

**Sanctuary Advisory Council**  
*Forty-sixth Meeting*  
Wednesday, September 6, 2006  
10:00 a.m. to 3:00 p.m.  
Honolulu International Airport  
Inter-Island Conference Center

**FINAL MINUTES**

**Attendance**

*Primary Council Members Present:*

Cindy Barger, Bob Bruck, Jim Coon, Liz Corbin, Bill Friedl, Lou Herman, David Hoffman, Becky Hommon, Eric Kingma, Marc Lammers, Teri Leicher, Terry O'Halloran, Paul Newman, Sara Peck, Jeanne Russell, Karen Shishido, Glenn Soma, Mike Stanton, Cheryl Sterling, Don Thornburg, Terry White, Chris Yates.

*Alternate Council Members Present:*

Andy Collins (for `Aulani Wilhelm), Duane Erway, Liz Kumabe, Adam Pack

*Excused:*

Athline Clark, Nancy Daschbach, Kimokeo Kapahulehua, Richard McCarty, Jerry Norris, Randy Farmer

*Others Present:*

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

NWHI: Keeley Belva

PUBLIC: John Corbin, Lee Tepley

**Distributed Materials**

- Meeting Agenda
- Table of Contents
- Final Meeting Minutes (05/18/06)
- Action Item Report
- Sanctuary Manager's Report
- State Co-Manager's Report
- Hawai'i County Report
- Honolulu County Report
- Maui County Report
- Aquaculture Working Group Report

- Joint Research and Conservation Committees' Position on Proposed Spinner Dolphin Rulemaking
- Pacific Islands Region marine Mammal Response Network Activity Update
- Ocean Etiquette Campaign FY 07 — Products Matrix
- HIHWNMS Project: Kayak Sticker
- HIHWNMS Project: Whale Protection Brochure
- National Marine Sanctuary Program: Sanctuary Advisory Council National Annual Report, 2005
- National Marine Sanctuary Program: Sanctuary Advisory Council Implementation Handbook, June 2006, Third Edition
- SAC Press Release regarding Hawaii Superferry

### **Call to Order**

*The purpose of this meeting is to continue planning efforts for next year.*

Council Chair Terry O'Halloran called the meeting to order at 10:15 am. Teri Leicher took role.

### **Approval of Meeting Minutes**

The minutes from the Council's May 16, 2006 meeting were read and approved at 10:15 a.m.

### **Public Forum**

There were no public comments at this time.

### **Presentations**

#### **Adam Pack, Ph.D, The Dolphin Institute—Using Real-time Maps of Whale Locations to Mitigate Ship Strikes on Whales**

Dr. Pack provided a presentation discussing recent research results from a study that looked at two main objectives: 1) To examine how the density, distribution, pod type, behaviors, and movements of whales in the slot (an area of the Au au Channel area off Maui) vary diurnally and seasonally and 2) Feasibility of a shore-based alert system. In a video that illustrated the surface behavior of calves commonly seen throughout the season in Hawaiian waters, Dr. Pack's presentation highlighted the vulnerabilities of calves to ship strikes. The point was additionally supported by data Dr. Pack presented which showed of all documented strikes that calves have a 57% rate of being struck by vessels (Lammers et al. report 2003). The Dolphin Institute conducted research at Kapalua Airport Shore Station (2005-2006). A real time map of whale locations is transmitted to a vessel, which enables the captain to plot a safe course to avoid whales. Maps can be updated in real-time to display the location of different whale pods, composition of pods and surface activities. Research suggests that the use of real-time mapping in this area helps in whale sightings beyond boat observers alone. Dr. Pack wants to work with people on Maui and combine radar technology with theodolite information to integrate with vessel GPS.

Before the next presentation Chair Terry O'Halloran took a moment to make a statement to members of the Council. He reminded the Council of his affiliation with Hawaii Superferry. Terry recently became an employee. He stated that he would like to formally announce to the Council that to avoid any conflict of interest whenever the topic of Hawaii Superferry came up on the agenda, the meeting would be turned over and chaired by the Vice Chair, Jim Coon. He noted that since the next presentation on the agenda was specifically addressing the Hawaii Superferry, he would be turning the meeting over to Vice Chair Jim Coon. Mr. Coon introduced the next speaker and presentation topic.

