

Sanctuary Advisory Council
Forty-ninth Meeting
Wednesday, June 13, 2007
8:30 a.m. to 3:45 p.m.
Honolulu International Airport
Inter-Island Conference Center

FINAL MINUTES

Attendance

Primary Council Members Present:

Cindy Barger, John Barylsky, Bob Bruck, Lou Herman, David Hoffman, Becky Hommon, Eric Kingma, Teri Leicher, Terry O'Halloran, Sara Peck, Jeanne Russell, Dale Sarver, Mike Stanton, Cheryl Sterling, Sherrie Tinsley Meyers, Dean Watase, Mark Young

Alternate Council Members Present:

Laura LaFrance (for Marnie Meyer), Adam Pack (for Marc Lammers), Lisa van Atta (for Chris Yates)

Excused:

Athline Clark, Jim Coon, Liz Corbin, Bill Friedl, Kimokeo Kapahulehua, `Aulani Wilhelm

Others Present:

HIHWNMS: Christine Brammer, Mary Grady, Naomi McIntosh, Jeff Walters, and Paul Wong.

NMSP: David Hall, Ed Lindelof, Sarah Marquis

PUBLIC: Alicia Bishop

Distributed Materials

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- Sanctuary Manager's Report
- State Co-Manager's Report
- Hawai'i County Report
- Letter to Dan Basta Requesting Additional Funding
- Draft Report – Initial Assessment of Additional Resources

- Additional Species Matrices
- Draft Letter to Governor
- Retreat Minutes – January 18, 2007

Call to Order

The purpose of this meeting is to discuss sanctuary reauthorization and conduct communications training.

Council Chair Terry O'Halloran called the meeting to order at 8:45 a.m. Jeanne Russell was asked to take role.

Approval of Meeting Minutes

The meeting minutes from the council's April 17, 2007 were read. Adam Pack requested inserting a sentence pertaining to providing the sanctuary with copies of the Real Time Mapping report by Adam Pack and Lou Herman. The minutes were approved.

Mahalo to Dick Poirier

Dick Poirier's dedicated service to the SAC was recognized with a plaque and a letter from council members. Dick thanked the council and spoke about key lessons learned during his time on the council, mentioning the hard work that went into the Whale Avoidance Policy and the potential benefit of working more collaboratively with Pacific Whale Foundation.

Public Forum

Mr. O'Halloran asked the members of the public to introduce themselves.

Presentations

Naomi McIntosh, HIHWNMS Superintendent

Naomi gave a presentation on the sanctuary's management plan review. The presentation included information on the following: background on the process, post-ponement of the re-proposal of the sanctuary in state waters, the initial assessment of additional marine resources report, and the next steps in the process. Naomi informed the council that after further consideration and discussion, NOAA and DLNR agree that the language in both the Compact Agreement and sanctuary regulations direct NOAA to re-propose the sanctuary, its regulations and management plan to the State of Hawaii after a review of the sanctuary's management plan is completed. *Section 304 (e) reads: Upon completion of the five year review of the Sanctuary management plan and regulation, the Secretary will repropose the Sanctuary management plan and regulations in their entirety...* Similarly the Compact Agreement between NOAA and the State of Hawaii states: *When the management plan and implementing regulations for the Sanctuary are re-evaluated, the Secretary will re-propose the management plan and regulations in their entirety...*

HIHWNMS is proposing to hold an additional council meeting before September 2007 to allow for the council to adjust to these process changes. Therefore, at this time the sanctuary will continue to address the requirement of the HINMSA Section 2304 (4) also identified as part of Phase I to do an initial assessment of resources that have

already been identified for consideration to be included in the sanctuary. This fall, NOAA will send a letter to the State of Hawaii to ask for the State's response to the initial assessment of additional resources and whether the State of Hawaii supports moving forward with a community based process to review and potentially revise the sanctuary's management plan to further address threats to humpback whales and consider adding other resources to the sanctuary.

Discussion

Adam Pack inquired whether the state is concerned with this decision. Jeff Walters informed the council that this decision was very recent but he felt that it is the appropriate interpretation of the agreement that was made between the State and NOAA—when the management plan is completed then the State will have the chance to approve the provisions as they apply to state waters. Eric Kingma asked about the process to include additional resources and what will happen if the Governor says no to moving forward. Naomi responded that the sanctuary will only move forward with a management plan review to address management needs for humpback whales. Ed Lindelof, NMSP Policy Analyst, emphasized that the sanctuary program is looking for the most efficient way to move forward and looking at the kind of value added the sanctuary would bring to the existing programs or regulatory and enforcement gaps for these additional resources. Jeff let the council know that the Governor will probably approve moving forward with a participatory evaluation of additional resources to determine if adding them to the sanctuary is the right thing to do.

Council members asked if this effort will dilute the sanctuary's ability to protect the humpback whale. Ed explained that the review process allows the program to identify appropriate strategies that will be linked to funding and will only be implemented when adequate funding is available. He stated that the council can also make a statement to NOAA and the State of Hawaii regarding these concerns. He felt that the council's letter to the Governor outlining their support for the sanctuary and identifying their concerns regarding the program's ability to maintain protections is a good idea. Terry reemphasized the current budget crises and that the council should talk about what the council's letter to the Governor should contain later in the day during unfinished business. Naomi reminded the council that the sanctuary is proposing to hold an additional council meeting to allow the council more time for these adjustments to be made. Adam Pack suggested bringing in experts to talk about what challenges these other resources are facing and that adding other resources will bring in new considerations (e.g., feeding) that the sanctuary does not currently have to focus on with humpback whales.

Jeff stated that the process may identify that other organizations are taking care of certain management needs already and that the sanctuary will look to cover other management needs for these resources where it can provide a focused contribution. Adam stated that emerging issues can come up with these species that the sanctuary may have to address. Bob Bruck stated that the Maui sanctuary facility has already been responding to sea turtles. Jeff agreed, and said that sanctuary State staff on Kaua'i and Hawai'i Island are working with monk seals. Jeff suggested crafting a way forward to assist with additional resources but only if our core mission with humpback whales is not compromised. Key questions to ask include: How do we address the sanctuary's activities in relation to supporting other resources? Are there additional

actions the sanctuary should take on? What would a comprehensive full blown program look like? Jeff also supported the idea for the council to send a letter to the Governor that addresses the value of adding resources and state that it is a good idea but there are reservations due to funding. Another option is to express support for moving forward with the process for adding resources and support going to the public for their input. Within the draft management plan there can be sequenced activities and the process can be tied to funding.

Dale Sarver asked about the other agencies responsibilities for these species. Lisa van Atta informed him that NOAA Fisheries approach is to partner with other agencies to provide protection and management for protected species, such as the case with the humpback whale. Dave Hoffman brought up the fundraising effort discussed at the last meeting and the recent budget cuts. He questioned whether adding resources is at opposite ends of the spectrum from fundraising. Becky Hommon asked why the sanctuary was not considering an ecosystem sanctuary and just considering adding individual resources. Naomi informed her that these were the resources that were previously identified by federal, state, and community partners for the initial evaluation and that NOAA anticipates further discussion on that topic will occur during the public scoping meetings.

Sarah Marquis and David Hall, National Marine Sanctuary Program

Sarah and David conducted Communications training for the council on the Management Plan Review (MPR) process. They focused on MPR goals and objectives, key messages, communicating with the media, the council's role and they emphasized that this is an open and public process. The goal for the management plan review is to bring diverse stakeholders together, encourage public involvement and to raise awareness about the sanctuary in general. A Communications Workplan will be developed to reach constituents during the management plan review. There are many ways to reach the public that include: news releases, media briefings, newsletters, email, articles, community calendar announcements, and post cards. We all have a role to play in this process. This is an opportunity to spotlight the sanctuary's accomplishments and to obtain input from the public. The council's role is to "serve as a liaison between the sanctuary and its community, disseminating information about the sanctuary to the various constituencies of members and bringing the concerns of constituents and the public to the sanctuary staff."

Discussion

Adam Pack stated that he would like to know about informational documents on MPR that the sanctuary can provide. Naomi replied that the sanctuary has several documents prepared that staff can put together. Jeanne Russell requested statistics on the numbers of people that know about the sanctuary. Cheryl Sterling requested talking points to address the public's perception when the sanctuary cannot respond to an issue that is outside its scope. Ed informed the council that the Sanctuary Program has been working on Condition Reports. Stellwagen Bank recently completed a Condition Report and a copy is available on their website.

Discussion on Reports and Updates

Chair's Report:

Mr. O'Halloran asked the council members to review the Action Item Report (see attachment 1).

