-Lum, Lou Herman, Becky Hommon, Kimokeo Kapahulehua, Eric Kingma, Marc Lammers, Teri Leicher, Richard McCarty, Naomi McIntosh, Terry O'Halloran, Dick Poirier, Jeanne Russell, Glenn Soma, Mike Stanton, Jeff Walters, Reg White.

Alternate Council Members Present: Duane Erway (for Sara Peck), Dave Hoffman, Terry Rice (for Bob Wilson), Cheryl Sterling, Don Thornburg.

Excused: Margaret Akamine, Nancy Daschbach, Bill Lennan, Jerry Norris, Sara Peck, John, Reghi, Robert Smith, Bob Wilson, Michelle Yuen.

Others Present:

HIHWNMS: Keeley Belva, David Mattila, David Nichols, Joylynn Oliveira, Paul Wong.

PUBLIC: Adam Pack, Jim Walsh, Terry White.

Distributed Materials

- Final Agenda
- Final Meeting Minutes (2/11/04)
- Meeting Action Items
- Sanctuary Manager's Report
- State Co-Manager's Report
- Honolulu County Report
- Boater Outreach Working Group Report
- Research Committee Report
- Hawai'i County Report
- Report from the Chairs and Coordinators Meeting
- Passed Resolutions
- NMSP Letter
- Akaka Letter
- Draft of Cruise Ship Letter
- 2004 Council Action Plan—Action Items
- 2004 Sanctuary Event Calendar
- HIHWNMS Staff Directory
- Council Member Directory

Call to Order

The purpose of this meeting is to explore what opportunities we have to enhance our Sanctuary, through strengthening partnerships and planning for next whale season.

Following the *pule* (traditional Hawaiian chants) the Sanctuary Advisory Council (Council) Chair, Jim Coon, called the meeting to order at 10:10 a.m. Walter Haas served as Secretary and began the meeting by taking roll. Mr. Coon continued the meeting by taking a moment to point out that there are a lot of successes for the Council despite the hard work that is continually needed.

Introduction of new members

Mr. Coon introduced and welcomed the newest Council members who were selected or re-selected in early April.

- Jeanne Russell—Education Primary
- Cheryl Sterling—Maui County Alternate
- Michelle Yuen—Native Hawaiian Primary
- Don Thornburg—Kauai County Alternate, previously Ocean Recreation

Mr. Coon also announced the resignation of Jack Laufer, Commercial Shipping primary. Mr. Laufer was called to active duty for the US Coast Guard and is scheduled to leave for the mainland.

Approval of Meeting Minutes

Duane Erway made a motion that the minutes from the February 11, 2004 Council meeting be approved. The motion carried unanimously.

Public Forum

Members of the public were asked to introduce themselves to the Council. Dr. Adam Pack then made a statement about an observation he had while while doing research this season that there seemed to be an increasing number of personal watercraft vessels operating in the `Au` Au Channel off of Maui. Dr. Pack is concerned that rental companies do not know that whale season regulations are still in place and it is prohibited for personal watercraft to operate in waters around Maui. Mr. Coon stated that it might not be commercial skis, but more likely could be private individuals. An increase in tow-in surfing could also be a concern. Dr. Pack suggested that there might be a need for a larger outreach effort to educate the public on these regulations. Jeff Walters stated that DOCARE is the correct agency to call if anyone noticed this again. Athline Clark stated that the ban is only on commercial personal watercraft, not for private owners. A short discussion followed. **ACTION:** Dr. Walters will clarify this regulation and report back to the Council.

Discussion on Reports and Updates

Council Chair:

Mr. Coon, Council Chair, reviewed the Action Items Status Report (see attachment # 1) and highlighted a few items: The Sanctuary Manager received a response to a letter written to Senator Akaka regarding pump-out facilities; Mr. Coon received a response to a letter written to the National Marine Sanctuary Program (NMSP) about logo usage; a letter was drafted to be sent to the Sanctuary Manager regarding cruise ship discharge within the Sanctuary. There was also one additional Action Item that was not included in the report that addressed establishing a Sanctuary Change Committee.

Sanctuary Manager:

Naomi McIntosh submitted a written report (see attachment # 2). She highlighted a few items, including that the selection process will begin soon for the following seats: Business/Commerce, Citizen-At-Large, Commercial Shipping, Conservation, Ocean Recreation, Tourism, and Whale Watching. Ms. McIntosh also gave a short summary of events that the Sanctuary has been involved in. She mentioned that the National Advisory Council Report was handed out today and that members should be thinking of actions to include in the next report.

Sanctuary Co-Manager:

Sanctuary Co-Manager, Dr. Jeffrey Walters, submitted a written report (see attachment # 3) and mentioned that Justin Viezbieke was recently hired as the West Hawai'i Marine Conservation Coordinator, working for DLNR and the Sanctuary. Dr. Walters also commended David Nichols for his help with the whale carcass that washed up at Waimanalo Beach in February. Dr. Walters also provided a State Legislative Update.

Conservation Committee:

Dr. Louis Herman, Conservation Committee Chair, reported that following the February Council meeting the Conservation Committee met and discussed regulations for Sanctuary user groups and what the current practices are while operating in "whale waters". Committee members were assigned to survey various sectors of boat operators in order to determine policies. The members were assigned as follows: Teri Leicher—private, Terry Rice—deep draft, Becky Hommon—military, Terry O'Halloran—cruise ships, Eric Kingma—fishing vessels.

The Committee also met prior to today's Council meeting. Dr. Walters volunteered to compile notes from this committee meeting. The committee agreed to meet via conference/video call before the next Council meeting.

Research Committee:

Marc Lammers, Research Representative submitted a written report (see Attachment #4). The Research Committee will meet following today's Council meeting.

Education Committee:

Jeanne Russell, Education Representative, has recently been selected for this seat, therefore did not submit a report today.

Honolulu County:

Bill Friedl, Honolulu County Representative submitted written report (see Attachment #5).

Kaua'i County:

Kaua'i County Representative, Dr. Walter Haas, submitted a written report (see attachment #6). He also noted that David Mattila would be giving a lecture on Kaua'i soon.

Maui County:

Richard McCarty, Maui County Representative did not submit a report.

Hawai'i County:

Hawai'i County Alternate, Duane Erway, submitted a written report (see attachment # 7).

