



## Hawaiian Islands Humpback Whale National Marine Sanctuary

Sanctuary Advisory Council  
Fifty-Seventh Meeting, Day 1, **May 25, 2010**  
9:30 a.m. to 5:00 p.m.  
6600 Kalaniana'ole Highway, Suite 301,  
Honolulu, Hawaii 96825

### NON-GOVERNMENT (Voting)

Jim Coon  
*Business and Commerce*

David Hoffman  
*Citizen-At-Large*

Dale Hazlehurst  
*Commercial Shipping*

Louis M. Herman, Ph.D.  
*Conservation*

Liz Kumabe  
*Education*

Robert Bruck  
*Fishing*

Luana Howell  
*Hawai'i County*

William A. Friedl  
*Honolulu County*

James Yamamoto  
*Kaua'i County*

Cheryl Sterling  
*Maui County*

Pohai Kirkland  
*Native Hawaiian*

Teri Leicher  
*Ocean Recreation*

Adam Pack, Ph.D.  
*Research*

Michael Stanton  
*Tourism*

Reginald A. White  
*Whale Watching*

### GOVERNMENT

Marnie Meyer  
*DBEDT - OP*

Elizabeth Corbin  
*DBEDT Ocean Resources*

Athline M. Clark  
*DLNR - DAR*

Vacant  
*DOH*

Dean Watase  
*DOT - Harbors*

Gene Brighthouse  
*Fagatele Bay NMS*

Jerry B. Norris  
*OHA-Voting*

Jeff Pollack  
*NMFS - Law Enforcement*

Lisa Van Atta  
*NMFS - PIRO*

'Aulani Wilhelm  
*Papahānaumokuākea MNM*

Eric Kingma  
*WESPAC-Voting*

Cindy Barger  
*US ACOE*

Eric Roberts  
*US Coast Guard*

Rebecca Hommon  
*US Navy*

### Attendance:

#### ***Primary Council Members Present:***

Bob Bruck, Jim Coon, Bill Friedl, Lou Herman, David Hoffman, Luana Howell, Liz Kumabe, Teri Leicher, Marnie Meyer, David Nichols, Jerry Norris, Adam Pack, Jeff Pollack, Mike Stanton, Cheryl Sterling, Lisa Van Atta, Reg White, James Yamamoto, Eric Roberts.

#### ***Alternate Council Members Present:***

Kelly Finn (for Eric Kingma), Janice Fukawa (for Becky Hommon), Terry O'Halloran

#### ***Excused:***

Gene Brighthouse, Athline Clark (am), Liz Corbin, Naomi McIntosh, Jeff Pollack (pm), Jerry Norris (afternoon)

#### ***Others Present:***

HIHWNMS-NOAA: Kate Achilles, Malia Chow, Fiona Langenberger, Ed Lyman, David Mattila, Dam Midyett, Joseph Paulin, Jean Souza, Paul Wong  
HIHWNMS-DLNR: Earl Miyamoto  
PIR: Allen Tom, Hans VanTilburg  
ONMS: Ed Lindelof

### Distributed Materials:

Meeting #57 Information Packet  
Meeting Packet  
Chair's Report  
Sanctuary Superintendent's Report  
Sanctuary Co-Manager's Report  
Hawai'i County Report  
Honolulu County Report  
Kaua'i County Report  
Maui County Report  
Education Committee Report  
Blue Seas, Green Communities Report – No Written Report  
Conservation Committee Report  
Research Committee Report  
Aquaculture Working Group Report – No Written Report  
Change Solutions Working Group Report  
United States Coast Guard Report



## Hawaiian Islands Humpback Whale National Marine Sanctuary

### **Additional Meeting Materials Distributed:**

SPLASH Symposium proceedings (2009) HYPERLINK

"<http://www.cascadiaresearch.org/SPLASH/splash.htm>"

<http://www.cascadiaresearch.org/SPLASH/splash.htm> ICMMPA Conference Proceedings (2009):

HYPERLINK "<http://www.ICMMPA.org>" <http://www.ICMMPA.org> Paper co-authored by David Mattila concerning advancements in disentanglement techniques (i.e. sedation, 2010):

HYPERLINK

"<http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0009597>"

<http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0009597>

2009-2010 Entanglement Report

**Additional Materials Available to Council:** NONE

### **Other Materials Distributed via Email and Available Upon Request:**

Draft Meeting #56 Minutes (for approval)

2009-2010 Entanglement Report (submitted by Lyman)

Channel Islands National Marine Sanctuary Advisory Council Acoustics Resolution

### **Call to Order:**

Council Chair Bill Friedl called the meeting to order at 9:40 am and reviewed the agenda. He said that the focus of the meeting will be on community engagement and the sanctuary management plan review (MPR) process. Bill Friedl noted that Adam Pack will brief the council on a call he participated in with council chairs throughout the Office of National Marine Sanctuaries (ONMS) Program and staff from California Representative Lois Capps office regarding the reauthorization of the National Marine Sanctuaries Act (NMSA). Bill Friedl also noted the final report submitted by the Change Solutions Working Group would be discussed.

Council Secretary Teri Leicher then took role. Bob Bruck and Cheryl Sterling arrived several minutes later due to traffic.

Bill Friedl welcomed all present and then stated that if there are any members of the public wishing to comment during the two comment periods of this meeting to sign up on the registration sheet. Joseph Paulin added that as of present, there were no people signed ups.

### **Approval of Meeting #56 Minutes**

Minutes from the council's November 16, 2009 meeting were distributed to the council electronically prior to the meeting. Bill Friedl asked if there were any comments on the minutes. There were no comments and Bill Friedl called for a motion to approve the minutes. Bob Bruck made the motion that was seconded by Elizabeth Kumabe. The minutes from meeting #56 were approved unanimously.