### **Doug Perrine and Duane Erway—Getting Data on Superferry Strikes**

Duane Erway announced that Doug Perrine was unable to give today's presentation and he and Dr. Lee Tepley would be filling in.

Suggested Recommendation: Since forward-looking sonar technology to detect whales ahead of vessels is unavailable, Hawaii Superferry should install and use low-level sonar to be able to determine the occurrences of any collision with whales and other protected species. A folder titled "SAC Briefing – Getting Reliable Data on Whale and Turtle Strikes" that contained handouts on the presentation, recommendations to strengthen the Hawaii Superferry Whale Avoidance Policy, and a DVD about the threat posed to humpback whales was provided to the group.

#### **Discussion**

- Action: This recommendation will be referred to the Conservation Committee to discuss. Dr. Marc Lammers recommended inviting Jim Miller, a representative of Far Sounder, to present information to the Council regarding forward looking sonar systems when he is in Hawaii to attend a conference in November.

### **Andy Collins—Update on the Northwestern Hawaiian Islands Marine National Monument.**

Andy Collins gave a presentation on the establishment of the Northwestern Hawaiian Islands Marine National Monument (NWHIMNM). The NWHIMNM was created through Presidential Proclamation 8031 under the Antiquities Act on June 15, 2006. Co-Trustees manage the NWHIMNM which is approximately 1200 miles long and 110 miles wide. The area is approximately 140,000 sq. miles, the largest marine protected area on the planet. It is larger than 46 of the 50 states and larger than all the U.S. National Parks combined and contains numerous biological and culturally important sites. The area is home to over 7,000 marine species and is a nesting area for over 14 million seabirds and 90% of the population of green sea turtles. It is also one of the last known predator dominated ecosystems. Certain islands contain more than 100 native Hawaiian cultural sites. The area contains many shipwrecks and other maritime archeological resources. The Draft Management Plan for the proposed Sanctuary will be revised and will be the Management Plan for the Monument. The Monument will: Preserve access for Native Hawaiian cultural activities, provide for carefully regulated educational and scientific activities, enhance visitation in a special area around Midway, prohibit unauthorized access to the

Monument, phase out commercial fishing over a 5-year period and ban other types of resource extraction and dumping of waste. Upcoming activities for the monuments include the following: hold Public Information Meetings in early fall of 2006, release of management plan for public review, enhance Midway Atoll for public visitation, and explore ways to tie the Monument into stronger legislation to enhance protections. The Monument will also continue to conduct research to enhance understanding of the area and benefit management, develop and expand enforcement capacity, and continue to educate the public about the special character of this unique ocean wilderness. More information on Monumental facts can be found at: <http://hawaiiireef.noaa.gov/>

#### **Discussion**

- Eric Kingma stated that WESPAC would like the fishing buyout to come from Congress rather than Pew Oceans Commission.

#### **Reports and Updates**

##### **Chair's Report:**

Mr. O'Halloran asked the Council members to review the Action Item Report (see attachment 1). Completed items were discussed and will be removed from the list.

#### **Discussion**

- In regards to the Pump Don't Dump inquiries, Naomi McIntosh has sent information for the Conservation Committee to review. Lou Herman, the head of the Conservation Committee Chair reminded the SAC that the Conservation Committee has already provided recommendations regarding vessel discharge and support pump-out facilities. Jim Coon spoke about how many vessels in Maui that have changed their practices already and are on board with the program. Research should be done on the amount of sewage these boats discharge compared to other sources. The Sanctuary has provided funding to support the pump-out trucks in Maalaea. Other ideas that were discussed were the need to find a low cost, low tech solution.

##### **Sanctuary Manager:**

Naomi McIntosh submitted a written report (see attachment 2). Ms. McIntosh discussed the 2005 Council Updates, 2006 Council Handbook, Performance Measures and Council applications. She welcomed Karen Shishido who announced the Ocean Resources Management Plan (ORMP) Draft will go to the public on other Islands in the next three to four weeks; the dates will be on website. Ms. McIntosh also expressed thanks to Chris and Dam for assisting with Council duties during the position transition, announced that Nancy Daschbach is completion a one-year detail at the Sanctuary office on Maui, and Patty Miller is working on educational curriculum for grades 3-8.