Boater Outreach Working Group:

Reg White, Working Group Chair, submitted written report and highlighted items discussed at their recent meeting (see attachment # 8).

National Chairs' and Coordinators' Meeting:

Reg White represented the Council at the National Chairs' and Coordinators' Meeting in February and submitted a written report (see attachment # 9). Mr. White highlighted some topics that were discussed at the meeting: watchable wildlife, telecommunications, alternate energy, personal watercraft, were some "hot topics" that were mentioned for consideration in national policy statements. Mr. White told everyone that the Council representatives were asked to vote on specific issues at the meeting and most declined, as the Advisory Councils had not had an opportunity to establish a stance on the issues presented. The Council discussed some of the pros and cons, and logistics of having a National

Policy on specific issues, and stated that in the future it would be necessary to have more time to discuss national issues if they were going to be asked to vote on them. The Council discussed some comparisons between different Advisory Councils throughout the National Marine Sanctuary Program (NMSP). Marc Lammers asked about interactions between Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve and HIHWNMS.

Marine Protected Area Advisory Committee Meeting:

Terry O'Halloran gave a summary of the meeting that was recently held in Key Largo, Florida. There was an Executive Order (EO) that established this advisory committee and they met to discuss the implications of the EO and Marine Protected Areas (MPA) around the nation. At the meeting the MPA Advisory Committee established three subcommittees that would respectively focus on stewardship and effectiveness, coordination of MPAs, and coordination of various jurisdictions. The Advisory Committee will be holding a meeting in Hawai'i on Sept 21-23, 2004, and some of the meetings will cover tribal and cultural rights. More information can be found at their website at www.mpa.gov.

Unfinished Business

- Cruise Ship Letter—Dr. Herman summarized the content of a draft letter and offered motion for the Council to accept letter that was addressed to the Sanctuary Manager with copies sent to the appropriate agencies. June Harrigan-Lum mentioned that the memorandum of understanding (MOU) between the State of Hawaii and the North West Cruiseship Association (NWCA) has been updated and extended for another year and that the Council may want to review that before sending the letter. Kimokeo Kapahulehua seconded the motion made by Dr. Herman. Athline Clark stated that there are additional issues involving cruise ships, and suggested addressing those issues in a different letter. **ACTION:** Conservation committee will address additional issues at a later time. **ACTION:** The Council voted on the proposed motion: ayes—20, nays—1, motioned passed.
- Boater Outreach Products—The Working Group presented a draft diagram that is aimed at educating recreational boaters on safe practices and regulations. Following a brief discussion, Mr. Kapahulehua motioned to accept these documents and allow the Working Group to make changes and produce a final product. The motion carried unanimously. **ACTION:** The Boater Outreach Working Group will produce a final product.
- Sanctuary Change Committee (ad hoc)— The Council has created an ad hoc committee to look at the possibility of including additional resources in the Sanctuary. The members of the Committee will be: Becky Hommon, June Harrigan-Lum, Dick Poirier, Teri Leicher, Don Thornburg, Jeanne Russell, Marc Lammers, and Walter Haas will be the Chair. **ACTION:** Keeley Belva will send an email inviting other members to join. **ACTION:** Council Chair will give them their charge.

New Business

- Artificial Reefs—Jim Walsh from Atlantis Submarines gave a presentation on the history of the Carthaginian, a vessel currently docked in Lahaina and why Atlantis Submarines would like to use it to create an artificial reef off of Lahaina. The Environmental Impact Statement (EIS) will be available to the public for comment in the near future. Discussion followed with questions and concerns from Council members.
- Day Use Moorings—Athline Clark started by announcing that the Ocean Commission report had been drafted and was available to the public. She urged Council members to provide comments on the report within the 30-day comment period. The report is available at www.oceancommission.org. Ms. Clark asked if she could address the Council in more detail at a later time to provide a more thorough presentation on the history of day-use moorings and include Teri Leicher and Terry O'Halloran. Ms. Leicher said that the day-use mooring program has been a "work in progress" since 1986. Ms. Clark briefed the Council on the actions that were done at a time when there was a permit. The permit expired in 2000, with 77 moorings that have been installed (100 were approved, but not installed). There is a request for a new permit from the U.S. Army Corp of Engineers to allow the installation of the moorings that were previously approved. There is also support for a new permit that will allow the installation of additional moorings. Ms. Leicher said that there is an educational component that is needed before moorings can be installed and that it's necessary to work with the community and user groups to ensure that they are installed in the best places. Some current challenges are that over the years the technologies and vessels structures have changed. They have found two problem areas—Waikiki and Molokini.
- Non Point-Source Pollution—Ms. McIntosh described some of the actions that are taking place around the NMSP program relating to water quality issues and non point-source pollution. **ACTION:** A report will be provided at the next meeting about efforts occurring throughout the NMSP. Mr. Erway said that there is a problem on Hawai'i with subterranean termites and the treatments can be toxic and may impact water quality in nearshore waters. It was also mentioned that the cruise ship discharge issue would fall under the same category.
- FY05 Budget and Program—Bill Friedl motioned that sanctuary managers provide FY05 budget and program plan to the Council by August 15, 2004. Mr. Poirier seconded the motions, and it carried unanimously.

Public Forum

- Dr. Pack proposed filming research lectures and broadcasting them on `Olelo or a similar channel. Ms. McIntosh said that she would like to have

- a list of the lectures that have been taped by the Sanctuary and that they be made available through a listing on the website. Ms. Russell asked for a list of available videos from each of the offices.
- A reminder was given that the June Council meeting will be the last for those whose terms expire in July (see Sanctuary Manager Report for listing).

Adjournment

Council Chair, Jim Coon, adjourned the meeting at 1:30 p.m.

Presentation

A presentation followed by David Mattila, Science and Rescue Coordinator, on Research and Rescue Updates.

Committee of the Whole

The Council discussed the status of Action Items that were established during the Council Retreat. Discussion items included:

- SPLASH: Dr. Pack suggested that the Sanctuary create a SPLASH Student at Sea Program.
- Discussion as to the role of the Council: Simply advisory or more active?
- Next meeting have committee updates on the goals for the committees.
- Joint assessment.