### **Public Forum:**

Bill Friedl asked that members of the public introduce themselves and called for any public comments. There were no members of the public present.



## Hawaiian Islands Humpback Whale National Marine Sanctuary

### Discussion on Reports and Updates:

**Chair's Report/ Honolulu County Report:** The Chair's Report was divided into two parts - written reports submitted and briefings given by Bill Friedl and Adam Pack respectively. In addition to the submitted written report, Bill Friedl briefly discussed council performance measures and noted a draft letter to the Director of the Hawaii Department of Land and Natural Resources regarding David Nichol's position. Joseph Paulin informed the council that the draft letter was distributed. Bill Friedl asked for changes or amendments to the draft letter. With no comments and amendments made, Bill Friedl will sign the letter and forward to Dan Basta.

The second half of the chair report was made by Adam Pack regarding the Sanctuary Enhancement Act of 2010 conference call on Monday, May 24 held with other advisory council chairs and other delegates. Adam Pack stated that overall the call was a good interface with the other advisory council chairs and sanctuaries. Adam Pack said there were overlaps of same concerns shared by other sanctuaries and advisory councils. For example, there is not enough funding for research and education, expansion of programs, and different user groups such as sport fishing that are under represented.

In terms of the draft, Representative Lois Capps' goal is to submit it before the July 4th recess. Goals of Knauss Sea Grant Fellow Heather Havens, who led the call for represented Capps, and Jay Jensen, Deputy Under Secretary for National Resources and Environment, Department of Agriculture, was to get into a dialogue of first impressions of the draft and to make changes and edits for the second draft.

Adam Pack highlighted some items from the call including: Proposal for term limits on SAC members. Develop /establish marine an ecosystem-based management review board. Look at sanctuaries and sanctuary advisory councils operating in a way that is promoting sustainability and ecosystem-based management, marine zoning, marine spatial planning, in terms of making more sound judgments on how to accommodate different activities within sanctuaries. Strengthen enforcement and increasing civil penalties. Criminal offenses increase from six months to two years.

Adam Pack asked Allen Tom for more information regarding the overall funding needs of sanctuaries. Allen Tom discussed the ONMS budget.

Adam Pack explained that Native Hawaiians are not considered an Indian Tribe by the federal government, but the draft is being written in a way that would recognize Native Hawaiians and the importance of their input. Kelly Finn reminded the council not to forget there are other indigenous people.

Cheryl Sterling asked about the funding increase for ONMS. Adam Pack answered that the draft carries through 2015 with 80 million in funds. Jim Coon asked if that covered personnel costs. Allen Tom replied that it doesn't and that it takes more than 100 million to run the program, adding "we take what we can get." Ed Lindelof clarified that the authorization means Congress



## Hawaiian Islands Humpback Whale National Marine Sanctuary

can appropriate up to that amount which doesn't mean we would get that money if it passes - don't spend it yet.

Adam Pack said Dan Basta communicated the importance of this reauthorization to both Adam Pack and Bill Friedl. Adam Pack suggested following the report that a motion be made to have the Research and Conservation Committees be tasked to develop a letter of support or changes to the reauthorization draft. Bill Friedl said consider it done. It is to be assigned to the committees when the next draft comes out and will be placed on the agenda.

Bill Friedl added that Dan Basta encouraged SAC Chairs to encourage the advisory council members as individuals to support the reauthorization once the bill is introduced. Bill Friedl reiterated that this is the step the council members as individuals have to take once the bill is introduced and there could be both a SAC action and individual action.

**Sanctuary Superintendent Report:** Allen Tom introduced himself as the Pacific Island Regional Director. Allen Tom announced Naomi McIntosh's new position in the Pacific Island Regional Office of the Office of National Marine Sanctuaries, and that he will be Acting Superintendent of the Humpback Whale Sanctuary. Allen Tom took the opportunity to recognize Naomi McIntosh's hard work over the last 10 years in moving the site forward. Allen Tom asked the council to give a round of applause for Naomi.

Allen Tom stated that the number one ONMS program priority is reauthorization. Three years have passed and is out dated. The House of Representative is friendly to the Office of National Marine Sanctuaries. Allen Tom cited Representatives Bordallo and Capps and stated that we need a Senate champion such as Senator Inouye and Senator Akaka. The council could write letters to the Senators requesting that they support reauthorization of the NMSA. The sanctuary needs to be updated and viable to the people. Terry O'Halloran asked the council be provided with key legislature to contact and that any letters copy Jane Lubchenco to show the strong support from SAC. Allen Tom confirmed he can provide the requested legislative information. Allen Tom also informed the council that Congressional representative Mazie Hirono is on the National Marine Sanctuary Caucus.

Allen Tom provided the council with updates on general activities by other Pacific Island Region sanctuary and monument sites. Fagatele Bay National Marine Sanctuary is undergoing management plan review and looking into site expansion. The council could also consider what Papahānaumokuākea Marine National Monument might do to help the Humpback Whale Sanctuary management plan review process. The Monument is undergoing World Heritage nomination process. Voting will be done in Brazil. Mount Vernon is the other US site nominee. We will know by this summer. December 3, 2010 is the 10<sup>th</sup> anniversary celebration of the creation of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. The celebration will take place at the Waikiki Aquarium and be attended by Senator Akaka. The council will be invited.



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

Capitol Hill Oceans Week (CHOW) will take place on June 8-10 in Washington D.C. Every site sends a volunteer. Tim Johnson and Bill Friedl are nominees for Volunteer of the Year. They can

carry messages of the importance of reauthorizing the NMSA and other site-related issues of importance to Senator Akaka and Jane Lubchencho.