## **Discussion**

- Becky Hommon announced the Navy will be holding scoping meetings for their Environmental Impact Statement (EIS). Dates will be provided to the Council.
- Chris Yates announced the Federal Register Notice for spinner dolphin public scoping dates.
- Open Comment Period on Monument Rules (Published 8/29/06 in Federal Register)
- Dates will be provided to the Council for all upcoming meetings.

## **Sanctuary Co-Manager:**

Sanctuary Co-Manager Dr. Jeffrey Walters submitted a written report (see attachment 3). Dr. Walters announced that he would stand on his report. He did briefly mention that the State and Office of Law Enforcement signed a Joint Agreement to enforce regulations under the Endangered Species Act and the Marine Mammal Protection Act, which multiplies the ability to look at those issues. The four species listed in agreement with NOAA Fisheries are humpback whales, hawksbill sea turtles, green sea turtles, and monk seals.

## **Hawai'i County:**

Sara Peck, Hawai'i County Representative, submitted a written report (see attachment 4).

## **Honolulu County:**

Bill Friedl, Honolulu County Representative, submitted a written report (see attachment 5).

## **Kaua'i County:**

No report was submitted. Don Thornburg, Kauai County representative, and Ann Thurston met with three organizations on Kauai: Save our Seas, Sierra Club, and People for the Protection of Kauai. Mr. Thornburg distributed a document with questions for SAC regarding the Superferry, the Whale Avoidance Policy, and the information that is available to the public.

## **Discussion**

- After a discussion of whether this is considered a public comment, it was decided that the Executive Committee will evaluate the group's concerns.

## **Maui County:**

Cheryl Sterling submitted a report and discussed two e-mails she has received (see attachment 6). A letter from the Pump Don't Dump describing a swimmer's experience encountering a slick was distributed to community, government, and Council representatives. The group is looking to the Sanctuary and the EPA for answers. EPA responded that the request for regulations has to come from the State; however, since the State does not have adequate pump-out facilities, a request would likely be difficult to grant.

## **Discussion**

- Naomi explained the different levels of treatment for vessel sewage, one of which involves maceration treatment process. This type of waste is disinfected and is considered treated and can be dumped within three miles from shore (State waters).
- Jim Coon stated that although treated waste can be legally dumped anywhere, the industry standard in Maui is outside three miles. Only six operators in Maalaea have not complied.
- Becky Hommon discussed incentives and the EPA's Clean Marina Program
- Cheryl Sterling suggested the sanctuary issue a press release that it has gone to the Conservation Committee to let general public know this is being addressed.
- Many members agreed there is a need to address community concerns and that more information should be provided to the public about the Sanctuary's response to various issues so the public understands what the Sanctuary is doing to address concerns. There is a need to address the public perception and to clarify what the Sanctuary can and cannot do under the rule-making process.
- Long term goal – Governor wants pump out facilities at the harbors within the next 5 years so there will be an option for pumping out.

## **Discussion on the Superferry**

Chair, Terry Halloran, requested Vice Chair Jim Coon to Chair the following discussion at 1:55 p.m.

- Concerns were raised over the Whale Avoidance Policy (WAP) and how to ensure the Sanctuary is not compromised.
- Marc Lammers responded that the WAP is a living document; the Sanctuary will hold the Superferry to adhere to the WAP but will change things when additional information or new proven technology becomes available. However, the WAP needs to be given time to see if it works.
- The SAC will gather background information on the Superferry's policy changes due to SAC discussions and recommendations.  
Historic record of communication between the Council and the Superferry regarding the WAP will be sent to the members of Conservation Committee so Lou Herman can incorporate into his report changes that have been made.
- A discussion on communicating the role of the SAC to the public took place. The SAC is not a policy making body; it is a voluntary advisory body that gives input to management. The public, however, sometimes views that the SAC as having more decision making authority, which is not the case.
- Teri Leicher commented that other vessels as well as Superferry need to look for better technology in order to avoid whale strikes.
- Jeannie Russell commented that the SAC does have an impact, pointing out that major changes have happened due to the SAC's input and recommendations.