ATTACHMENTS

Attachment # 1

Hawaiian Islands Humpback Whale National Marine Sanctuary SANCTUARY ADVISORY COUNCIL

APRIL COUNCIL MEETING ACTION ITEMS **Status Report**

ACTION: The Council will write a letter in support of pump out stations in Lahaina, Maui.

STATUS: Sanctuary Manager, Naomi McIntosh received a response from Senator Daniel Akaka (copies provided at April Council meeting).

ACTION: The Council would like the Sanctuary to address the issue of sponsorship and use of the NMS logo.

STATUS: Matt Stout, NMSP Communications Branch Chief responded to the letter from the Council (copies provided at April Council meeting).

ACTION: The Conservation Committee recommended that the Council draft a letter regarding regular monitoring of waste water systems for cruise ships.

STATUS: The Conservation Committee has drafted a letter to the Sanctuary Manager.

ACTION: The Council suggested that resolutions would be drafted to Claire Cappelle and Amy Glester thanking them for their services with the Sanctuary.

STATUS: Both resolutions were accepted by the Council and have since been sent to the recipients.

ACTION: The Council requested to be provided with copies of the threat reports that were written for the Sanctuary by Dr. Lou Herman.

STATUS: Copies of four (4) parts of the draft report were distributed to the Council via email.

ACTION: The Council requested that the Department of Land and

Natural Resources issue immediate advisories regarding vessel-whale collisions.

STATUS: A media advisory was issued on February 13, 2004 urging boaters to slow down and be vigilant for humpback whales.

ACTION: The Boater Outreach Working Group was to continue developing guidelines for commercial vessels operating near whales

STATUS: The Working Group held a meeting on April 14, 2004; the results will be discussed at the Council meeting.

ACTION: The Council requested that they be regularly updated on actions in the State Legislature that concerned the Sanctuary.

STATUS: Jeff Walters provided an update to the Council via email.

Attachment # 2

**Hawaiian Islands Humpback Whale National Marine
Sanctuary Advisory Council
Manager's Report
April 21, 2004**

Council Updates

The following seats: Business/Commerce, Citizen at Large, Commercial Shipping, Conservation, Ocean Recreation, Tourism, and Whale Watching are up for reselection, after the June meeting. Vacancies will also be filled for Education, Fishing, and Native Hawaiian alternates. If you would like to re-apply, applications will be available from Keeley. The deadline is July 12, 2004.

February 2004

Capt. Reg White and Keeley Belva attended the Sanctuary Advisory Council Coordinators and Chairs meeting that was held in Savannah, GA February 23-26, 2004. Capt. White presented a case study on the report and recommendations from the workshop that was held in September 2003 focusing on whale-vessel collisions. During the meeting there were presentations that were given about NMSP priorities, case studies from other sanctuaries, and information relating to cruise ship discharge within National Marine Sanctuaries.

March 2004

Sanctuary Advisory Council Member, Paul Nachtigall, presented two different lectures on the Big Island. One lecture was done at the Waikoloa Marriott, an Outrigger Resort in cooperation with Ocean Sports Waikoloa. The other lecture was part of the University of

Hawaii's Sea Grant Reef Talks lecture series on the Big Island. The Sanctuary sponsors three to four lectures a year working with University of Hawaii's Sea Grant. Over 100 people attended the lecture that focused on marine mammal acoustics.

Education and Outreach

February 2004

A display on the sanctuary was exhibited at the Border's Books and Music store at Ward Centre. The exhibit remained on display throughout the month of February.

The Sanctuary education staff worked with the NMSP's education coordinators to plan and execute the Dive Into Education workshop on February 20-21, 2004. Eighty teachers participated in the two-day marine science workshop that taught teachers how to bring marine science into their classrooms using hands-on activities. Forty sanctuary staff attended and held workshop sessions.

Volunteers counted whales and recorded their behaviors from 60 shore sites around the Hawaiian Islands as part of the annual Sanctuary Ocean Count on February 28.

During February on Friday's, the Sanctuary conducted "Brown Bag with Whales" during the lunch period of 11 am to 1 pm at Ahukini State Recreation Pier in the population center of Lihue. Trained sanctuary volunteers provided interpretation, viewing scopes and binoculars to assist the public in viewing and understanding humpback whales and the sanctuary program. About 10 volunteers participated at each of the Brown Bag sessions. The event attracted between 10 to 50 participants. Free media coverage included news articles and radio spots. This event was sponsored by the sanctuary and the Division of State Parks, Hawaii Department of Land and Natural Resources.

March 2004

A display on the sanctuary was moved from the Border's Books and Music Honolulu location to the Waikele location where it remained on display throughout the month of March.

On March 6, Marine Conservation Evening at the Hanauma Bay Nature Preserve on was held. The event was co-sponsored by the Hawaiian Islands Humpback Whale National Marine Sanctuary and the University of Hawaii Sea Grant's Hanauma Bay Education Program in partnership with the Hanauma Bay Education Program. Over 150 people attended the event, which included information sessions on marine protected species and other topics given by marine expert. Speakers included Ray Boland (marine debris) and Charles Littnan (monk seals) from NOAA Fisheries; Kim Andrews from U.H.'s Hawaii Institute of Marine Biology (spinner dolphins); Chris Brammer, HI Humpback Whale NMS (humpback whales and the SPLASH research project); and Andy Collins from the NWHI Coral Reef Ecosystem Reserve (NWHICRER and the Sanctuary designation process). The event also featured a poster session, which displayed information on on-

going marine-related research in Hawaii. Posters and displays as well as an activity booth remained available for the public on Sunday as well.

Chris Brammer and Intern, Trish Perry, took part in a school-based Sanctuary Ocean Count at the Makapuu Pt. Lighthouse with thirty third-graders from St. Andrew's Priory, a private school for girls. The Sanctuary is working with local schools to increase school-based Ocean Counts that are based on the annual Sanctuary Ocean Count project, which was initially designed for the public. The sanctuary staff works with local teachers to align the project so that it meets the guidelines that are required for specific grade levels.

The Oahu Sanctuary staff hosted a booth at the Waikiki Aquarium's 100th birthday party celebration on Sunday, March 14. Thousands of people attended this event, which offered admission to the aquarium for only \$1.00. The Sanctuary offered information to the public as well as a variety to humpback whale and monk seal related craft activities. Over 100 monk seal hats and 400 assorted marine creature necklaces were made during this very busy day! Happy 100th Waikiki Aquarium!