Friday, July 9<sup>th</sup> there will be a listening session on Climate Change in Honolulu and location is to be determined. From July 12<sup>th</sup> through August there will be displays on the Hawaiian Islands Humpback Whale National Marine Sanctuary and Papahānaumokuākea Marine National Monument at Honolulu Hale

Sunday, July 21<sup>st</sup> the Pacific Islands Regional Office will host "Dive Into Education" at the Waikiki Aquarium.

On July 16th Allen Tom is meeting with community members on Kaua'i for input on a potential visitor center.

Allen Tom advised the council to let staff know of constituencies that would like to be briefed on the whale sanctuary's management plan review. Allen Tom reiterated to the council that the SAC is part of the management plan review team and some members have been through this before. Allen Tom likened the management plan review process to a mini designation. Eric Roberts mentioned that there may be opportunities for the Coast Guard to be involved in the Fagatele Bay National Marine Sanctuary management plan review providing technical expertise. Adam Pack asked Allen Tom if he will be attending every future sanctuary advisory council meeting. Allen Tom confirmed that he will attend as many meetings as possible. Kelly Finn asked how Fagatele Bay National Marine Sanctuary could expand without more funding. Allen Tom noted that the additional of Rose Atoll Marine National Monument, the Marianas Trench Marine National Monument, and Pacific Remote Islands Marine National Monuments also include collaboration with the Fish and Wildlife Service.

Paul Wong gave the council highlights of Naomi McIntosh's written report. Paul Wong reported the sanctuary is finalizing recommendations for primary and alternate non-governmental council seats and a total of 49 applications were received. Joe Paulin said there is no further information, but wanted to thank the Council for their contribution to the multiphase selection process. Paul Wong informed the council of the increase in sanctuary staff capacity to support management plan review. Paul Wong introduced Brenda Asuncion, who is a Hawaii Institute of Marine Biology (HIMB) fellow. Paul Wong noted that Allen Tom helped create the fellowship position in partnership with HIMB and ONMS. Paul Wong introduced Kate Achilles, a PhD volunteer, who assisted at the management plan review public information meetings; Claire Kavanaugh an Americorps intern working on education and outreach programs; Joey Lecky GIS specialist whose time is split with Papahānaumokuākea Marine National Monument; and Fiona Lagenberger who has been working on education and outreach programs and the management plan review process.



## Hawaiian Islands Humpback Whale National Marine Sanctuary

Paul Wong noted that the sanctuary's Ocean Count Program was declared the "Best Way To See Wildlife" in Honolulu Magazine. He passed around the award plaque for the council to see. Paul Wong said this is one way to get people out, involved, and enjoy seeing wildlife in Hawai'i.

Paul Wong announced that a video created by Kaiser High School Learning Center students about their experiences on the education cruise will be shown during the lunch break.

Paul Wong informed the council that proceedings from the First International Conference on Marine Mammal Protected Areas (ICMMPA) are now online at [www.icmmpa.org](http://www.icmmpa.org). A hardcopy of the proceedings was passed around.

Paul Wong updated the council on the progress of the Maui site visitor center. The center will be relocating to the historic building and there is a contract this year for renovations. Paul Wong asked the council to let him know about any ideas they may have for the visitor center.

Paul Wong commended the SAC and staff for all that was accomplished since the last SAC meeting. Paul Wong ended the report acknowledging the achievements under the leadership of Naomi McIntosh.

**Sanctuary Co-Manager's Report:** David Nichols highlighted sections from his written report. In February, NOAA Fisheries contracted Michelle Bane to coordinate the marine mammal response program on Kaua'i. Michelle Bane will provide assistance to the Kaua'i Monk Seal Response Coordinator, Mimi Olry, with monk response efforts.

David Nichols informed the council that Senate Bill 2441 about monk seal protection is on Governor Linda Lingle's desk for signature and approval. The bill originated from Senator Gary Hooser from island of Kaua'i and emerged from a deep concern from monk-seal advocates throughout the state.

David Nichols noted that the DLNR/HHWNMS Co-Manager position has been advertised and things are moving forward.

David Nichols mentioned that the State was a partner in the MPR public information meetings.

Adam Pack asked for confirmation of three incidents of shootings of monk seals this year.

David Nichols responded that those incidents are under investigation.

**Hawai'i County Report:** Nan Howell highlighted topics from her written report. The council had no further questions for Nan Howell.



## Hawaiian Islands Humpback Whale National Marine Sanctuary

**Kaua'i County Report:** James Yamamoto clarified to the council that his written report was submitted prior to the MPR public information meeting on Kaua'i. James Yamamoto gave the council his insights on the meeting.

James Yamamoto stated that he has been in his seat for two years. There were vocal people at that meeting. James Yamamoto stated that Malia Chow did a good job at facilitating the discussion.

James Yamamoto's overall impression was that the meeting had good discussions and process. Most importantly, the meeting revealed that there are very angry people in the community. James Yamamoto said Naomi McIntosh did a good job answering the concerns about engaging the public on questions about the Super Ferry and sonar.

James Yamamoto stated to the council not to assume that everyone is thinking the same. Counterpoints should be brought up. Some people are very aggressive.

Joseph Paulin announced to the council that that during the next public forum submissions received in advance will be read.

Bill Friedl asked the council to suspend the normal order to the agenda with a special request from Jeffrey Pollack to make an early presentation.