Sanctuary Manager:

Sanctuary Manager, Naomi McIntosh, submitted a written report (see attachment 2). Christine Brammer, Programs Coordinator, provided the council with a spreadsheet on the sanctuary's partnership development efforts up to date. She also mentioned that the HIHWNMS was listed in the book *1,000 Places to See Before You Die in US and Canada*.

Sanctuary Co-Manager:

Sanctuary Co-Manager, Dr. Jeffrey Walters, submitted a written report (see attachment 3). Jeff also informed the council that he had a recent discussion with Richard Fairclo and let Mr. Fairclo know that the sanctuary will be undergoing a management plan review to evaluate emerging issues. Jeff informed the council that the two resolutions in the House Legislature this year that pertain to the sanctuary were considered. One resolution asked DLNR to review speed regulations (DLNR testified in favor of doing so in conjunction with MPR). This resolution did not make it through. The other resolution was in regards to establishing a no dump zone. DLNR testified in support of intent but expressed concerns about the timeline of requested land based facilities to be put in.

Honolulu County:

No report was submitted.

Kaua'i County:

No report was submitted.

Hawai'i County:

Sara Peck, Hawai'i County Representative, submitted a written report (see attachment 4). Sara's requested that the council work with Dr. Tepley to verify the information that was submitted in the report by Duane Erway at the last meeting. Jeff notified the council that he met with cruise line and that graphic is not an actual mapping of their transit and speeds listed may or may not be accurate. The cruise line did notify him that several boats do go through sanctuary at night during whale season and do no more than 12 knots when they are in sanctuary waters. Sara indicated that the report submitted by Duane Erway at the last meeting is not part of her Hawai'i County report but should be acknowledged by the council to follow up on. Sara moved that this section in the Hawai'i County report be omitted and resubmitted as part of public testimony; Mike Stanton seconded; the motion passed unanimously.

Maui County:

Cheryl Sterling, did not submit written report but notified the council that she had calls with sanctuary staff regarding fundraising opportunities. She also notified the council that Marsha Green would like to address the council directly in January 2008. The scheduling of this presentation will be referred to the Executive Committee.

Conservation Committee:

Lou Herman, Conservation Committee Chair, did not submit a written report; however, he informed the council about the humpback mother and female calf that swam up the Sacramento River. Lou was interviewed by several newspapers and television programs about the incident and informed the press that the pair will probably move out on their own when they are ready. Lou discussed use of whale sounds that were employed by responders in an attempt to get the whales to swim down river. He explained that the migratory behavior of humpback whales in the South Pacific and evidence from whaling records that humpbacks did not feed in their mating and calving areas. On the way to the breeding grounds humpbacks were taken for oil in New Zealand but on their way back to the feeding grounds they were considered “dry whales” due to lack of feeding and loss of oil. Therefore, he suspected that the whales would not respond to the feeding calls that were being played. Eric Kingma mentioned that he has heard persistent stories from fishermen who have claimed to observe humpbacks demonstrating opportunistic feeding on opelu. A brief discussion was raised regarding recent documentation of humpbacks in the NWHI and the possibility that this may result in funding for research and management of humpbacks in the area.

Education Committee:

Jeanne Russell, Education Committee Chair, did not submit a written report; however, she asked about the status of the marine curriculum. Naomi informed the council that the sanctuary has completed 35 draft units of curriculum, 5 for each grade level grades 3-8. Jeanne also thanked Lou for providing information about humpback whale behavior.

Research Committee:

Adam Pack, Research Alternate, did not submit a written report but informed the council that Marc Lammers will be coming back from Spain at end of July. He also notified the council that Pack and Herman’s 2000 Historical Shipstrike Report at IWC highlighted the growing issue of shipstrikes. Adam asked if David Matilla could present information on IWC, whaling, research needs and future goals at an upcoming SAC meeting.

Aquaculture Working Group:

Mike Stanton, Aquaculture Working Group Chair, did not submit a written report but provided the council with the update that Kona Blue received confirmation from DLNR to be able to add cages to their existing operation. The original permit was six submersible cages and two nurseries. Kona Blue applied to change their permit for the two nurseries to be two submersible cages instead.

Hawaiian Ocean Technology is another aquaculture business that is starting to explore aquaculture on Hawai’i Island, outside of sanctuary waters. They propose to use vessels to operate and may be traveling long distances between their core operations and their feed production. Dale Sarver sent out a letter asking them to be part of the Aquaculture Working Group. Maui Fish requested the sanctuary assist them on locating a possible facility on Maui. The sanctuary responded that we are

unable to specify where facilities should be placed. Mike stated we would be best served to address these inquiries and maintain a consistency with responses.

Unfinished Business

Additional Resources Report and Letter to Governor

Jeff led a discussion on the matrices that were developed on the conservation needs of marine mammals and sea turtles. He gave an explanation of the matrix, a breakdown of categories and definitions for lead, dedicated support, and support as available.

Some council members expressed concern over lack of funding for whales and the reason for continuing to support these other species under limited funds. Adam Pack asked if we could break down who the players are, what the funds are, and what would the council be supporting. Jeff and Naomi said these issues will be evaluated in the management plan review process.

Jeff discussed the migration of humpback whales and the presence of endangered species in the main Hawaiian Islands during the time when humpbacks are in Alaska. These are high profile wildlife species and the public expectation is for NOAA and the State to respond to the priority needs of these resources and not just ignore them. The monk seal work that Justin is conducting on Hawai'i Island is a demonstration project. Sara Peck informed the council that Justin Viezbicke's actions have elevated the sanctuary's presence and response on Hawai'i Island. Dale Sarver inquired about whether the sanctuary is considering geographical boundary expansion. It is the sanctuary's regulatory nexus to work with species whether they are in the sanctuary boundary or not. If education and outreach is the only thing then boundary issue may not matter. Teri Leicher said that we should not get bogged down in boundaries and focus on the fact that the sanctuary is there to complement what is going on.

Department of Aquatic Resources (DAR) does respond to monk seals and sea turtles and their efforts are paid out of state funds. Lou Herman asked why someone hasn't put in a pitch to state to provide funds for whales. Jeff stated that the management plan review is an opportunity for everyone to look at what the state is contributing to humpback whales—as of yet, no one has gone to the state legislature. Lou asked who should do it and how. Jeff responded that individuals can write letters that state there are no direct funds devoted to whales.

Some council members suggested evaluating the pros and cons of the two possibilities of an individual species approach or ecosystem based approach. Naomi reiterated that the initial step is to assess resources that have already been identified; however, the public process may call for ecosystem based sanctuary.

The council talked about how to address questions pertaining to additional resources such as timing, value added, and how to deal with this under the budget situation that we have. Terry asked the council to send comments on the letter to the Governor and the Additional Resources Report to Mary Grady, Council Coordinator, by June 29th. An Executive Committee Call will be held the week of July 16th to discuss the comments and make recommendations. Mary will send the letter and the report back

to the council at the beginning of August. The council will have to vote on the draft letter to the Governor at the next meeting. The council also asked for sanctuary staff to draft talking points for management plan review and aquaculture.

Ed informed the council that the management plan review is something that the sanctuary staff will have to focus on and there is an option to look at this process as an investment in the sanctuary. There is the potential to go through this process and have value added—perhaps more funding to make the sanctuary bigger and stronger. Jeanne Russell motioned to support the sanctuary's decision to postpone the request to reauthorize the sanctuary until the completion of the management plan review process; Eric Kingma seconded; the motion carried unanimously. Naomi let the council know that the sanctuary is hoping to start the management plan review at the end of the year but this schedule is pending on the availability of resources.

New Business

Officer Nominations

The nomination period for council officers has been extended at the request of the Executive Committee. Becky Hommon, Mike Stanton, and Jeanne Russell volunteered to assist Mary in compiling nominations. Terry asked the council members to send in nominations to the nomination committee and stated the elections will take place at the start of the next meeting. Terry announced that he would not be able to continue to serve as Chair due to other obligations and time constraints.

Public Forum

There were no public comments at this time.

Unfinished Business Resumed

Council members requested a discussion on the letter to the Governor to be resumed (see attachment 5). The following comments were noted during this discussion and Jeff asked council members to submit further comments to Mary. Mary will compile the council's comments for the Executive Committee's discussion.