Chris Brammer, gave a presentation at Momilani Elementary School as part of the school's annual literacy program. The 2004 program focused on whales.

The Oahu Sanctuary staff conducted a school visit at Le Jardin Academy in Kailua.

Flip Nicklin, a world-renowned whale photographer for National Geographic, and whale researcher in Hawai'i, gave a lecture to a crowd of 145 people at the Maui site.

On March 5, 100 Kauai participants in January's Sanctuary Ocean Count took part in a 3-hour whale watch donated to the Sanctuary by Capt. Andy's Sailing Adventures. Researcher Mark Deakos and Jean Souza provided interpretation on humpback whales.

The 7th Annual Kauai Family Ocean Fair scheduled for Saturday, March 13 at Kilauea Point National Wildlife Refuge was cancelled just prior to opening time due to high winds associated with a major weather front passing over the island.

The entire 6th grade class of 75 students at Ele`ele Elementary School on the island of Kauai, participated in the school-based Sanctuary Ocean Count. Observations and count data were obtained from a vantage point on the school property that overlooks Hanapepe Bay. Education Coordinators Sheeley du Puy from Flower Garden Banks NMS and Anne Smrcina from Stellwagen Bank NMS, who were on Kauai meeting with Jean Souza, provided PowerPoint presentations and discussion about their sanctuary.

Joylynn Oliveira gave a presentation on the Sanctuary and Hawaii's culture to a group from the Aloha House, which rehabilitates drug users.

A field trip for sanctuary volunteers was coordinated and conducted by Kauai education and outreach assistant Sheri Knapp on Friday, March 19. Volunteers were selected based

on their time commitment to the Sanctuary's education and outreach programs. The field trip to Na Aina Kai botanical garden on Kauai's north shore was held on Friday, March 19. The new botanical garden is located near the sanctuary's boundary.

Seventeen active and retired teachers and school administrators participated in an afternoon visit to Kilauea Point National Wildlife Refuge and HIHWNMS. U.S. Fish and Wildlife Service staff and Jean Souza conducted concurrent sessions on the natural resources and educational opportunities offered by the two programs. The teachers were part of a group of 200 attending an annual state convention on Kauai of the Alpha Delta Kappa teacher sorority.

Geoff Kaufman, a folksinger from New England, gave a presentation on Maui filled with songs from the whaling era in the mid-1800's. Approximately 20 people attended the lecture.

Several classes from Maui schools visited the Education Center during March, including Kamehameha School (Maui Campus) 100 6th graders visited to learn about the whales, turtles and Hawaiian culture. Sacred Hearts school brought 24 first graders and St. Joseph preschool had 37 students that visited the Maui site.

A group of 25 education students from University of Hawai'i spent Saturday morning with Education Center Coordinator, Jerry Stowell at the Maui Education Center. The students were on an environmental education field trip.

Volunteers counted whales and recorded their behaviors from 60 shore sites around the Hawaiian Islands as part of the annual Sanctuary Ocean Count on March 27.

The Oahu Sanctuary staff hosted an education and outreach booth at the annual E Malama I Ke Kai event, which was held at the Bishop Museum. The event is sponsored by Punana Leo `o Kawaiaha`o, a native Hawaiian language charter school. The Sanctuary developed a new game that teaches the native Hawaiian words for various sea creatures that are seen around the islands.

Maui site hosted a volunteer recognition luncheon for 36 volunteers. Volunteers shared their individual special experiences they had while working with the HIHWNMS, some going back over 10 years of time as volunteers.

Science and Rescue

February and March 2004

SPLASH

The Sanctuary hosted a press conference to announce the launching of SPLASH (Structure of Populations, Levels of Abundance and Status of Humpbacks), a 3.3 million three-year project to learn more about humpback whales in the North Pacific. (Speakers included Dr. Rick Spinrad, the Assistant Administrator for the National Ocean Service, Dr. Sam Pooley, Acting Regional Administrator for NOAA Fisheries Pacific Island

Region,, and David Mattila, the Science and Rescue Coordinator for the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS).

Research efforts for SPLASH (Structure of Populations, Levels of Abundance, and Status of Humpbacks) continued around the Hawaiian Islands.

Feodor Pitcairn, an accomplished underwater photographer, spent time with Science and Rescue Coordinator, David Matilla and Research Assistant Allan Ligon on Maui filming the whales.

Other

February 2004

Dr. Rick Spinrad visited the Maui office for a site tour and briefing on the program efforts of the HIHWNMS, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, and the Pacific Region.

The Sierra Club Hawaii, Blue Water Response Team held their first meeting in the Education Center on February 16, 2004. The team addresses a need to form a volunteer network on Maui that will respond to reports of run-off, spills etc.

The Coral Reef Network held a meeting in the Sanctuary Education Center.

March 2004

Paul Wong led the HIHWNMS efforts for NOAA's Safety Week by scheduling a number of activities including fire drills, checks for updated safety equipment on vessels and in facilities, and man overboard drills. In addition, the HIHWNMS staff is working on fire prevention plans for all offices and an emergency preparedness plan for the Maui site. The staff continued to address safety issues with a scheduled First Aid and CPR training on March 25. The sanctuary staff is also trying to schedule a vessel safety training with coordination by Dana Wilkes.

Naomi McIntosh took part in the NMSP's Leadership Team Meeting in Washington D.C., which also included briefings for Hawaii's Congressionals.

On March 1 and 2, Shelley DuPuy and Anne Smrcina participated in discussions with Jean Souza on a number of topics, including: Whaling to Watching minigrant project; Naturalist Certification minigrant project; Sanctuary Sounds minigrant project; discussion of the 2005 annual meeting on Maui of the National Marine Educator's Association.

On Wednesday, March 10, fifty adults from Washington Mutual volunteered their time doing community service at the Maui site. Before being put to work, the volunteers were educated about the sanctuary program. Half of the group painted the decks of the main office building and the other half did landscaping maintenance.

Peter Young, Chairman and Administrator of the State of Hawaii Department of Land and Natural Resources, Ernie Lau, Deputy Director, and Dan Davidson, Director of Land Use Planning traveled to Maui for a site visit and briefing on the Sanctuary Program on Tuesday, March 16. The group spent time on the water with David Mattila to learn more about the Sanctuary's research efforts and they then came back to the Maui site to hear more about the Sanctuary's education and outreach, volunteer and facilities program efforts.