### **Presentation – Jeff Pollack and Eric Roberts: Enforcement Update**

Jeff Pollack, NOAA Office of Law Enforcement (OLE), noted this season's undercover capacity on Maui tour boats enabled personnel to make firsthand observations. Jeff Pollack added that no violations were observed for boat operators that were visited. Some operators were professional and explained to passengers about the rules. Jeff Pollack surmises that it looks like education works and continues to work. Jeff Pollack also inform the council that there are more sea patrols this year than last year. The drop in the number of complaints may be due to the increase in sea patrols, among other things.

Jeff Pollack updated the council about a case that went to trial on Maui in November involving a whale watch boat. Jeff Pollack and Naomi McIntosh testified at the trial. The defendant settled out of court and the story made press.

On an administrative note, Jeff Pollack announced that he is leaving his current assignment and Take Tomson will be taking over. Jeff Pollack says he will be a vessel operations coordinator and operator of 30' boat.

The vessel is a new tool for the next humpback whale season. OLE is planning sizable sea patrols with the boat. Jeff Pollack says it will be interesting to see the numbers of complaints and violations for next year.



## Hawaiian Islands Humpback Whale National Marine Sanctuary

Eric Roberts of the United States Coast Guard summarized key points of the sea patrols. The primary focus is deterrence when working with the whale sanctuary. It is a measure of effectiveness when we see a violation. The majority of responses during humpback whale season are for humpback whales.

Cheryl Sterling expressed concerns about standup kayakers and paddle boarders approaching whales. Jeff Pollack answered that enforcement on standup kayakers and paddle boarders is the same regulations as for boaters. They must stay at least 100 yards away from the whale. Eric Roberts added that there is a need to provide education and outreach to kayakers and make sure they know that the regulations applying to them as well.

Adam Pack referred back to the report of the fine assessed to the whale watch boat and asked Jeff Pollack about enforcement capabilities with undercover agents witnessing a situation like that. Adam Pack also asked if a person is getting a little too close, will they be given a warning. Jeff Pollack replied that it is left to the officer's discretion. Jeff Pollack said it depends on a variety of factors including proximity, repeated activity, historical data, and knowledge. Each situation is different. Adam Pack asked if agents keep records, to which Jeff Pollack replied that there is a database system tracking individual operators and boats. Adam Pack referred back to Jeff Pollack's report that the number of complaints went down and asked if there is a record of complaints to make those types of inferences. Jeff Pollack responded there has been tracking of violations, cases, and incidents over the years which show certain trends. Eric Roberts added that the US Coast Guard works with NOAA OLE. This is the first year they worked with the State DOCARE doing joint patrols. All three law enforcement agencies are now working together for the sanctuary site.

Bill Friedl announced that the meeting will now return to its original schedule.

**Maui County Report:** Cheryl Sterling stands by her written report. Cheryl Sterling reported that at the March 3 -4, 2010 Change Solutions Working Group meeting on Maui, there were vocal participation and misinterpretations of what the whale sanctuary is suppose to do. Cheryl Sterling added that Naomi McIntosh made good points regarding what the Hawaiian Islands Humpback Whale National Marine Sanctuary does in terms of monitoring the environment and the protection of marine mammals and other species. Cheryl Sterling said there are a number of groups working on Maui. There is a big Environmental Protection Agency award on a two year planning process for water quality. There is strong interest and expectation that the Hawaiian Islands Humpback Whale National Marine Sanctuary will move in the direction of working with watershed groups, and fisheries on water quality issues. This is a unique opportunity for the sanctuary to draw in these constituents. Cheryl Sterling says the management plan review should be seen as engaging people with same interests and address concerns.

**Education Committee:** Elizabeth Kumabe stands by her report. Elizabeth Kumabe appreciates the input of all those involved on the youth seat position. Elizabeth Kumabe feels that since all youth applicants took the initiative to apply, the council should keep the youth involved since they want to make a difference.



## Hawaiian Islands Humpback Whale National Marine Sanctuary

Elizabeth Kumabe pointed out there may be opportunities to work with Adam Pack or Cheryl Sterling. Adam Pack asked if it makes sense to continue to engage the youths by forming some type of working group for youths to act as sentinels for other youths in their communities. Bill Friedl replied that this is something he and Elizabeth Kumabe have talked about individually. Elizabeth Kumabe said suggestions came out of discussions with the youth applicants themselves. Bill Friedl commented that this council is ahead of others on developing this youth seat.

Bill Friedl said there is a lot of creative energy around this table and acknowledge the great efforts put in by Elizabeth Kumabe and added this could be a home run. Nan Howell commented that the council set the standard for it. David Hoffman says he is happy to hear and to engage all those that expressed interest and applaud their initiative. Elizabeth Kumabe added that it builds interest.

James Yamamoto asked if the person selected can be revealed. Elizabeth Kumabe answered that the selection process is still ongoing. Joe Paulin added that the recommendation goes to the superintendent, then to the Regional Director, then to the National Director for final approval. Elizabeth Kumabe said there are five applicants from three different islands and it was neat to see how they learned about the opportunity. Nan Howell mentioned social networking probably and Elizabeth Kumabe responded that some do not have home access to a computer. Joseph Paulin said that a crucial part of the process was speaking to the applicants during the interviews. Two applicants found out about the position from their parents who read in the newspaper, one from the website and two were referrals from Jennifer Barrett and Carey Morishige. The students suggested to utilize Facebook and advertise in schools. Adam Pack asked if schools were contacted and Joseph Paulin replied that Elizabeth Kumabe and the island coordinators sent out the information.

**Blue Seas, Green Communities:** Teri Leicher had no written report. She stated that the council will be discussing this more tomorrow about getting Blues Seas up and running again.

**Conservation Committee:** Lou Herman discussed the potential delisting of the humpback whale and what that may imply for the sanctuary and enforcement. Lou discussed the findings of a recent publication on a long-term study of whales since 1976.