- For items 1-3: may need to provide more explicit instructions
- Endorse the sanctuary's efforts to protect other resources as funding can be made available to support the expansion of responsibility
- Strengthen enforcement and educational programs in the marine environment to protect sanctuary resources
- Support hearing what the public might have to say about modifying the sanctuary—and have that be our position
- For #2: replace "other" with "additional", and continue on to say how to do it
- In efforts that sanctuary has put into marine resources – sanctuary is already doing the job – sanctuary has a better chance of gaining funding if resources are added
- Endorse sanctuary's efforts to include additional species in sanctuary's mission pending available staffing and resources - ask governor to do everything in her power to bring in additional funding resources – similar to Basta request

- Support in theory of broader mandate but concerned of impact on staff resources, budget, etc., on not spread too thin
- Support exploratory process; most benefit from sanctuary is from education and outreach, looking forward to more detailed report and information.
- Agree with previous comments – would like to see sanctuary inclusive of habitat – should be done with budget to back it
- Humpback whales be the primary marine resource
- Support request and additional resources as funding permits. Expanding borders may not be necessary
- Concern about adding resources is enforcement issue
- Expansion of enforcement would be necessary. MOU to cover employees for the work they're doing now
- Drop # 2 from the letter
- Think we should eliminate #2 in the letter because it is unclear - doing job well now – ask for more funding to do job
- Drop #2 in letter – concentrate on what we're here for and do it right instead of dilute our efforts. We had to make a lot of compromise to get this far – keep it to whales

Announcements

Becky Hommon informed the council that the Navy is compiling a large Environmental Impact Statement (EIS) for Navy training in Hawai'i and the draft will be out in late July or early August. Hearings will be in August and September. She also said that Navy recordings of humpback whale sounds and volcanic activity in the Hawaiian Islands were lost for 40 years. Jean Souza is working with the Navy on this project and more details will be made available.

Jeanne asked for update on the Superferry. Terry said the ship will leave Alabama very soon, go through the Panama Canal to Los Angeles, and then travel to Hawai'i. The company is planning to start its service in August.

Lou notified the council that the Executive Committee discussed having a brief period of time at the end of each SAC meeting where council members could request presentations for upcoming meetings. Adam motioned to include a brief period of time in New Business for SAC members to recommend future agenda items; Lou seconded; the motion passed unanimously.

Adjournment

Terry adjourned the meeting at 3:45 p.m.

Sanctuary Advisory Council
2007 Action Item Report

Current Action Items

ACTION: The Council's Fundraising Working Group will evaluate specific funding needs of the sanctuary's programs. The Executive Committee will also follow up on fundraising needs. (4/18/07)

Status: Chris Brammer sent out fundraising information to the Working Group. The staff is compiling information on funding needs and exploring opportunities. (5/15/07)—COMPLETE

ACTION: The Executive Committee will revise and send the funding letter to Dan Basta. (4/18/07)

Status: The Executive Committee revised the letter and sent it to Dan Basta. (6/11/07)—COMPLETE

ACTION: The Executive Committee will make the recommended edits to the letter to the Governor. (4/18/07)

Status: The Executive Committee recommended edits to the letter. (5/7/07)—ONGOING

ACTION: The Aquaculture Working Group and Research Committee will further evaluate research priorities on aquaculture. (1/17/07)—PENDING

ACTION: The Executive Committee will evaluate the composition of the council. (1/17/07)—PENDING

ACTION: Terry encouraged the Aquaculture Working Group and other Committees to evaluate the proposed expansion of Kona Blue and provide recommendations to management. (1/17/07)—PENDING

Previous Action Items

ACTION: The Research Committee will hold a meeting on constituent recommendations regarding the Superferry. (9/6/06)

Status: The Research Committee held a meeting with FarSounder on 11/27/06 to obtain information on forward-looking sonar.—ONGOING

Completed Action Items

ACTION: Mike Stanton asked the Council for Aquaculture Working Group liaison volunteers on the islands of Oahu, Maui, and Kauai. (9/6/06)

Status: At this time Bob Bruck has volunteered for the island of Maui. After sending out an additional e-mail requesting volunteer liaisons for the other islands on 9/8/06 no response has been received. (6/1/07)—COMPLETE

ACTION: Mike Stanton also asked if the Aquaculture Working Group could share strategies with the Channel Islands Council. (9/6/06)

Status: Naomi will contact Bill Douros, West Coast Regional Superintendent, regarding the Sanctuary's efforts to address aquaculture in other west coast sanctuary sites. In May 2007, Naomi McIntosh contacted West Coast Regional Superintendent, Bill Douros to ask about aquaculture activities within the West Coast Sanctuary sites. According to Bill, there are no fin fish offshore aquaculture ventures in any of the West Coast Sanctuary sites. A characterization of aquaculture activity has been described in the draft environmental impact statement for the Monterey Bay and Gulf of the Farallones sites. Most of the aquaculture activity is for the West Coast Sanctuary sites is in the Gulf of the Farallones and include bivalve clams, there some aquaculture in Monterey Bay and these activities are centered around harbors for abalone. In regards to incidents of entanglement, the Gulf of the Farollones has had some issues with Sea Lions getting entangled in pens. At present, the State of California has expressed some concern regarding the Sanctuary's proposed rule that address introducing or releasing introduced species. There is some fear that this rule may limit future aquaculture activities. The Sanctuary is proposing that current leases cultivating aquacultured species be grandfathered in.—COMPLETE

ACTION: The Council will provide a historic record of SAC's exchange with Hawaii Superferry. (9/6/06)

Status: Mary will review the Sanctuary's files and draft a record of exchange. The Conservation and Research Committees will work on this record. A record of exchange was compiled in October and November of 2006. Mary provided a summary of this record to the Conservation and Research Committees. (6/6/07)—COMPLETE

ACTION: The Conservation Committee will address concerns about the lack of pump-out facilities in small boat harbors. (3/16/06)

Status: Council Coordinator will e-mail the Conservation Committee the letter that was written by the council regarding pump out stations. (4/7/06)

Update: A letter from Dennis Fitzpatrick dated 1/17/07 was received after the January 2007 SAC meeting. The letter was discussed during the 2/16/07 executive committee call and the committee decided that it would be best if Mary Grady sent a response on behalf of the Council. Mary prepared a draft, however because a response was sent to Mr. Fitzpatrick (see attached) from NOAA National Ocean Service Director Jack Dunnigan, it was decided that an additional response to Mr. Fitzpatrick from HIHW would be redundant. (2/07)—COMPLETE

ACTION: The council chair will send a letter to government agencies reminding them to send a representative or an alternate to the council meetings. (3/16/06)

Status: Council Coordinator will work to draft a letter for Terry to send out. (4/7/06) Jeff Walters stated that he will follow up through discussions with state representatives. (1/17/07)—COMPLETE

ACTION: The SAC Chair asked to establish a fundraising working group. (1/12/06)

Status: A call with the director of NMSF, the SAC Chair, and Sanctuary staff was held on 27 February 2006. Naomi will provide the Council with an update on fundraiser opportunities. (9/6/06)—COMPLETE

ACTION: It was requested to invite a representative from NOAA General Council to a future meeting to give a presentation regarding information on vessel strikes. (1/12/06)

Status: Paul Ortiz, NOAA General Council representative, was invited to attend the May 18th and September 6th meeting, but could not attend due to a scheduling conflict. He will be invited to a Council meeting in the future. (8/31/06)—COMPLETE

**Hawaiian Islands Humpback Whale National Marine
Sanctuary Advisory Council
Manager's Report
June 13, 2007**

Education and Outreach

April 2007

In celebration of Earth Day, the Sanctuary participated in a number of events including:

- A festival hosted by the University of Hawaii, the Hawaii Institute for Human Rights and the Maui Community College's Sustainability Club. The event featured live entertainment, activity booths, speakers and panels to learn about our environment. Maui office Volunteer Coordinator Emily Carlson and sanctuary volunteers worked an information and whale activities booth at the event.
- The Maui office assisted by volunteers participated in an Earth Day celebration hosted by the Maui Nui Botanical Gardens. This annual event featured the breadth of Maui's many environmental programs and activist organizations, and the celebration drew both local residents and island visitors.
- On Oahu, Sanctuary staff participated in two Earth Day events hosted by the Waikiki Aquarium and the U.S. Navy at Pearl Harbor.

Maui staff observed the National Volunteer Week by working one morning on the fishpond adjacent to the office site. Emily Carlson, Alastair Hebard, Ed Lyman and Nancy Daschbach volunteered time helping to rebuild the Ko`ie`ie Fishpond, a reconstruction project being conducted by the Fishpond Association, one of the sanctuary's key partners on Maui.

Marine Mammal Response Manager Ed Lyman delivered a presentation on the whale disentanglement work being conducted in Hawai`i as part of a lecture series hosted by the Pacific Whale Foundation.

Education Classes hosted at the Maui site during April included:

- 36 4th graders from Christ the King School who participated in whale, coral reef and turtle activities;
- 30 8th graders from Kalama Elementary conducting water quality exercises using the B-Wet autonomous boats;
- Over 400 students at the remote Hana Elementary School were visited by sanctuary staff and volunteers and participated a variety of environmental education activities. Three staff members, Jerry Stowell, Alastair Hebard and Emily Carlson, joined by 6 volunteers, made the 3-hour trip to Hana (and back) for this outreach effort.