Chris Brammer, attended the Coral Reef Outreach Network planning meeting to discuss the launch of the project as well as the products being developed to promote the project.

Media

The following articles and news stations featured information on SPLASH (Structure of Populations, Levels of Abundance and Status of Humpbacks):

Radio:

KHPR, KHBC, KSSK, KPUA

Television:

News:KHBC (Fox), KOGG (Fox), KGMB (CBS, UPN), KITV (ABC), KHNL (NBC).
(Also NBC Hawaii Today, Good Morning Hawaii.)

Print:

[Scientists Hope to Make a SPLASH With Study of Humpback Whales](#)

Los Angeles Times Feb 19, 2004 (circ. 955,211)

[\\$3.3 million whale study launched](#)

Maui News, Feb 18, 2004 (circ. 17,940)

[Whale of a study](#)

Honolulu Star-Bulletin, Feb 18, 2004 (circ. 64,000)

[Unprecedented \\$3.3 million whale study planned](#)

The Olympian, Feb 18, 2004 (circ. 34,473)

[Ambitious \\$3.3 million whale survey launched](#)

Honolulu Advertiser, Feb 18, 2004 (circ. 147,714)

[NOAA launches whale study](#)

Pacific Business News, Feb 17, 2004 (circ. 14,470)

[Unprecedented \\$3.3 million whale study planned](#)

San Francisco Chronicle- Feb 17, 2004 (circ. 512,649)

Print impressions= 1,746,457

[North Pacific Humpback Whale Study Makes a Splash](#)

Environmental News Service, Feb 18, 2004

[\\$3.3 Million Humpback Whale Study Announced](#)

Associated Press- Feb 17, 2004

[Officials Start Comprehensive Whale Study](#)

Hawaii Channel.com, Feb 17, 2004

Additional news articles

The Garden Island, January 16, 2004, “Training for Whale Count Set”

The Garden Island, February 13, 2004, Paragraph in the “Happy Camper” column—Mention of Brown Bag with the Whales at Ahukini and volunteers Rod and Lynda Lobey from Camas, WA have come to Kauai to help with the Ocean Count for four years.

The Garden Island, February 1, 2004, “Kauai Whale Counters out in Force”

The Garden Island, February 9, 2004, “South Shore Whale Watchers See the Most Whales”

Kauai Island News, February 13, 2004, “Up for the Count – Volunteers Keep Track of Whales off the Garden Island”

The Kona Views Magazine, which is printed and distributed on the Big Island, featured a large section on humpback whales, the Sanctuary, and the Sanctuary Ocean Count Project.

The Garden Island, March 9, 2004, featured an article on the activities of the second year of the school-based Sanctuary Ocean Count. Mention was also made of Eleele School teachers who participated in February’s Dive into Education teacher’s workshop on Oahu.

The Garden Island , March 9, 2004, “Kauai’s spotters see more humpback whales than volunteers in any of the other counties”.

The Garden Island Happy Camper featured the following day’s 7th Annual Kauai Family Ocean Fair at Kilauea Lighthouse sponsored by HIHWNMS, Kilauea Point National Wildlife Refuge and Kilauea Point Natural History Association.

Attachment # 3

April 19, 2004

MEMORANDUM

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary

From: Jeff Walters, Sanctuary Co-Manager, Hawaii Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR)

Subject: Update from the Sanctuary Co-Manager for the period of February 3, 2004 through April 19, 2004 (Prepared for the April 21, 2004 Council meeting).

New Position Filled in the State Sanctuary Office

West Hawaii Marine Conservation Coordinator – After a long and rigorous review and interviewing process, the selection committee has chosen (and Peter Young has now officially appointed) Justin Viezbicke (pronounced Vizbickee, accent on the second syllable) to be the sanctuary's new "West Hawaii Marine Conservation Coordinator" (this is the official DLNR position title). Justin has a strong background in marine mammal research, conservation and captive care. Most recently, he has been the Supervisor of Marine Animals and Medical Husbandry Lead at Dolphin Quest Hawaii. He also assisted with SPLASH research on the Big Island this year. Justin has a BS in Marine Biology and a BS in Environmental Ecology, both from the Florida Institute of Technology. I know that the Council will find Justin to be an enthusiastic and highly capable member of our team. His official starting date will be June 1.

State Legislative Update

"Dolphin Watching Bill" – Senate Bill 2437 - This bill would have regulated the number of dolphin watching permits issued by the Department of Land and Natural Resources along the Waianae Coast. It never made it out of committee, and is considered "dead" for the session. The Department was in favor of the intent of the bill, but had concerns about the feasibility of the bill given the exclusive federal management authority over spinners per the MMPA, and other concerns.

"Dolphin Watching Resolution" – Senate and Senate Concurrent Resolutions 29 and 64 - This resolution originally requested the Department of Land and Natural Resources to work with commercial tour operators and fishermen along the Waianae area to formulate a management strategy to protect the Hawaiian spinner dolphin. The concurrent resolution (SD 1) was passed over the House on 4/16/04. No further hearing had been scheduled as of 4/19/04. SD1 has been revised significantly to request NOAA to work with DLNR to ensure that spinner dolphins are managed and protected in a manner consistent with the MMPA. SD1 includes a whereas section citing the sanctuary's success with community-based conservation and its Congressional mandate to identify new resources for possible inclusion in the sanctuary.

"Cruise Ship Bill" - Senate Bill 3116 / House Bill 1982 - The purpose of this bill is to protect Hawaii's marine environment from pollution associated with discharge from cruise ships. It would revise HRS 342D to: regulate discharge, require record keeping, provide for a pollution control revolving fund funded via fees and fines, and other measures. The Senate Bill is on draft 2 and was last heard, passed and referred to the House EDB/EEP/TAC committees on 3/11/04. No new hearing date set as of 3/24/04. The House Bill is in draft 1 and was last heard, passed and referred to various House committees on 2/10/04. No new hearing date set as of 4/19/04. The Department of Health has the lead in drafting State testimony on these measures.

