



# Enforcement Working Group

## Meeting Minutes

**Date:** June 9, 2011

**Start Time:** 2:00 pm

**End Time:** 3:15 pm

**Meeting Method:** Go-To Meeting

**Attendance:** Chair: Rebecca Hommon; Micki Ream, Take Tomson, Eric Kingma, Eric Roberts, Alexa Cole (and Melissa Marx- intern), Paul Wong, Ed Lyman, Ka'au Abraham, Teri Leicher

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### Meeting Minutes

#### I. Introductions

#### II. Develop Ground Rules

- Keep meeting to an hour
- Stay on topic
- Give everyone a chance to speak

#### III. Where are we

- Purpose to make recommendations to the SAC regarding enforcement.
- Comments received from public ranged from no enforcement to greater enforcement
  - Not one just one point of view on the subject
  - Knowledge of existing regulation was low
- Coordinating with other working groups
  - Members of Enforcement Working Group also on other working groups: Climate Change, Ecosystem Protections, Humpback Whales, Maritime Heritage and Water Quality. No representation on Native Hawaiian, Ocean Literacy or Offshore Development.
  - For example: Maritime Heritage clarification.
    - To what extent are these resources currently covered? Maritime Heritage is mentioned in broad National Marine Sanctuary Act (NMSA) list in statute as one of the potential reasons you might define a sanctuary; but each sanctuary specifically identifies what they will manage (i.e. HIHWNMS: whales and whale habitat). Therefore protection of Maritime Heritage resources is a legitimate reason to have a sanctuary, but not the specific reason why this sanctuary exists.
  - Meeting minutes, agendas can be found on sanctuary website:  
[http://hawaiihumpbackwhale.noaa.gov/management/working\\_groups.html](http://hawaiihumpbackwhale.noaa.gov/management/working_groups.html)

#### IV. Review of Google docs website for accessing all documents related to the working group

- Documents will be sent in email
- Stored in an Enforcement Working Group online repository for easy access.



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#### V. Development of Baseline (Existing list of laws related to humpback whales)

- Background
  - Staff compiled a list of current laws pertaining to humpback whales.
- Document Orientation
  - Regulations on y-axis (rows running vertically across the document), and the specific act or agency is on the x-axis in columns with headers along the top.
  - Broad types of regulations (i.e. take, possession are on the left if helpful)
  - Regulations unique to HIHWNMS are in red. The summary of some regulation appear to duplicate (i.e. rows 6 and 7), but the language in the full document is different
- Potential Additions
  - State Endangered Species Act - Title 12, Chapter 195D
  - Coastal Zone Management Act (CZMA)
  - Magnuson-Stevens
    - Not much overlap between NMSA, overseen by NOAA Fisheries
    - Only in federal water (generally doesn't apply within three miles except in certain areas, certain species)
- Whale Specific
  - The spreadsheet is broader than just regulations to protect the humpback whales, i.e. ESA: turtles, MMPA: spinner dolphins
- Utility of these regulations – are they specific and effective?
  - Once compiled, need to have a discussion about the utility of existing laws. Should be tools, useful to conserving a specific resource, i.e. aircraft regulations are rarely enforced, but rely on voluntary compliance through modification of nearby flight plan
  - The point of this exercise is to see where there are gaps in regulation. If reworked, tool that ecosystem group could use. Perhaps make laws in rows, columns have different resources
  - The big three CZMA, ESA, MMA, (and of course NMSA)
  - Next meeting: in-depth discussion of effectiveness. Are there other regulations that do a better job?
- Clarifications
  - “Take” is an inclusive term, not necessarily death or harm
  - State waters: 0 to 3 miles; Federal waters: 3 to 200 nautical miles. However, have jurisdiction to protect protected resources wherever they are.
  - Entities charged with enforcement: DOCARE, Coast Guard, NOAA OLE
    - In the past, state has a marine patrol. These were specifically trained responders (had boats, knew how to dive)
    - Recent announcement about additional funds for state enforcement
- No further requests for more information from Enforcement Working Group members

#### VI. Next Meeting

Monday, July 11<sup>th</sup>, 2011 at 2pm

#### VII. Public Comment

- [None]

#### VIII. Action Items



## Enforcement Working Group

### *Meeting Minutes*

- Revise spreadsheet (Take Tomson, Eric Roberts), Alexa Cole review
- Want report on enforcement (Take Tomson, Alexa Cole, Eric Roberts) that could be shared