The Maui Ocean Awareness Training began its six-week course during the last week of April. Two sessions were held, one in Lahaina and one at the sanctuary's Education Center in Kihei. 45 people attended in Lahaina and about the same number participated in the Kihei

training. The goal of the program is to certify those who complete all six sessions as naturalists.

Maui Education Center Manager Jerry Stowell, ably assisted by Programs Director Patty Miller and volunteers, hosted approximately 90 4th graders from Kamali`i Elementary School.

May 2007

Maui office's education program was relatively quiet during the first week of May with 40 elementary students plus 15 adults from Oahu's Kahala school. Students were introduced to humpback whales through a brief talk and then they learned about marine debris through a scavenger hunt/beach clean up. The highlight was that everyone got to smell like fish as they participated in Gyotako fish printing and took home fishy but nicely printed T-shirts.

Nearly 100 participants attended the Ocean Awareness Training for marine tour operators and community volunteers on Hawaiian Culture, Sea Turtles of Hawaii, Coral Reefs and oceanography and island geology. Remaining session topics include dolphins and monk seals and apex predators and the North Western Hawaiian Islands.

Maui education team ran activities for 80 Kamali`i elementary students over two days. Students learned about whales, native and non-native algae and the importance of water quality in our nearshore environment, all through hands-on activities.

Alastair Hebard, Education Specialist at the Maui office, worked with seven volunteers training/brainstorming a proposed limu biomass experiments in, and adjacent to, the Koi`ei`e fishpond as part of the site's ongoing citizen scientist program.

Christine Brammer, Oahu Programs Coordinator conducted a special training on Hawaii's Marine Protected Species for volunteers of the Hanauma Bay Education Program which is part of the University of Hawaii Sea Grant College Program.

Christine Brammer and sanctuary volunteers took part in the annual E Mamala I Ke Kai (Ocean Awareness Festival) in Kapiolani Park in Waikiki. The event is sponsored by the Native Hawaiian Charter School Punana Leo with the goal of raising awareness of ocean-related issues and how the local community can help ensure the future protection of the ocean. The sanctuary worked alongside the NOAA Marine Debris Program to offer education activities related to threats to humpback whales and other marine protected species. Also, in cooperation with Carey Morishige from the NOAA Marine Debris Program, the sanctuary assisted with the coordination of other NOAA booths that attended including a booth that displayed NOAA 200th materials.

Alastair Hebard spent a morning with 16 5th graders at Cardin Academy a visit to the sanctuary, held the following day. Students participated in marine education activities at the site.

Sixteen Advanced Placement high school students from King Keakaulike High School conducted *limu* (seaweed) identification and surveyed the fishpond using the B-Wet boats.

80 students from Lokelani Intermediate visited the Maui office and conducted a marine debris lesson and beach cleanup. They returned to the site on Friday and learned about the fishpond, and conducted a *limu* activity.

Science and Rescue

HIHWNMS science coordinator, David Mattila, attended the 59th annual meeting of the International Whaling Commission Scientific Committee in Anchorage, Alaska. During the meeting he attended a "pre-meeting" dedicated to improving our understanding of infectious and non-infectious diseases in marine mammals, at which the results of the HIHWNMS co-hosted workshop on visual health assessment techniques for large whales was presented and discussed. He also participated in discussions of papers on a variety of topics, including the population structure, abundance and trends of numerous whale populations, as well as human impacts, such as entanglement, ship strike and ecotourism.

Ed Lyman completed a risk assessment for whale rescue operations.

Miscellaneous

April 2007

Emily Carlson, Jerry Stowell and volunteer Lynette Abrigo were the Maui participants in a National Marine Fisheries Service Marine Turtle Stranding Network training. They participated in three necropsies, and in-class and field training including hands-on resuscitation training. Participants came from Oahu, Maui and the Big Island, and are all part of the Marine Turtle Stranding Network. On Maui, the network of volunteers responds to calls from the public to stranded turtles, and prepares dead turtles for shipment to the Oahu NMFS Marine Turtle laboratory.

May 2007

During the first week in May the Sanctuary staff met at the Maui site for a daylong all hands meetings. Sanctuary staff are able to meet in person only once a year due to the logistics of being stationed on different islands and the associated travel costs. Goals of the meeting were team building, seeing the nearly completed new multipurpose building, and updating staff. Everyone also participated in a safety scavenger hunt and brainstorming sessions.

NMSP staff at the Oahu office participated in an emergency evacuation drill and also reviewed the Emergency Preparedness Guide as part of Safety Week activities. This included reviewing emergency supplies and procedures. This week staff will participate in training to update certifications for first aid, CPR, and AED.

A new community based group, Maunalua Makai Watch, held its first training for volunteers at the NMSP Honolulu office in May. Volunteers learned about the natural and cultural history of the area to help protect and monitor the marine resources of Maunalua Bay, the ocean waters from Koko Head to Black Point near Diamond Head that are also part of the Hawaiian Islands Humpback Whale NMS.

Maui Office staff participated in a fire drill as part of Safety Week activities. Afterwards, staff debriefed and came up with suggestions to strengthen our response. Education staff plan to hold a separate drill when youngsters are present.

Sanctuary staff took part in a conference call with Matt Stout, NMSP Communications Director, to find out more about options for fundraising. In Hawaii, Sanctuary Advisory Council members, volunteers, and staff are starting to develop a plan for fundraising for sanctuary programs and activities such as the Sanctuary Ocean Count project.

Paul Orlando from NMSP HQ visited Hawaii to meet with staff and provide updates on Fiscal Year 08 Annual Operating Plan development, Performance Measures and learn more about specific programs of the HIHWNMS and PMNM. In addition to meeting with each site's superintendent and planning staff, Paul was able to visit the Hawaii Institute of Marine Biology, Mokupapapa Discovery Center, and the Maui facility to see the nearly completed Sanctuary Learning Center and meet with the staff.

Naomi McIntosh and Christine Brammer attended the annual one-day Hawaii Tourism Authority conference which focused on event and festival planning and tips for grant writing.

Paul Wong and Christine Brammer met with exhibit designer Richard Duggan to discuss final details related to the arrival and installation of the sanctuary's new interpretive signage which will include a total of twelve signs that will be placed at 10 locations around the state on the islands of Oahu, Maui, and Hawaii.

June 12, 2007

MEMORANDUM

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

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

Subject: HIHWNMS state office update for the period of September 6, 2006 through June 12, 2007 (Prepared for the June 13, 2007, Council meeting).

Ocean Etiquette Campaign

Council input - Very helpful comments and suggestions regarding some draft campaign outreach products (kayak stickers and boating guidelines) were obtained during a committee meeting held before the Council's regular meeting on September 6, 2006. Council, staff and agency comments were further considered in preparing several products in October and November, and the campaign got officially underway in late November.

Media Event and Coverage – In close collaboration with NOAA Fisheries Service, Pacific Islands Regional Office (PIRO), a media availability event (like a news conference) was held by water at Kewalo Basin on November 29. Sanctuary rescue coordinator, Ed Lyman, and I made some opening statements and were then interviewed by all four TV news stations and several newspapers. The event generated over 35 TV news stories (including "reruns" on the various evening and morning news shows) and major feature articles in the Honolulu Advertiser (attached), Honolulu Star-Bulletin, and several neighbor island newspapers.

Boater Workshops - Eight boater workshops were held across the state (Kauai 3, Oahu 2, Kona 1, and Maui 2) with a total of 80+ participants. The workshops featured sanctuary rescue coordinator, Ed Lyman, giving a presentation on safe and legal vessel operation in the sanctuary. Ed's presentation was followed by a presentation from a NOAA Office of Law Enforcement (OLE) special agent (Sherrie Myers and John Barylsky), providing helpful information and clarity on the law and how suspected violations are investigated and laws enforced.

Boating Brochure – The brochure was finalized, printed and shipped to all the sanctuary offices in late November. Entitled "Humpback Whales: A boating and ocean use guide for safety and conservation," the full color, 3-fold, 9" x 16" brochure features guidelines and regulations designed to help boaters, whale watchers, and other ocean users stay safe and legal on the water during whale season. Copies are available from sanctuary staff and on the web at: http://hawaiihumpbackwhale.noaa.gov/safe_boating.html.

Collision Reporting Sticker – A two-color, 3 ½" x 7 ½" sticker was produced and distributed in mid November. Designed after the US Coast Guard oil spill reporting sticker, the collision reporting sticker reminds boaters to report collisions and provides NOAA Fisheries and USCG telephone numbers and the sanctuary's website address.