**Research Committee:** Adam Pack stands by his report. Adam attended the Hilo public information meeting. He stated that it was not controversial. Adam Pack went on to describe the meeting included a briefing by staff, attendees broke out in small groups, and several questions were addressed. The group came back together and note takers reported out. The superintendent or acting co-manager answered the questions. Adam thought it was excellent, but thought more people would come out. Adam Pack said it occurred to him only after the meeting to reach out to his constituency via the internet to get more attendance at the meeting.

Hilo is not part of the sanctuary. The number of whales is increasing and whales extend down the coast. Adam Pack stated that he gets a lot of reports from people who live on the coast of whale sightings. There is general frustration of not having enough sanctuary information. There is a real desire in the Hilo community to be included more, benefit from sanctuary education programs,



## Hawaiian Islands Humpback Whale National Marine Sanctuary

and to participate and have more information. There is a general thought/hope in the next go around that Hilo will be considered for inclusion in the sanctuary.

**Aquaculture Working Group:** Mike Stanton did not submit a written report. Mike Stanton proposed to the SAC to split up aquaculture reports by island. Mike Stanton said it was challenging for him to find island specific information? Mike Stanton asked if the council can discuss it at the next day's meeting and asked for volunteers for specific islands. Allen Tom said Patty Miller can give a report on Maui. Aquaculture is a burgeoning industry. Different companies are doing their own thing. Bill Friedl discharged Mike Stanton as head of working group as the working group is done and the group will morph into another function. Teri Leicher said to think for tomorrow and be proactive for the future.

Jim Coon said there is a massive expansion on Kona coast proposed. Paul Wong said he attended a NOAA aquaculture listening session and it may be worth looking at the online comments. There is a need to be informed and keep on top of the issue.

Kelly Finn noted that WESPAC will take action on developing an aquaculture plan at the next fisheries council meeting and possibly recommend they go through the review process and limit the number of operations in federal waters. If anyone wants to make comments they can do so by attending the meeting or in writing. The meeting will be in June at the YMCA on Alakea Street.

Allen Tom added that aquaculture is a separate entity under NOAA. The SAC should come up with a map of where aquaculture projects should or should not be. Cheryl Sterling said the SAC needs to be careful where it should or shouldn't happen. Teri Leicher said it should be based on knowledge that the SAC has. Adam Pack said we know where there are high density of the whales and sensitive areas. We can make some suggestions that some places are better than others. Cheryl Sterling responded that the caveat is that the SAC is not representing host communities. Adam Pack suggested that the council take some type of stand as oppose to nothing. Joe Paulin suggested identifying areas for cultural and biological importance. Information can be found and incorporated into the MPR process. Kelly Finn said it ties into marine spatial planning. We are still waiting from the White House and are putting together a group and will invite the sanctuary to participate in a MSP/MPA working group.

**Change Solutions Working Group:** Terry O'Halloran presented recommendations to the council. He highlighted several issues. Some issues came specifically from the Maui meeting. Others came out of working group discussions on how to engage public. He discussed how the SAC can be more effective and assist the sanctuary with emerging issues. The recommendations should be seen as opportunities to better engage and inform communities about the humpback whale sanctuary. He asked that the SAC take action today or at tomorrow's meeting regarding the final report.

Terry O'Halloran stated that Dan Basta is very supportive of advisory councils and how they work with sanctuary management, particularly our SAC. It was not a hard sell to get Dan Basta to agree



## Hawaiian Islands Humpback Whale National Marine Sanctuary

to fund four face-to-face meetings. This shows Dan Basta's commitment to the SAC and management plan review process and how the SAC can be a conduit for communities to provide input to the sanctuary and the sanctuary moving forward. The sanctuary needs to address misperceptions and reach out to smaller groups of stakeholders and individuals in private meetings to provide interchange and discussion. The sanctuary should have face time with stakeholders and leaders outside of public meetings. Sometimes public information meetings draw out people who have their own agendas. Transparency is important. The public should be informed in a straightforward manner to alleviate suspicions. SAC members need to step up networks and should have constituency groups and become more proactive to reach out to groups to help inform and educate them about any misconceptions. SAC representation on the Island of Maui does not necessarily represent concerns on the Islands of Moloka'i and Lana'i.

Terry O'Halloran recommended that the charter be changed to add two seats for Lana'i and Moloka'i. Lana'i is completely surrounded by sanctuary waters and currently they are represented by the Maui County seat. Terry thanked everyone that participated in the working group. They

went above and beyond and it was a lot of work, but good work. Bill Friedl thanked Terry O'Halloran for his leadership and execution adding that it was an exemplary job and he is now discharged from his duties. Bill Friedl said the council will see some morphing of other groups and assignments. Cheryl Sterling referred back to a comment regarding if someone from Lana'i actively applied for Maui County seat, how could they represent Maui or vices versa? Cheryl Sterling said there does need to be a representative for each island. Bill Friedl said that these issues will be discussed tomorrow and any changes will be acted on at tomorrow's meeting. Terry O'Halloran added that in addition to the working group members, he wanted to thank Joe Paulin and Malia Chow. Bill Friedl concluded the sessions for reports and segued into a video presentation on the Papahānaumokuākea Marine National Monument.

**Presentation** – Papahānaumokuākea Marine National Monument Cultural Video: the video was presented by Andy Collins. It is a cultural briefing. Allen Tom said the video was funded by the Office of Hawaiian Affairs and suggested that maybe a similar video can be done for this site.

The video is required for those permitted to visit the Northwestern Hawaiian Islands and helps to obtain reference and cultural understanding.