Education and Outreach

David Nichols, marine conservation specialist, provided an overview of the sanctuary at the Haleiwa Harbor community meeting, hosted by DLNR-DOBOR, on February 19. David also participated in the educators' workshop on February 20 and 21, the Marine Conservation Evening at Hanauma Bay on March 6, the set-up and take-down of Kauai

Ocean Fair on March 12 and 13 (cancelled at the last minute due to bad weather), and the Earth Day Celebration on Molokai on April 16 and 17.

Hawaiian Cultural Uses Poster – The poster depicting traditional Hawaiian ocean uses and practices is in the proofing phase with the printer. The poster should be ready for distribution at the next Council meeting in June.

Research

David Nichols assisted with SPLASH field research activities in Maui waters, including Penguin Bank, on April 2 – 8. David also represented the sanctuary at a NOAA-hosted meeting of Maui-based humpback whale research permittees on April 12, and at the annual meeting of sanctuary research coordinators in Santa Cruz, CA, February 2 – 7.

The state office continues to administer NOAA funds (approx. \$97K) for this year's Hawaii-based portion of the SPLASH project. Eight permitted research organizations are currently receiving funding through this program.

Boater Outreach

In response to a request made by the Council at its February 11 meeting, DLNR issued a media advisory on February 13 urging boaters to watch their speed and be vigilant for whales. The release featured quotes from DLNR Chairperson Peter Young, Council member Reg White and sanctuary science and rescue coordinator David Mattila.

The Council's boater outreach working group conducted a videoconference on April 14. The group discussed recommendations for outreach to recreational boaters regarding safe boat operation during whale season. A draft sign was reviewed and the group offered suggestions for improvement. The revised sign will be presented to the Council at the April 21 meeting for review and comments.

Strandings

Bellows humpback, Feb 21 - David Nichols joined Brad Ryon (NOAA-NMFS-PIRO) in responding to a dead humpback stranded on the beach at Bellows AFB. The City and County of Honolulu were able to provide heavy equipment and dump trucks. David and Brad cut up the carcass into manageable chunks, which were then loaded into the trucks for disposal. The head of the carcass was kept intact for perhaps future use by the office of the mayor for public display. The fluke of the animal was far too decomposed and shark eaten for any type of identification. David managed to collect some tissue samples (skin) that were forwarded to the sanctuary's David Mattila for potential identification (DNA) purposes. Various local media were present for portions of the event.

Kauai Monk Seal Conservation

Shawn Farry continues to stay busy responding to monk seal haul outs and working with community volunteers in coordination with DLNR and NOAA Fisheries. A pup was born at Milolii and appears to be doing well at this relatively isolated location – weaning is expected in approximately 2 weeks. A pregnant female has been frequenting the Poipu area and NOAA and state staff and community volunteers are getting ready for a possible birth along this crowded shoreline sometime within the next month.

Permits Review

The state sanctuary office reviewed an application for a commercial beach concession

permit at Ka`ena Point State Park near Makua. The applicants are requesting permission to launch commercial dolphin-watching activities from the beach. The office provided information regarding the MMPA and current NOAA marine wildlife viewing policies and guidelines.

Meetings, Etc.

- 1) Feb 3 – Meeting with Shawn Farry, Kauai Marine Conservation Coordinator, and Brad Ryon, Protected Resources Division, NOAA Fisheries PIRO re Shawn’s workplan.
- 2) Feb 10 – Attended press conference and unveiling of the sanctuary’s kiosk at Outrigger Reef Hotel in Waikiki.
- 3) Feb 11 – Attended SAC meeting.
- 4) Feb 17 – Attended SPLASH press conference at Waikiki Aquarium.
- 5) Feb 18 – Joined sanctuary staff in briefing NOAA NOS Assistant Administrator Richard Spinrad during visit to Maui sanctuary facilities.
- 6) Feb 23 – Attended regional updates presented at the NOAA NMSP education coordinators’ meeting.
- 7) Mar 2-3 – Conducted meetings on Kauai regarding work activities of new staff person, Shawn Farry. Met with Sue Konoho, Kauai Visitors’ Bureau; Tarey Low, DLNR-DOCARE; Lori Yoshida, Governor’s Liaison; and Don Heacock, DLNR-DAR. Also joined Shawn and Brad Ryon on monk seal haul-out responses and observed monk seal tagging by NOAA Fisheries staff and contract veterinarian Dr. Robert Braun.
- 8) Mar 7-11 – Went to Washington, D.C. Attended NOAA Fisheries briefings regarding marine protected species issues. Met with Amy Fraenkel, staff person for the Senate Committee on Commerce regarding state authority vis-à-vis the MMPA. Joined sanctuary manager Naomi McIntosh and NMSP regional coordinator Allen Tom in providing briefings and progress reports for Senator Inouye and staff, Representatives Case and Abercrombie and staff, and staff of Senator Akaka.
- 9) Mar 15 – Provided briefing regarding upcoming meeting of the Western Pacific Fisheries Management Council to DLNR Chairperson Peter Young and Deputy Director Ernie Lau.
- 10) Mar 16 – Accompanied DLNR Chairperson Peter Young and Deputy Directors Ernie Lau and Dan Davidson on a demonstration of whale research methods and tour of the Kihei, Maui sanctuary facilities.
- 11) Mar 23 – Provided brief overview of state sanctuary office activities to Western Pacific Fisheries Management Council meeting.
- 12) Mar 24 – Attended sanctuary leadership staff planning meeting.
- 13) Mar 29 – Conducted interviews for the sanctuary’s new position, West Hawaii Marine Conservation Coordinator.
- 14) Mar 31 – Participated in conference call regarding “ground breaking” event for new Maui facility. Attended meeting regarding DLNR-DAR providing coral reef fisheries data to Fish Base project.
- 15) Apr 2 – Provided staff support for DLNR testimony at legislative hearing (Senate Committee on Water, Land and Agriculture) regarding “dolphin resos,” SR 29 and SCR 64.
- 16) Apr 7 – Attended DAR Staff meeting.
- 17) Apr 12 – Participated in conference call orientation for new SAC members and alternates.