Web Site – Oahu programs coordinator, Christine Brammer, created a special web page for this year's campaign, which includes links to many of the products mentioned here. Check it out at: http://hawaiihumpbackwhale.noaa.gov/safe_boating.html. Lots of related info was also posted on the DOBOR web site.

Radio PSA – A 30-second PSA was developed and recorded for use by local radio stations. The recording (mp3) and script are available for free use at the web site above.

Print Ads – Attractive print ads in various sizes were created and posted on the web site above. The ads remind boaters about whale season, vessel-whale collision risks, and provide guidelines and other information.

Kayak Sticker – The design of the sticker for kayaks has proved more challenging than expected, but a new designer is working on it and a final design is expected soon. This approx 8” diameter, round, 3 color sticker is intended to communicate responsible marine wildlife viewing guidelines to kayakers using a minimal amount of text and lots of graphics. Two Maui kayak tour companies have agreed to place the sticker on all their rental kayaks as a pilot / test project.

Harbor Signs – Last year’s collision sign is being supplemented with a new sign about the 100-yard approach rule (see below). These 18” x 24” aluminum signs were installed in late January at eleven harbors and ramps across the state.

Other Education and Outreach Activities – The Sanctuary’s island coordinators integrated our vessel-whale interaction avoidance guidelines into many of their “mainstream” education and outreach events, including evening lectures, presentations at the Maui education center, volunteer events, etc.



Harbor and Ramp Signs for Ocean Etiquette Campaign

Other Education and Outreach

In addition to Ocean Etiquette Campaign development discussed above, West Hawaii coordinator, Justin Vierzbicke, was involved with the following education and outreach activities on Hawaii Island over the reporting period:

Sept 26 - Monk seal presentation for 3rd graders at Kahakai Elementary

Oct 13 - Submitted story to Big Island travel host on prior years disentanglement

Oct 28 –Nov 1- Participated in the Hiialakai cruise as an educator

Nov 4 - Assisted Patty Miller with Teachers workshop at the Outrigger Keauhou Beach resort

Nov 14 - Presented Monk seal talk at Reeftalk in Waimea

Nov 16-17 - Staff and volunteers participated in Kaloko-Honokohau cultural festival where we had an education booth that focused on the use of whale teeth in Hawaiian culture. Over the two day period we had more than 500 kids stop by our booth.

Dec. 11 - Boater/Ocean user workshop in Kona with Ed Lyman, Jeff Walters and Jon Barylsky (OLE)

Dec 14 - March 31- Every Thursday over 3 month period staff and/or volunteers at the Outrigger Keauhou Beach resort for Veranda Whale Watch from 9-11am.

Jan 8 - Partnered with Girl Scouts of America to do whale watch with group of girls
Jan. 9 - Shore based whale observation with 15 students from Brown University
Jan. 20 - 45 Ton Whale Talk at the Outrigger Keauhou Beach resort
Jan 23 - Presented Monk Seal talk at Reeftalk in Kona
Feb. 2 - Assisted Kimokea (Maui) with set up for Northwest Hawaiian Island talk at Outrigger Keauhou Beach resort
Feb. 5 - Whale presentation to Parker School 9th grade classes
Feb. 13 - Whale presentation to Parker School 3rd, 4th and 5th grade classes.
Feb. 16 - Whale presentation to West Hawaii Exploration Academy (WHEA) 9th grade class
Feb. 27 - Whale presentation to Kahakai 3rd grade classes
March 6 - Organized and assisted with Marc Rice turtle talk at the Outrigger Keauhou Beach resort
March 7 - Presented whale and monk seal talks to Marine studies course.
March 13 - Participated in filming of whale watch with local school group for Sanctuary education/outreach with the Cousteau foundation
March 31 - Site leader for Old Coast Guard road observation station for Ocean Count
April 5 - Whale presentation to WHEA 7th grade class
April 21- Staff and volunteers participated in the 7th annual Coral Reef Awareness Day/ Earth Day events at Kahaluu Beach Park and the Outrigger Keauhou Beach resort

For more education and outreach activities, please see the monk seal conservation section below.

Cetacean Stranding and Disentanglement Response

Hawaii Island Coordinator, Justin Viezbicke, serves as the DLNR and NOAA on-island point of contact for all cetacean stranding and entanglement rescuer response. His support was essential in the successful disentanglement of a humpback off the Kona coast on Feb 6 – 7. Justin was involved in the following humpback and other cetacean rescue responses over the reporting period:

Nov 13 - Supervised DAR response to distressed whale off Kona coast, that had 25+ tiger sharks around and attempting to feed off of the whale, to determine cause of injury/illness. Once the whale died, towed whale offshore and tied to VV buoy (FAD) to keep sharks offshore. The incident triggered federal (OLE) investigations due to boaters allegedly violating 100-yard approach rule and endangering DAR staff.

Dec 12 - Disentanglement response training with Ed Lyman

Feb 6 - Responded to entangled whale call here on Big Island and attached telemetry buoy to whale and prepared all gear for next day's attempted disentanglement

Feb 7 - Assisted with disentanglement of humpback whale

Feb. 27 - Assisted with and presented at volunteer meeting in Hilo for stranding network volunteers

On Oahu, on December 5th, David Nichols and other sanctuary staff participated in a disentanglement refresher training at Keehi Lagoon conducted by Ed Lyman, sanctuary rescue response coordinator.

State Legislature

House Concurrent Resolution (HCR) 58 HD 1 SD 1 and its companion House Resolution (HR) 39 were adopted in final form on April 26, 2007. This resolution "requests all branches of the federal government to prohibit dumping of vessel sewage in federal waters in the vicinity of the Hawaiian Islands Humpback Whale National Marine Sanctuary by creation of a no discharge zone pursuant to the Clean Water Act, 33 United States Code section 1251 et seq., and by requiring appropriate federal executive agencies to adopt necessary regulations pursuant to 16 United States Code section 1431 et seq. to ensure proper administration, management, and enforcement of applicable laws." The reso also requests

“that the Hawaii Department of Land and Natural Resources and other state agencies and personnel, including the Hawaii co-manager of the Hawaiian Islands Humpback Whale National Marine Sanctuary, are requested to cooperate, assist, and encourage efforts to prohibit dumping of vessel sewage into the Hawaiian Islands Humpback Whale National Marine Sanctuary.” Similar resos under differing numbers were also introduced in the Senate and House, but they were all eventually coalesced into HCR 58 and HR 39. DLNR testified in general support of the resos, while expressing concerns about the economic impact on the maritime industries of the proposed prohibition and indicating that the Department would work to provide land-based vessel discharge facilities as soon as possible to reduce this potential impact. The Division of Boating and Ocean Recreation (DOBOR) has been designated as the lead DLNR agency to follow up on this reso, but the state sanctuary office in DAR will provide whatever support it can on this.

HCR 233 and companion HR 190 requested that the DLNR review the effectiveness of the Department's boating speed limit guideline in designated humpback whale areas; and submit a final report to the Legislature before the 2009 session. DLNR testified in favor of this reso, referring to the sanctuary's management plan review process and indicating that the requested review would be integrated into the MPR process. The reso apparently was never adopted. It appears that it was never heard on the Senate side.

Vessel / Equipment Management

David Nichols, sanctuary marine conservation specialist, used NOAA NMFS PIRO funds to procure two outboard motors (4 stroke, 25 hp, Hondas) for use with sanctuary's rescue response inflatables, one for use on the Big Island and one for use on Oahu. The new motors will greatly facilitate entanglement rescue response and staff safety.

Open Ocean Aquaculture Projects

We are aware of two developments in the mariculture arena:

1. Kona Blue Water Farms has received approval from DLNR to remove all (two) surface pens and add additional mooring lines and anchors, and add two new subsurface cages to their site just North of Keahole Point, Hawaii Island.
2. Via a forwarded email message in January, we have learned that a Hawaii Island firm, Hawaii Oceanic Technology, Inc., has announced plans to develop a self-propelled, deep-water ahi (yellow fin tuna) farming facility. We look forward to learning more about this project.

Monk Seal Conservation by Island – (conducted with funding and oversight from NMFS PIRO PRD)

Kauai Seal Conservation

Mimi Olry, DVM, continued to serve as the NOAA and DLNR on-island coordinator for all Hawaiian monk seal conservation activities under the supervision of the sanctuary co-manager and as a member of the “sanctuary team.” Below is a summary of her activities over the reporting period:

Kauai Seal Conservation - Education and Outreach

September 2006: With funding provided by private donor, I worked with Hawaii Wildlife Fund to contract two people to assist with the development of a community volunteer network (to be called the Hawaiian Monk Seal Conservation Hui). I trained associates, Nina and Anne. Together, we started to recruit and train volunteers around the island to respond to seal haul-outs, participate in education and public outreach, and assist with various monk seal conservation projects.