**Conservation Committee:**

Lou Herman, Conservation Committee Chair, did not have anything to report.

**Research Committee:**

Marc Lammers, Research Committee Chair, did not have a written report, but told the Council the main activity of the Research Committee has been drafting the Spinner Dolphin Position. He also announced a recent publication on the Acoustic Property of Whale Sound that he and other members of the SAC co-authored. Marc will send the paper to Mary Grady to distribute to the Council.

**Aquaculture Working Group:**

Aquaculture Working Group Chair, Mike Stanton, submitted a written report (see attachment 7). Mike reported that he met with NOAA's Aquaculture Program Manager Michael Rubino and Outreach Coordinator Kate Naughten on June 13, 2006, to discuss potential impacts of local aquaculture business. He also reported about a meeting with Neil Sims of Kona Blue Water Farms on September 5, 2006. Neil Sims would like to expand his business to add eight subsurface cages and is interested in working collaboratively with the community. He is willing to do an Environmental Impact Statement or an Environmental Assessment and would like to come to a future SAC meeting to present his ideas. Mike inquired whether the SAC in Hawaii could correspond and exchange Aquaculture Working Group information with the SAC in the Channel Islands. He also told the Council that he would like to establish a point person from the Aquaculture Working Group on each island to be a liaison for the Council and the Aquaculture Industry.

**Discussion**

- The need for permitting guidelines was addressed, and it was mentioned that the US Coral Reef Task Force is developing the Mariculture Working Group Information.

**Unfinished Business:**

Marc Lammers gave an introduction to the efforts put forth by the Research and Conservation Committee over the last few months on the Research and Conservation Committees' Joint Position on Proposed Spinner Dolphin Rulemaking (see Attachment 8). At 2:34 p.m., a motion to put the draft forward was given by Don Thornburg and seconded by Sara Peck. The Council thanked the Conservation and Research Committees for writing up the position. Cindy Barger proposed an amendment for adding information to the last paragraph on other species and the habitat. In addition, a few grammatical changes were made. The friendly amendment was accepted at 2:40 p.m. At 2:42 p.m., a vote was made to accept the Position. All were in favor with one abstaining vote.

Adam Pack mentioned that there were no signs about spinner dolphins in any areas he checked (Makua and Pokai). Jeff Walters indicated that neither the sanctuary nor DLNR had plans for signage there, but the NGO watchable wildlife program may have identified that area for their signage program, and that they are submitting a Hawaii Tourism Authority grant application for additional wildlife

signage across the state. Sara Peck said she would look into whether the Makua area was indeed identified as a WW site.

The process of possible inclusion of other species and marine resources into the Sanctuary is being worked on with the Executive Committee, and a status update will be given at the next meeting.

### **New Business**

Mary Grady provided the Council with a brief update on the Council application process and announced that the deadline had recently passed on August 31, 2006.

SAC Selection Committee—The Chair asked for volunteers to be on an ad-hoc committee to review applications for new members. Volunteers were Bob Bruck, Liz Corbin, Teri Leicher, Sara Peck, and Mike Stanton. Mary will send out selection criteria to the Committee.

### **Public Forum**

There were no public comments at this time.

### **Announcements**

The Council Retreat is tentatively scheduled for December 7 and 8; however, funding may be problematic due to the Continuing Resolution in Congress, and the retreat may have to be rescheduled.

### **Discussion**

- The Executive Committee can further discuss the funding issue and the retreat
- Council members suggested moving the retreat in December to the meeting in January or vice-versa. The next meeting is scheduled for January 17 or 18, 2007.
- Options for funding were discussed including the Coastal States Stewardship Foundation.org, collaborative projects with NOAA, and the National Marine Sanctuary Foundation.

Department of Transportation hearings about the Superferry are being held on September 27 and 28. Mary will send out the announcement to the SAC.

Jean Michel Cousteau's film of *Underwater Treasures* that was filmed last season in February will be airing shortly on PBS and Mary Grady will send out the dates. David Mattila is featured on the film.

### **Adjournment**

Council Chair, Terry O'Halloran, adjourned the meeting at 3:03 p.m.