**Lunch Break:** Bill Friedl called for a lunch break at 12:30 pm

**Call to Order:** Bill Friedl reconvened the meeting at 1:00 p.m.

**Presentation** – OC H'iialakai Videos: Paul Wong presented the video. Jean Souza spoke about Ocean Count. Patty Miller spoke about the Hi'iialakai. This year and next year there may be 2 separate weeks and double the amount of kids. Last year included O'ahu and Molokai. This year will include the Big Island and Kauai. In the future it will rotate every other year.

**Presentation** – Management Plan Review Update Overview: "What have we been doing over the last six months? What is the sanctuary's number one priority? Malia Chow introduced herself. She joined the sanctuary nine months ago on a detail from the Monument. She is now officially



## Hawaiian Islands Humpback Whale National Marine Sanctuary

on the sanctuary staff. Malia acknowledged involvement of other MPR staff and volunteers: Lena Mobin (volunteer work for legislative analysis) and Ed Lindelof from the Head Quarters Office.

Management Plan Review Timeline. We've been in a pre-scoping phase. The timeline slide shows that MPR is a multi-year process with many opportunities for public comment/involvement. The Maui Community Engagement Workshop reached out to constituents beyond those familiar with sanctuary to seek input on developing a strategy that will ensure a high level of community involvement.

Community Engagement Workshop outcomes: engage the public and stakeholders unfamiliar with sanctuary as an opportunity to clear up misconceptions (public information meetings). Input from the public information meetings and notes are available on the website as of last Friday. The public scoping meeting dates are being scheduled. Aug 10<sup>th</sup> in Hilo has been confirmed.

Adam Packed asked if the visioning document will include comments from the Maui workshop. Malia Chow affirmed that it would. Lou Herman said that fisherman raised a question that if whales are recovered why is there a need for the sanctuary? Malia Chow said that it may lead to a question that the sanctuary could go away and it is important for the public to understand that it would take an act of Congress. Allen Tom added that the sanctuary is also a breeding and calving area and that won't go away. David Nichols asked if they are delisted are they no longer special? Bob Bruck made comparisons of turtles in Fiji.

Ed Lindelof said that the sanctuary is more than protective regulations. It is a place to do research, place for outreach programs, rescue and entanglement activities, and enforcement. All are integral part of sanctuaries. The sanctuary is a lot more than what people may think it is.

Malia Chow continues with her power point presentation. We need to ask are programs still relevant now given resource limitations. We need to spend a fair amount of time asking questions in a number of different ways to get people's input. There will be public scoping meetings and the next step in the process will be SAC working groups. Action plan development is when all things really come together. What we hear from the public will be important - issues to deal with, adding resources, marine mammals, maritime heritage resources and how may it affect boundaries and do they need to be modified? Do regulations need to change? What do we do about marine spatial planning? Should special areas be set aside? We will have to fully engage communities and the SAC. The sanctuary should bring constituency group representatives and technical experts together in various formats to get minds together and give us suggestions on how we need to manage these resources. There could be a workshop or working groups that meet over several months. The working group process will begin sometime next year. It is important to keep that in mind that as we are moving into tomorrow's discussion. It's not a popularity contest. If an issue comes up it makes the list.

Cheryl Sterling asked how does this sanctuary compare to MPR processes of other sanctuaries? Malia Chow said this is a management plan review, but on scale of re-designation.



## Hawaiian Islands Humpback Whale National Marine Sanctuary

Ed Lindeloff added that 9 out of 10 sites run through a whole gamut of comments. Basic stuff includes boundaries and regulations for example. The 2002 management plan review was just a quick update. This sanctuary really is dealing with managing a single species and is still relevant given current issues. Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries all took multiple years. Thunder Bay was a slam dunk because there was no controversy. There was outcry from adjacent counties to be included in the sanctuary boundaries. Management plan reviews really vary. It is not very well known in a lot of circles. This one will be a tough management plan review. The sanctuary will have to get to the heart and core of what a sanctuary in Hawai'i should look like.

Allen Tom said that what separates this site and other Pacific sites is that there is not once central location and office. Every island is different—need to juggle all those things and why that is important for the council to get the message out. This will be tougher than the last go around because everything will be on the table.

Teri Leicher said we need to promote ourselves with articles in the papers and stories done on the news that explain what exactly sanctuary is, where it is, what it does, what it does not. This is a way to alert the public. We can have a sanctuary that will be in support of research, education, and all these fantastic creatures that we have.

Bob Bruck mentioned that Earth and Sea was a good partnership that died out. Allen Tom added that the news director had left. They are all possibilities that we can explore. Jim Coon said that reflecting back when Allen Tom got involved before designation that at that stage the sanctuary was established differently than other sanctuaries. The sanctuary took the approach of outreach and research. All of us had done a good job of showing the community that we are a benefit to them and not a liability. There is a concern that we don't set ourselves up for failure by crossing lines.

Adam Pack asked that once you have all this and encompass the whole gamut, how do you then formulate a draft based on a whole range of comments?

Ed Lindeloff said that it is a barrel of mutually exclusive comments and ideas. The first step is to sort them out into issues and suggestions. Then what we will do is to make sure the process is transparent and identify issues to move forward. Recommendations will be brought to SAC. There will be a full briefing: what we heard, what we have done, how we regroup, and what we think we will move forward with in terms of issues. The SAC will help us sort through priorities and direction in what we move forward with. This is where the SAC is critical. Malia Chow said it will take a lot of work and will likely find ways to engage SAC. Allen Tom added that this is NOAA's process that we go through. There may be outlying things we can't control like politics. Whoever the governor is at that time the final management plan is finished will have the option to thumbs up or thumbs down in state waters.