September and October: With associates, developed and prepared power point presentations and handouts for volunteers. Training modules made to ensure accuracy,

consistency of messages and efficient ways to learn monk seal conservation information and how to respond to haul-outs.

October through June: monthly training meetings for volunteers at four sites around Kauai. Training includes: Module One: General seal biology and conservation, Module Two: Beach training to put up Seal Protection Zones, Module Three: Scientific Monitoring and Module Four: Recognizing Kauai's Seals

September: Produced quarterly newsletter to inform volunteers and public of latest Kauai monk seal conservation events.

Sept 2006: Made an instructional power point presentation to train volunteers for the Poipu pup event, that will be useful in the future. Volunteers, Bruce Parsil and Larry Raucht gave the training for several groups of volunteers recruited and scheduled to participate in the 6 week pup event.

December: Produced second quarterly Hawaiian Monk Seal Conservation Hui Newsletter to keep volunteers and public informed about current monk seal conservation and volunteer education.

December 7 and 8: Participated in NOAA Sanctuary Safe Boaters Meetings to meet, and inform boat captains and crew members about monk seal conservation and sighting hotline on Kauai.

January 13: Volunteer Mahalo Party and training of new volunteers and educational games of "Name this Seal, Family Feud-Seal Biology, and Beach response improv".

February: Began work with videographers, Jim Lucas and Renate Seldon to produce training videos, and PSA for various venues.

February 3: Field training at Poipu beach attended by 18 volunteers to learn about SPZ's Jim Lucas videotaped the 2 hour session for future production of learning CD's. Lifeguard Roy Yamagata also spoke to volunteers about ocean safety, seals and dealing with the public.

February 8: Delivered power point presentation about monk seal biology, conservation and volunteering to Kilauea Lighthouse Wildlife Refuge volunteers. I also shared photos of our seals and naming them. 20+ attended and also several signed up to volunteer for HMS Conservation Hui.

Feb. 13: Presented the Hawaiian Monk Seal Conservation Hui at a Kauai Environmental Organization's Roundtable to recruit volunteers and gain community recognition and support.

March 24: Conducted meeting for north shore monk seal volunteer training, Marine Mammal Stranding Response training and to recruit participants for the First Semi-Annual Seal Count.

March 25: South shore Marine Mammal Stranding Response training meeting and recruitment for Seal Count and Monk seal conservation Hui.

March 26: Met with David Schofield and Coast Guard to inform about Marine Mammal Stranding Responses and set up communications for reporting and responding to strandings.

April 23: Radio interview on KKCR with David Schofield about monk seal biology and conservation; and to announce and recruit for upcoming seal count

April 25: Delivered seal count training presentation and recruited new and old volunteers

May 1: Spoke to Poipu head lifeguards about the danger these seals may pose to swimmers as they are male seals that may become conditioned to approaching people and interacting with them, leading possibly to dangerous behavior.

May 17: Delivered power point presentations to 6 different Marine biology and Biology classes at Kapa'a High School. I also trained a volunteer how to do the same.

May 21: Delivered power point presentation and gave information about monk seals and affects of the bike path to Thomas Noyes and the Bike Path Committee, and Doug Haigh, Chief County Building Division

May 23: Met with members of the Kauai Monk Seal Watch Program and David Schofield NOAA to facilitate better working relationships with this non-profit organization.

May 24 and 31: Delivered Pup Event training for new and old volunteers

May 30: For the Koloa Elementary School Career Day, I delivered a power point presentation, led activities and answered question for 6 student groups.

May 31: Interview with Voice of America TV about Hawaiian Monk Seals on Kauai, the Main Hawaiian islands, and in the NWHI. Also spoke about conservation issues and ways that NOAA is addressing them.

Kauai Seal Conservation - Rescue Responses

Sept. 21: Responded to call of seal entrapped in lay gill net. Visitors that reported the incident participated in a letter campaign in UK and US to bring public attention to the danger of the gill nets to the endangered Hawaiian Monk Seals. Documented the case for DOCARE and NOAA OLE.

Sept. 21: Report of hooked seal. Started search for hooked seal and activated volunteers and public in locating the seal. It took 3 weeks before seal was resighted and identified as O12.

Oct. 12: The seal O12 was resighted again and a rescue response was made, but the seal was not in a safe location for removing the hook.

Oct. 27: Seal O12 was resighted. Volunteers and individuals at the scene assisted with the capture and successful removal of hook.

Oct. 17: Intercepted and documented for DOCARE and NOAA harassment of K12 and her pup at Kipu Kai by fisherman who hit K12 with his throw net.

November 27: While checking seals along Larsen's beach, a volunteer and I witnessed two swimmers get sucked out of the channel into rough surf. Called 911 and assisted Ocean Safety Bureau with the rescue.

December: Monitored Kipu Kai "weaner seal" that has now moved to Poipu and has been reported playing with divers.

January 14: Intercepted pit bull dog harassing adult seal, K03. Kauai Humane Society officer called, picked up the dog. I called KHS again about loose dogs at Poipu Beach Park during canoe races. Officer returned and enforced leashing and removing their dogs from the county park where three monk seals were being monitored.

April 18: Kipu kai pup, O46, 8 months old, sighted at Kukui'ula harbor acting strangely, logging and inactive. Too dark to be able to fully assess. Continued to try to monitor seal via contacting boat captains and crew members at the harbor. O46 last seen on the 20th eating octopus and behaving normally. Seal not sighted again.

May 29: Adult seal reported to have taken ulua hook and seen trailing 100 feet of fishing line at Ke'e. Seal was observed to have tag 5AA, making it K13.

May 30: Started search for K13 along north and east shores, made public announcements and activated volunteers to do systematic search for the seal until it was found May 2 without hook or line.

Kauai Seal Conservation - Haul-Out Management and Pupping Responses

October 12: Seal K12 found with two week old pup at Kipu Kai. Assistance provided by Kauai Sea Rider's Capt. Tara Loeta to visit and put up boundary fences to protect mom and pup pair from people and dogs.

October: Set up with Kipu Kai ranch managers monitoring schedule of mother and pup.

October 31: Tagged weaned pup at Kipu Kai beach.

November: TT40, K12, and RH40 moved between Poipu and Salt Ponds beach parks while before coming to the south shore to molt. Rotated volunteers to monitor the seals as they haul out for the day and night periods.

December: Monitored Kipu Kai “weaner seal” that has now moved to Poipu and has been reported playing with divers.

January 3: Sick seal reported at North Larsen’s. Found K02 (not the described seal, but reported with said seal) with swollen eyelids, runny nose and sneezing, suggestive of an upper respiratory disease.

February: For 3 weeks, a 4-5 year old female seal has attracted the attention of three different males. This has been at Poipu Beach Park and Waiohai Resort, requiring a lot of management with volunteer assistance of the SPZ’s (seal protection zones) and large crowds of tourists present on the beach and in the water. Courting and mating behavior has been observed as well as males bullying one another.

February: Temp K30 with her entanglement and shark bite scars has been hauling out frequently on the east side, and therefore many responses were made to reports of seal injury and possible entanglement. Temp K30 also has been sighted several times swimming in the canals on the east side and eating what appears to be Samoan crabs.

March 7: Juvenile seal I19 hauled out on the boat ramp at Kukui’ula boat harbor and it was necessary to displace him so that afternoon boats could use the ramp.

March 9: Subadult seal, V18, usually sighted on the east coast, showed up on the south shore and spewed up yellow liquid and worms that were collected for NMFSC.

April 1- June: Multiple seals (3-5) at Poipu Beach Park, causing problems hauling out and swimming among snorkelers. Videoed/photographed this and observed lifeguards not warning swimmers to not approach or to avoid seals in the water.

April 26: Conference call with NOAA and DAR concerning need to address this situation.

April 30: Put up barrier fences and signs to protect mom and new pup at North Larsen’s beach. I arranged monitoring and conducted beach debris clean up with Falko Partners (private property owners there) to prevent ingestion or entanglement by marine debris.

May 2: Seal reported being harassed by dogs running loose on the beach. Investigation leads to identification of the owner of the dogs. Reported dog owner to the Kauai Humane Society, and they will issue statement to insure dogs are contained.

May 25: Subadult males, Temporary 347 and I19 continue to haul out and spend a lot of time swimming in the keiki pool at Poipu beach park, causing management of people swimming around them challenging. With David Schofield NOAA, used crowding boards to displace Temporary 347 and discourage him from repeatedly hauling out there and swimming with people

June 1: New pup found at North Larsen’s beach during search for hooked seal. Mother seal observed to have possibly abandoned pup. After seeking guidance and authorization, I made two attempts to reunite mother and pup. I placed barriers to protect and prevent disturbance to the pair.