- 18) Apr 14 – Attended DAR staff meeting. Attended SAC boater outreach working group videoconference.
- 19) Apr 15 – Attended meeting with Paul Wong, sanctuary operations coordinator regarding funding and contracting.

cc: Peter T. Young, DLNR Chairperson
Ernest Y. W. Lau, DLNR Deputy Director
William S. Devick, DLNR-DAR Administrator
Naomi McIntosh, Acting Sanctuary Manager

Attachment # 4

RESEARCH COMMITTEE REPORT

April 21st, 2004

Marc O. Lammers, Chair

The Research Committee met immediately following the February 11 SAC meeting and discussed plans for a State-wide whale/vessel collision reporting system. The general consensus was that an anonymous web and toll-free phone reporting system would be the most effective means of collecting such information. An NGO or University of Hawaii-based group was considered to be the most appropriate body to create and manage this database. This reporting system would not supersede or replace other Federal or State reporting requirements, but rather would be an information gathering tool. It was generally agreed that, to be effective, this system would need broad support from Federal and State agencies, as well as commercial and public operators, but that it would not fall under the control of any of these entities. The feasibility and cost of such a system are currently being explored by members of the Research Committee. The intention is to have the reporting system in place by the start of the 2004-2005 whale season.

Attachment # 5

Honolulu County Report 21 April 2004 Bill Friedl , Representative

Accomplishments:

Nothing to report

Events "Attended":

I observed the dedicated Ocean Count contingent at A'ala Point above the Kailua Beach boat ramp in March. The team displayed an enthusiasm far beyond of the windy, misty conditions.

Congratulations, too, to the Hanauma Bay team which received excellent TV coverage of their exploits. All those whales with nary a "whale dance"!

Hot Topics:

IMHO, the response of all concerned to the recent *Orca* stranding was exemplary. The network works!

Announcements:

Statement regarding "activities and proposed projects that require SAC involvement".

Though individual SAC members often participate in Sanctuary activities voluntarily, SAC membership is functionally different from Sanctuary management or staff. The SAC is an advisory body (e.g. February handout "Council Roles and Responsibilities"). Sanctuary management must provide the SAC with appropriate issues to consider, but retains sole executive responsibility. My workflow for SAC issues follows:

- Managers present plans and proposals to the SAC
- The SAC reviews the plans and proposals
 - SAC consideration and review typically involves committees or working groups.
 - Findings from committees and working groups include recommendations for specific action by the SAC
- The SAC reviews the findings and provides Sanctuary management with advice and recommendations
- Managers execute the plans and proposals incorporating SAC input using staff and volunteers as required
- Managers report progress on each recommended action in their regular reports to the SAC.

Under this scheme, Sanctuary managers must present plans and proposals to the SAC in a timely manner to allow proper SAC consideration. In keeping with the SAC retreat's emphasis on "getting ahead of the problem", I suggest that Sanctuary management provide a draft 2005 project-level Program Plan and Budget to the SAC by August 15th for SAC comment and endorsement on September 8th.

Attachment # 6

Hawaiian Islands Humpback Whale National Marine Sanctuary Sanctuary Advisory Council

Hawaii County Report

April 21, 2004

New HIHWNMS / DAR Kona person As Jeff Walters reported in his April 19, 2004 Memo, Justin Diezbicke has taken the position of State Sanctuary Office West Hawaii Marine Conservation Coordinator.

Jeff says that --- "After a long and rigorous review and interviewing process, the selection committee has chosen (and Peter Young has now officially appointed) Justin Viezbicke to be the sanctuary's new "West Hawaii Marine Conservation Coordinator" (this is the official DLNR position title). Justin has a strong background in marine mammal research, conservation and captive care. Most recently, he has been the Supervisor of Marine Animals and Medical Husbandry Lead at Dolphin Quest Hawaii. He also assisted with SPLASH research on the Big Island this year. Justin has a BS in Marine Biology and a BS in Environmental Ecology, both from the Florida Institute of Technology. I know that the Council will find Justin to be an enthusiastic and highly capable member of our team. His official starting date will be June 1."

We, of course, welcome Justin and look forward to working with him!!!

Coral Reef Awareness Day April 25 - Kona In observance of Earth Day, the 4th Annual Coral Reef Awareness Day will take place at Kahalu'u Beach Park on Sunday, April 25th.

See flier, for details that might inspire, including "Humu" the walking talking fish. This event is sponsored by UH Sea Grant, Hawaii Girl Scouts, and Keauhou Beach Resort, along with the help of community volunteers and clubs and great prizes donated by local retailers.

Special appreciation to Rosanne Shank, who is overseeing the event while Sara Peck is away.

Dr. Paul Nachtigall's ReefTalk The March 9, 2004 ReefTalk in Kona "What do whales and dolphins hear?" --- was attended by a large audience and may be shown on public access TV in Kona.

Dr. Nachtigall addressed three questions:

- 1) "What do whales and dolphins hear?"
- 2) "How can the hearing of whales and dolphins be tested?"
- 3) "What sort of science is being done to provide information to establish limits for sound in the ocean?"

His own work is aimed at determining temporary threshold shift (TTS) for marine mammals. Question #2 discussed behavioral audiograms and ABR's to determine the audiogram of marine mammals. (ABR is a biomedical techniques employing electrodes on a captive (or stranded) mysticetes to measure brain waves as a known signal is played in the water.) This technique is much faster to obtain than behavioral audiograms.

In response to a question from the audience, he briefly discussed problems associated with finding a safe level where mammals would not avoid sound. (The concern is that feeding, migrating, and breeding behavior may be disrupted at levels below the level where TTS occurs.)

Duane Erway's afterthought: The level where exposure to sound causes beaked whales to beach themselves, whether due to fright or bubble activation/static diffusion or other mechanism, is not presently known. It may certainly occur at levels lower than where TTS occurs.

Attachment # 7

**Hawaiian Islands Humpback Whale National Marine Sanctuary
Sanctuary Advisory Council**

Hawaii County Report

April 21, 2004

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Attachment # 8

Hawaiian Islands Humpback Whale National Marine Sanctuary Sanctuary Advisory Council

Boater Outreach Working Group Meeting

Wednesday, April 14, 2004, 1:00 – 3:00 pm

Participants:

| | | |
|--------------|--------------|---------------|
| Reg White | Paul Newman | Don Thornburg |
| Bob Wilson | Sarah Malloy | Walter Haas |
| Jim Coon | Jeff Walters | David Mattila |
| Greg Kaufman | Dick Poirier | David Nichols |
| Keeley Belva | | |

Overview of group's general goals – *develop recommendations to minimize vessel-whale interactions, promote boater awareness and compliance with 100-yd approach and other regulations, develop and disseminate guidelines for safe boating in whale water*

The working group met to discuss proposed outreach products as well as the content and target audience of such products.