## Hawaiian Islands Humpback Whale National Marine Sanctuary

### **Presentation – Research Update**

David Mattila opened his presentation by commenting that some members of the public that attended meetings he was at had incredible misconceptions. David Mattila then proceeded with his presentation. Research and monitoring were identified as priorities during the 2002 MPR. It is helpful if there is a way to get the information out. We are pleased that we have been doing things and addressing virtually everything that we had been asked. For the program every dollar paid on salary raised five dollars by partners amounting to five to six million dollars worth of research benefits to the sanctuary. A primary mission was addressed with the vessel collision workshop. We took the lead on health assessment, International Conference for Marine Mammal Protection Areas (ICMMPA), SPLASH, management, education, and scientific advisory positions. Clearly entanglement is the biggest human impact on humpback whales. Veterinarians have claimed it is the grossest animal welfare issue since time to death for an entangled whale can be up to 5 months. Experts see the sanctuary as forefront specialists and global leaders on entanglement. David Mattila sits on disease and skin lesion panels of world experts that he can consult. The sanctuary leveraged ten thousand dollars for toxin research. There are low concentrations of toxins in humpback whales in Hawai'i. SPLASH found entanglement is an epidemic. In 2009 field studies found that the predominately loud sounds heard in waters is other whales. The next ICMMPA will take place on the Island of Martinique, Nov 7 - 11 2011.

Ed Lyman presented on collision and entanglement reports and response efforts. Effort is important - what you put in is what you get out. Education and outreach are also important components. Example: ship strike reports. There has been monitoring over time and an increase in reporting. The vessel may have contributed. A lot could be effort. NOAA National Marine Fisheries Service has been even handed on dealing with the industry. There has been a willingness of industry to contribute/provide data. You see all different vessel types. It could happen to anyone on the water.

**Presentation -** Hans Van Tilburg (PIR office) presented an update on the inventory and management of maritime heritage resources within the sanctuary. These resources have recreational and historic/archaeological value, but not much current management. There is a large potential for continuing University of Hawai'i field schools, starting heritage awareness diving seminars, engagement of the public in stewardship, etc. Current examples include Florida Keys National Marine Sanctuary site (shipwreck heritage trails), Thunder Bay National Marine Sanctuary site (shipwreck live dive events), Office of National Marine Sanctuaries nautical archaeology courses. Preserve America grant funds currently being used to support NOAA/UH maritime archaeology field schools. Laws which should protect heritage resource in the sanctuary: Abandoned Shipwreck Act, National Historic Preservation Act, and Sunken Military Craft Act. Bill Friedl asked about jurisdictional status of Japanese mini subs discovered in Hawai'i. Hans Van Tilburg replied that those subs, per specific agreement with Japan, are US federal property, and all military craft fall under the protections of the Sunken Military Craft Act. Lou Herman asked about the inventory of whaling artifacts 1840s-1870s. Hans Van Tilburg replied there are five historic whaling ships known lost within the sanctuary. Shore whaling did occur, but not much currently known. Cheryl Sterling asked if NOAA/UH field class could be done on Maui. Hans Van Tilburg replied yes.



## Hawaiian Islands Humpback Whale National Marine Sanctuary

Bill Friedl called for a break at 3:52 PM

Bill Friedl reconvened the meeting at 4:03 PM

### New Business:

The Change Solutions Working Group Report and Recommendations on Community Engagement: Bill Friedl opened the discussion on the CSWG report and acknowledge the working group efforts and asked if there was a motion to accept the report and forward to the sanctuary management.

Jim Coon to move to accept the report and forward to the sanctuary management.

Nan Howell seconded the motion. There was no further discussion. Unanimous vote – approved.

Bill Friedl thanked the working group again for their efforts and discharged Terry O'Halloran as the group finished their task and their work was completed.

Liz Kumabe stated the Education Committee needs to investigate roles that the youth seat could play on the SAC and provide guidance to the youth seat. The Conservation and Research Committees should also consider ways to provide support.

2010 Meeting Schedule: Bill Friedl - We have support for 4 more meetings in the next calendar year. There should be a July meeting to prepare for scoping. New SAC members will be seated and we can bring them up to speed prior to the public comment period.

Jim Coon asks when the SAC will be going back to shorter meetings. Bill Friedl stated part of reason for long meetings is because of the length of time between meetings.

There could be a meeting in November for the SAC to review the issues identified during public scoping. Malia Chow stated that the council needs to think about what role it will play during scoping. It might also make sense to think about meeting schedule based on what the council will be doing to support MPR. The council will have the whole day tomorrow. Jim Coon stated that the council might be well served to take two meetings and spreading that out and get more bang for the buck. Allen Tom stated that if the budget is better than last year the council may be able to have a meeting on Maui. There was good public participation at past meetings.

Bill Friedl asked if there was any other new business.

The Research and Conservation Committee will review the updated draft on Lois Capps Bill when it becomes available and provide comment to SAC. Bill Friedl made an additional comment that as individuals he strongly encourages members of the SAC to support reauthorization of the National Marine Sanctuaries Act when the bill is introduced.



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

The SAC would like to thank Naomi McIntosh for her service and support to SAC during her time as superintendent.

Bill Friedl stated that as outline in the CSWG report, there will be an amendment to the SAC Charter to add seats for the islands of Moloka'i and Lana'i.

**Public Forum:** Joe Paulin gave Bill Friedl an e-mail message that was submitted by a resident of Kaua'i to read to the council.