June 2: Mother seal observed to still not bond or nurse pup. After observing all day, made third attempt to unite pair, mother aggressive to pup. Other pup that was born on the same beach has been observed to have been weaned.

June 3: Volunteer observed weaned pup with new pup and mom, but no nursing observed. Decision of leave mom and pup alone.

June 4: New pup still separated from mother seal. It is obvious that the pup has been rejected and is starving to death. Instructed to leave pup on beach, but I insist on action to euthanize due to suffering of the pup and public response.

June 5: Pup still vigorous and alive. Conference call with other veterinarians, NOAA/PIFSC and PIRO. Decision made to remove the pup from the beach, Dr. Braun and David Schofield to evaluate it. I prepared for the pup’s euthanization, collection of samples and necropsy.

June 6: Performed necropsy of the pup with volunteer Wendy McIlroy, DVM.

Kauai Seal Conservation - Research and Monitoring

October 11: Participated as DAR representative in the Hanalei Ocean Recreation Focus Group Meeting to give information pertaining to monk seal habitat and human disturbances.

December - May: Participated in public hearings, county planning, and Bike Path Committee meetings for the development of Kauai Coastal Bike Path, to protect the monk seals. Collected GPS coordinates along the east coast of monk seal haulout sites that are most commonly used.

September-June: Participated in the draft EIS for the east coast bike path. Developed ways to mitigate impacts on the monk seals that haul out along the bike path. Identified locations for, and designed with DLNR and NOAA, regulatory and interpretive signs that will be used along the bike path.

Nov. 29-Dec. 1: Attended and participated in the Hawaiian Monk Seal Recovery Team meetings.

January: Construction of new coastal Bike Path disturbing young seals near a pavilion. Met with County Building Engineer, Doug Haigh, to mitigate the effects of the pavilion. Eventually the roof of the pavilion will be removed to reduce numbers of people stopping to use it from the road, and therefore decrease impact on seals hauled out nearby.

February: Mapped GPS coordinates of all haul-out locations on Kaua'i for volunteers, NOAA and others. The map is also to be used to plot out sections volunteers will cover in three hours for seal count to be held in April.

March 26: Worked with David Schofield to develop spreadsheet for "Seals of concern with health and behavior problems".

April 28: Conducted First Semi-Annual Seal Count. New born pup was found and 13 seals in total were sighted on Kaua'i.

May 23: Attended and gave information for public hearing on phase 3 of the East Coast Bike Path.

May 24: David Schofield and I met with Thomas Noyes to discuss bike path committee, and ways to encourage and develop monk seal conservation. I will become a Board Member of the Kauai Bike Path Committee to advise bike path maintenance and ambassador (volunteer) program

May 31: Participated with other veterinarians in the necropsy of seal drowned in lay gill net on O'ahu.

Hawaii Island Seal Conservation

Big Island coordinator, Justin Viezbicke, serves as the NOAA and DLNR on-island point of contact for all monk seal conservation efforts on the Big Island. A new volunteer group associated with UH Hilo, led by Dr. Jason Turner, a marine science professor, has emerged under Justin's guidance over the past year and has become an important group supporting "pupping event management," seal haul-out and other marine mammal response activities on the East side of the Big Island. Over the reporting period Justin oversaw the following:

Sept. 9 - Partnered with PIRO to move the latest weaned Hawaiian monk seal pup to alternate, more isolated, location on Big Island

Sept 11 -15 - Monitored pup at new site and organized and assisted volunteer staff for daily observations

Sept 19 - Organized and assisted in relocation of Hawaiian monk seal pup to second location

Sept. 19 -present- Organized and assisted in observations and data collection on the twice relocated Hawaiian monk seal pup

Jan. 30 - Assisted with Monk seal volunteer meeting in Hilo

April 8 -16 - Assisted with seal handling and medical care at the Marine Mammal Center in Sausalito, California. Learned wide variety of skills from handling of seals and sea lions to necropsy of dead animals.

Oahu Seal Conservation

The juvenile seal, known as Penelope, was discovered dead, apparently drowned in a lay gill net near the Makai Pier, East Oahu, on October 16, 2006. This was especially sad, since Oahu sanctuary staff and numerous other volunteers monitored the female seal pup during her 6-week nursing period with her mother near the Turtle Bay Hilton in Kahuku over the summer, and also assisted with the weaned seal’s relocation to Rabbit Island using the sanctuary’s inflatable response boat and other sanctuary resources. An investigation regarding possible state and federal violations is ongoing by DOCARE and OLE.

Enforcement Support

Justin Viezbicke, Hawaii Island coordinator, worked with NOAA OLE on the following on-the-water activities:

Feb 7 – present – Serving as witness and providing other support to OLE associated with on-going investigation regarding alleged 100-yard approach rule and other violations during incident involving distressed humpback surrounded by tiger sharks and numerous boaters off the Kona Coast.

Feb 21 – 22 - Arranged for Vic Honda of NOAA's OLE to come to Big Island and patrol waters off the west coast in DAR boat. Assisted with both days of on the water patrol

March 20 – 2 - Arranged for Paul Newman of NOAA's OLE to come to Big Island and patrol waters off the west coast in DAR boat. Assisted with both days of on the water patrol

DLNR Humpback Whale Research Permits

Ten state (DLNR-DAR) research permits were issued for the take of humpback whales for scientific research purposes (see table below). David Nichols, the state’s marine conservation specialist, continues to oversee issuance and compliance with the permits in coordination with PIRO, NOAA Fisheries Service Permits Division, and DOCARE. PIRO hosted the annual humpback whale researcher’s meeting in Lahaina on February 5, 2007. Various agency staff, including state sanctuary staff, David Nichols, attended.

Principal Investigator	Co-Investigator	Affiliation
Robin Baird, Ph.D. Adam Pack, Ph.D.	Greg Schorr, Daniel Webster Lou Herman, Andrea Bendlin, Elia Herman, Aliza Milette, Jamie Gibbon	Cascadia Research Collective The Dolphin Institute
David Mattila	Edward Lyman	Hawaiian Islands Humpback Whale NMS
Whitlow Au, Ph.D.		Hawaii Institute of Marine Biology
Jim Darling	Karen Miller, Meagan Jones, Charles Nicklin, Elizabeth Mathews	West Coast Whale Research Foundation
Jason Turner, Ph.D. Ann Zoidis, M.S. DeborahA. Glockner-Ferrari Suzanne Yin	Tom Norris, Dan DenDanto, Andy Day Mark J. Ferrari Christine Gabriele, Susan Rickards	University of Hawaii - Hilo CETOS Research Organization Center for Whale Studies Hawaii Marine Mammal Consortium
Dan R. Salden, Ph.D.		Hawaii Whale Research Foundation

Other Activities, Meetings, Etc.

- 1) Sept 12 – Walters attended agency meeting at PIRO regarding US Navy Hawaii Range Complex EIS.
- 2) Sept 25 – Walters attended workshop held by PISFC regarding proposed Hawaiian monk seal foraging research project in NWHI.
- 3) Oct 4 – Walters joined sanctuary manager Naomi McIntosh and others at meeting with PIRO staff regarding upcoming sanctuary management plan review process.
- 4) Oct 16 – Walters attended focus group meeting at PIRO regarding upcoming scoping meetings for EIS associated with proposed federal rulemaking for Hawaiian spinner dolphin protection.
- 5) Oct 17 – Walters attended evening public scoping meeting at McCoy Pavillion regarding EIS associated with proposed federal rulemaking for Hawaiian spinner dolphin protection.
- 6) Oct. 24 – Viezbicke organized and assisted with Monk seal volunteer appreciation event for those who assisted with pupping event.
- 7) Oct 24 – Walters attended workshop hosted by WPRFMC regarding ecosystem-based fishery management plans.
- 8) Oct 25 – Walters attended Governor’s public listening session at Hawaii Convention Center regarding environmental concerns.
- 9) Oct 27 – Various Oahu staff participated in boating safety and disentanglement response training activities on Kaneohe Bay.
- 10) Nov 13 – Walters attended DLNR OCCL hosted meeting regarding proposed changes to Kona Blue fish farm project cage array.
- 11) Nov 14 – Walters joined Naomi McIntosh and other sanctuary and PIRO staff in meeting regarding inter-agency coordination on humpback whale rescue response, media relations, etc.
- 12) Nov 15 – Walters attended PIRO-hosted evening coordination meeting with Oahu monk seal response volunteers
- 13) Nov 17 – Walters attended BLNR meeting where board heard and passed new lay gill net regulations with conditions.
- 14) Nov 22 – Walters led call with Kauai staff and private contractors regarding wildlife interpretive signage design and installation along new bike path.
- 15) Dec 15 – Viezbicke conducted Volunteer training for Veranda Whale Watch.
- 16) Dec 15 – Nichols attended NOAA aircraft ditching safety course.
- 17) Dec 18 – Viezbicke conducted underwater observations at Kona Blue Water Farms fish cages to document bottlenose dolphins frequently milling around site and interacting with cages.
- 18) Jan 5 – Walters joined DAR Administrator Dan Polhemus, DLNR Chair Peter Young, NMFS PIRO Regional Administrator and other DLNR and PIRO staff in a meeting to discuss enhanced federal-state collaboration on sea turtle conservation. PIRO introduced Kimberly Maison, a new staff person assigned to work with DLNR and the fishing community to develop strategies to reduce interactions between nearshore fishers and sea turtles.
- 19) Jan 11 – Walters joined SAC education committee conference call.
- 20) Jan 11 – Walters met with Jeff Conners, Port Operations Manager, Norwegian Cruise Lines (NCL), regarding reducing the likelihood of vessel-whale collisions. Mr. Conners indicated that all NCL vessels do no faster than 12 knots on sanctuary waters. He was provided with the latest whale distribution map based on Dr. Joe Mobley’s data for his pilots to consider in choosing routes through the sanctuary. Other collision avoidance guidelines were discussed, e.g., posting lookouts.
- 21) Jan 17 – 18 – Walters attended SAC retreat.