Some concern was expressed that the target audience should perhaps include all ocean users and not limit it to the recreational boater. While the recreational boater may comprise the largest group of uninformed boaters, the speed recommendation would apply to all boaters (within shoreline to 100 fathoms). It was also discussed whether to place the emphasis on 'boater safety' instead of 'whale safety'. However, much of the discussion among the group was regarding the recommended speed of 13 knots.

The State has a budget to produce products to promote boater awareness (flyers, stickers, placards, and/or signs). In order to keep the process moving, a draft boater outreach design will be created from the ideas generated at the meeting and then forwarded to the working group for comments. These comments from the working group will then be

incorporated into a design that can then be provided to council members at the next meeting Wednesday, April 21, 2004.

Attachment # 9

April 5, 2004

Report from the National Marine Sanctuary Advisory Council (SAC) Chairs and Coordinators Meeting February 23-26, 2004, Savannah, Georgia

From Feb 23rd to 26th I was at Savannah, GA, representing our SAC Chair, Jim Coon, who had a scheduling conflict. Keeley Belva, our SAC coordinator, was also there to represent us. The host was Grey's Reef National Marine Sanctuary, which is several miles offshore at Savannah.

The opening day, Monday, was reserved for SAC coordinators to meet without the pressure of Chairs present. Tuesday was devoted to each sanctuary reporting on one significant achievement or operation that they had conducted during the past year. We reported on the Whale-Vessel Collision Avoidance Workshop that was conducted last September on Maui. We were one of the opening presentations and were well represented thanks to Keeley Belva's fine work to make the presentation that I gave. After each Sanctuary had given their presentation, which took until Wednesday afternoon, there was some spirited discussion as to whether this "Show 'N Tell" was worth the effort to put it together. The final decision was that there was good value in finding out what was going on around the sanctuary world from each other, and that the practice should continue. Copies of the various presentations are available from our, please let Keeley know if you would like copies of them.

Thursday was devoted to discussions of what directions the SACs and the Sanctuaries should be taking. For those who are not already aware, there is a website at www.nmma.com with links to NMS activities and other news items.

The "open to the public" session had several speakers. The Ocean Conservancy supported that policy decisions within sanctuaries should be made by the cognizant sanctuary manager with the exception that they felt all cruise ship discharges should be prohibited within all sanctuary boundaries.

The Blue Water Network felt that there should be a total ban on discharges of any kind within all sanctuary waters. They claimed there had been 17 violations in the Hawaiian Island Humpback Whale National Marine Sanctuary (HIHWNMS) within the past two years.

The Cruise Ship Association spoke in rebuttal to the Blue Water Networks statements. They claimed to represent 14 of the largest cruise operators comprising approximately 100 cruise ships worldwide. Their policies can be accessed at www.iccl.org. Their position was that the association practices with regard to shipboard treatment and discharge was in the ship safety manuals, and therefore is enforceable by any cognizant authority worldwide, wherever the ship may visit. They wanted to make it clear that the recent Pew Report and an upcoming President's Report make it clear that the bulk of maritime pollution is shore based. They also wanted us to consider that many existing ships, in order to advance to modern techniques have converted much of their holding tank capacity to bio-remediation tanks, and so have lost the ability to hold their discharges for such long time periods as before, but that the tertiary treatment capability gained by this change more than made up for the holding capacity lost. They also wanted to make it clear that the 17 violations referred to by Blue Water Network were of an administrative nature, not a pollution event.

Discussion then went on to urge SAC members to follow bills in congress and legislatures with personal comments, but to remember that SAC comments, or comments appearing to represent

the SAC, or any of us as SAC members may come only by submittal through National Marine Sanctuary Program (NMSP) Headquarters.

There was an attempt to pass a motion to limit ship discharges in sanctuary waters to tertiary treatment discharges only. This was held not possible to vote on, as each of us represents a SAC, and cannot vote on a measure that has not previously been decided by our relevant SAC members.

NMSP Headquarters wanted to suggest strongly that SACs send members to observe at other SACs. There were observers from Great Barrier Reef at the Chairs meeting, as well as from Canada's emerging Sanctuary Agency.

Dan Basta, NMSP Director, felt it was a good idea to micro-manage the number of members on any given council and to relate that to the area served and the growth of that area. He also said that the following policies should be coming out from NMSP Headquarters:

1. Watchable Wildlife policy as the next priority
2. Telecommunications Cable Policy
3. Aquaculture needs a policy. NOAA has aquaculture as a highly desirable operation. Jim Sullivan at NMSP Headquarters has action plan and guidelines coming out. Seafood is the second largest trade deficit at seven billion dollars.
4. A need to get going on an alternate energy policy
5. Need to get going on a PWC policy. This might tag along with a commercial concessions policy.
6. There will be a zoning policy out soon. Must build trust by communication with stakeholders. These guidelines are presently in the "black box" in DC, going for interagency approval.
7. Is there a need for a de-salinization plant policy?
 - a) How to go?
 - b) Develop an action plan and use it to involve stakeholders into a working group?
8. In the future, SACs will be notified when a policy is being formed so they may comment.
9. LFA: There is no National policy at present. NOAA Fisheries is working on an acoustic standard to release at the Marine Mammal Commission Meeting.

NMSP Headquarters has now codified their "scrap" paper and so they can now find old policy statements when asked.

Mr. Basta further announced that NMSP Headquarters is starting a system wide review of all regulations, trying to avoid site-specific rules that conflict with other sanctuaries while still allowing for individuality among the sites.

NMSP Headquarters has four films out for distribution.

Next year's chair's and coordinator's meeting will be in San Francisco, hosted by Gulf of the Farallones and Cordell Bank National Marine Sanctuary beginning on February 7, 2005.

Mr. Basta's final comments to us:

- NMSP Headquarters wants to look at making a working group out of the body of SAC Chairs.
- A boundary decision paper will be out soon regarding the Monterey Bay NMS and Gulf of the Farallones NMS joint boundary. (The decision has since been released,
- The re-authorization will come out as soon as the White House approves the bill.
- Acoustics policy will be out as soon as it's finished.
- We ought to look at PWCs right now.

Reg White