- 22) Jan 22 – Walters met with Clifford Inn, DOBOR education coordinator and Debbie Ward, DLNR public information officer, regarding broader DLNR participation in ocean etiquette / vessel-whale collision avoidance campaign.
- 23) Jan 24 – Walters and Nichols completed Red Cross adult CPR and First Aid training.
- 24) Jan 27 – Viezbicke continued to work on getting Theodolite up and running properly with software for Ocean Count Theodolite Observation Station.
- 25) Jan 29 – Walters met with Randy Honebrink, DAR education program coordinator, re education and outreach campaign related to state ESA Section 10 Incidental Take Permit (ITP).
- 26) Feb 13 – Joined several DLNR and NOAA NMFS staff in meeting regarding monk seal-related aspects of proposed DLNR permit for research in the NWHI National Marine Monument.
- 27) Feb 14 – Walters joined conference call with sanctuary and NOAA NMFS staff regarding status of vessel-whale collisions and public messages.
- 28) Feb 15 – Viezbicke presented to West Hawaii Fisheries Council the status of the upcoming PIRO-led federal regulations regarding swim with wild dolphin activities.
- 29) Feb 16 – Walters joined SAC executive committee conference call.
- 30) Mar 13 – Joined Naomi McIntosh and other sanctuary and NOAA NFS staff in meeting regarding sanctuary management plan review and process to consider adding additional marine resources to the sanctuary.
- 31) Apr 11 – Walters presented DLNR testimony at State Legislature regarding HCR 233.
- 32) Apr 18 – Walters attended SAC meeting.
- 33) Apr 25 – Walters joined DLNR-NOAA conference call with Hawaii Wildlife Fund staff regarding monk seal response coordination.
- 34) May 1 – All state staff attended the annual sanctuary retreat / all hands meeting on Maui.
- 35) June 8 – Walters testified at BLNR meeting expressing DAR support for proposed amendments to DLNR lay gill net rules to allow for temporary closures at areas prone to monk seal and other endangered species interactions.
- 36) June 11 – Walters joined SAC executive committee conference call.
- 37) June 12 – Walters held telephone meeting with Richard Fairclo of the Maui-based “Pump Don’t Dump” organization regarding vessel-waste water discharge and other concerns.

cc: Allen A. Smith, Interim DLNR Chairperson
Peter T. Young, DLNR Deputy Director
Dan Polhemus, DLNR-DAR Administrator
Allen Tom, NMSP Pacific Islands Regional Coordinator
Naomi McIntosh, HIHWNMS Sanctuary Manager

**Hawaii County Report
9 October 2007
Sara Peck, Representative**

Accomplishments: Coordinated Four ReefTalks: April = Billfish populations associated with eddies west of the Big Island by Dr. Andrew West; May = Sea Level Rise Planning Coastal Development; June = Sea Level Rise and Revising Setback Rules. Gave three Human Impact on Hawaii's Reefs presentations (Lion's Club, Jack's Diving Locker and Keauhou Advisory Committee) in April and May. Held two Kawaihae Local Resource Council meetings with continued discussion of Kawaihae Harbor issues and highway traffic congestion in the area. Helped coordinate two workshops: DLNR/OCCL's Coastal Land Use Policy by Dolan Eversole in Hilo and Kona (focused on Sea Level Rise). Helped with ReefTeacher trainings and attended West Hawaii Fishery Council meetings.

Events Attended:

1. Produced the 7th Annual Coral Reef Awareness and Earth Day Fair at Kahalu'u Beach Park and Outrigger Keauhou on April 21st. Approximately 700 +/- people attended this family oriented event. The HI Humpback Whale Sanctuary was well represented by Justin and his crew with learning games.
2. Represented Sea Grant on April 28th in Hilo the first annual Ocean Day event was held at the Pacific Aquaculture Research Center. Approximately 500 people attended.
3. May 30th participated in a Roadway Standards Revisions working group with Hawaii County Planning and Public Works. What connection does this have with SAC? The water quality of our whales' home can be maintained if a number of land use practices are changed. Planning for multi-modal roadways, reducing impermeable surfaces and providing retention for rain drainage can contribute to a healthier coastal system.
4. June 14th in Honolulu, "Envisioning the Future of Coastal Management" by NOAA/CZM.

Hot Topics:

Open ocean cage culture. As more cage culture operations are proposed, the public must be provided with as much information as we can possibly locate to both educate ourselves and help us develop sound policies for this new technology in Hawaii's waters.

Announcements:

This is the second national "Year of the Reef". The first was held in 1997, ten years ago. Be watching for opportunities to participate in events celebrating and educating about sustainable reef management.

Attachment 5

Governor Linda Lingle
State Capitol
Executive Chambers
Honolulu, HI 96813

Dear Governor Lingle,

The Advisory Council (Council) of the Hawaiian Islands Humpback Whale National Marine Sanctuary is pleased to endorse and acknowledge the sanctuary programs and accomplishments over the last five years. Based on the Sanctuary's successful efforts in protecting humpback whales and their habitat; their outstanding outreach and education programs; innovative research, rescue, and response initiatives; and the effective working relationships established with the many federal, state and private partners throughout Hawai'i, the Council, for the first time, recommends that efforts be made to strengthen the Sanctuary status in Hawaiian State waters.

The last five years have seen continued and significant progress in several areas that impact the state of Hawai'i:

- Humpback Whale Population:
 - Population has grown from 5,000 in 1993 to up to 10,000 in 2007
 - 100% increase since the Sanctuary was established
- Hawaii Economy:
 - Substantial increase in ocean tourism related to whale watching.
 - Estimated that whale watching annually provides as much as \$27 million in revenue (Utech, 2000)
- Marine Science Curriculum:
 - In 2005 and 2006, the Sanctuary was appropriated approximately \$3 million by Congress to develop a Hawaii based marine science curriculum for grades K-12
 - This curriculum, being developed in partnership with the Hawai'i Department of Education, will be the first for the state
- Maui Learning Center:
 - Sanctuary outreach and public awareness programs continue to grow
 - The new Learning Center in Kihei will open in 2008 and provide a state of the art facility for students and visitors statewide
- SPLASH (Status of Populations, Levels of Abundance, and Status of Humpbacks):
 - Largest international cooperative study ever attempted to better understand the population structure of the North Pacific humpback whale.
 - Research efforts funded by the Sanctuary program continue to benefit national and international efforts to learn about whale behavior and habitat
- National and International Relevance:
 - Sanctuary provides protected breeding area when whaling interest appears to be growing for the North Pacific

Finally, the Council would like to recognize the dedicated Sanctuary program staff. These individuals share a commitment to protecting and preserving humpback whales and their habitat, and increasing our knowledge and understanding of these amazing and endangered animals.

We recommend that you give strengthen the Sanctuary's status in Hawaiian State waters by ensuring the following:

- 1) Provide Reauthorization of the Sanctuary in State waters and revise the Compact Agreement by reviewing the provision of reauthorization
- 2) Expand the Sanctuary's efforts to protect other resources
- 3) Strengthen enforcement programs in the marine environment to protect Sanctuary resources