**Review of Decisions and Action Items:** Bill Friedl reviewed the action items.

**Adjournment:** Bill Friedl adjourns the meeting at 4:35 PM.

Sanctuary Advisory Council  
Fifty-Seventh Meeting, Day 2, **May 26, 2010**  
9:30 a.m. to 5:00 p.m.  
6600 Kalaniana'ole Highway, Suite 301,  
Honolulu, Hawaii 96825

### **Attendance:**

#### ***Primary Council Members Present:***

Bob Bruck, Bill Friedl, Lou Herman, David Hoffman, Luana Howell, Liz Kumabe, Teri Leicher, Marnie Meyer, David Nichols, Jerry Norris, Adam Pack, Mike Stanton, Cheryl Sterling, Reg White, James Yamamoto, Eric Roberts

#### ***Alternate Council Members Present:***

Kelly Finn (for Eric Kingma), Janice Fukawa (for Becky Hommon), Terry O'Halloran

#### ***Excused:***

Gene Brighthouse, Athline Clark, Liz Corbin, Naomi McIntosh, Jeff Pollack, Jerry Norris, Jim Coon

#### ***Others Present:***

HIHWNMS-NOAA: Kate Achilles, Malia Chow, Fiona Langenberger, Dam Midyett, Joseph Paulin, Jean Souza, Paul Wong  
HIHWNMS-DLNR: Earl Miyamoto  
PIR: Allen Tom, Hans Van Tilburg  
ONMS: Ed Lindelof



## Hawaiian Islands Humpback Whale National Marine Sanctuary

### Call to Order:

Council Chair Bill Friedl called the meeting to order and reviewed the agenda.

Council Secretary Teri Leicher then took role.

### Public Forum:

Bill Friedl called for any public comments. There were no public comments.

Bill Friedl stated that the first part of the meeting will focus on the work that the SAC will be involved with for the next two years. Working groups will need to be developed. New ways of communicating may need to be identified for the council to be effective. Over the last few years, the SAC has established a good foundation. We need to discuss how we want to build on that foundation and move ahead. We all know that there are challenges facing the sanctuary moving forward, particularly with ocean acidification, marine debris. What we see going forward is the sanctuary is continuing an emphasis on humpback whales and considering expanding focus to the entire ecosystem. That is the place where whales come. Whales are here half of the year and the place is here all the time. The sanctuary is the place. This place has a number of marine resources, coral reefs to deep water black corals. Those are the little creatures dear to my heart. I'll tell you why. These are the oldest living organisms on the face of the earth, 4,000 years old. Sitting out in ocean bottom no one looks out for them. Offshore areas related to shallow waters could be set aside as sanctuary. Reefs are signature environment for islands. Islands are related to the abysmal ocean by submarine canyons. The whole thing, the ecosystem, we're not just looking at Penguin

Bank or Maui Nui. We have to take this whole thing into consideration. How do we as SAC provide meaningful advice to sanctuary management as to what programs to emphasize? A few years ago the SAC asked pertinent staff to sit down with the council and discuss the issues. We may need to do this again. SPLASH is a global example of the kind of project that results from these kinds of efforts. This council had a pivotal role in emphasizing importance of and executing that program...bringing in the people, money, influence, prolonging the program, and getting the ball moving down the field. Today we have a big agenda and will break into groups.

Malia Chow stated that the SAC will have to consider how to effectively engage the whole council. Look at current structure of council and think about how research, conservation, and education programs can be aligned with national programs. What can the council do to move forward? How can the council work in alignment with sanctuary priorities?

Bill Friedl asked about the near term direction of the sanctuary and the priorities that the groups will discuss.

Allen Tom stated that the management plan review is the priority of the sanctuary. The groups will discuss how the SAC will get involved. Ed Lindelof will talk about how other advisory councils have worked on MPR.

Teri Leicher asked if the humpback whale sanctuary was the only single species sanctuary that has gone through MPR.

Allen Tom stated that Monitor National Marine Sanctuary is the other single issue sanctuary, but



## Hawaiian Islands Humpback Whale National Marine Sanctuary

it's different in that it protects a historic shipwreck.

Ed Lindelof stated that the idea of MPR is to make improvements to the management of the site. They don't necessarily come out bigger, just better. All four California sites have gone through MPR, Olympic Coast National Marine Sanctuary is half way through the process, Stellwagen Bank National Marine Sanctuary has completed the process, and Florida Keys National Marine Sanctuary is beginning the process. Changes can be made as part of MPR including boundary and regulatory changes. Changes are in response to public input and scientific inquiries. The changes address better ways to manage sanctuary resources. A thing to consider in Hawai'i is what could a sanctuary in the main Hawaiian Islands look like?

David Hoffman stated that he appreciated and acknowledged the experience the SAC is getting from Ed Lindelof, Allen Tom, and staff who are supporting the SAC. Ed Lindelof stated that the planning process takes approximately 60 months. The revision that took place in 2002 took about a year. That is the plan we're operating under that right now. When David Mattila gave his preservation yesterday, he highlighted accomplishments pursuant to that 2002 plan.

Ed Lindelof stated that operations still continue during the management plan review process. There will be other issues for the SAC to work on. SAC's at other sites have gotten involved through working groups. Operations cannot be suspended for duration of MPR. That is one reason why MPR takes so long. The difficult thing for staff is to balance between the effort spent

on MPR and existing programs. Allen Tom stated that we must continue to work on things like whale strikes. Some other things will also have to be access.

Ed Lindelof stated that 60 months is a long time and hopefully we can do it faster than that. We also have to do an Environmental Impact Statement. There will have to be briefings scheduled for the governor, head of NOAA, and congressionals. There will be a public scoping and a review process. The advisory council will be involved and there will be working groups. All of these things take time. Public awareness about the sanctuary will increase. At Monterey Bay National Marine Sanctuary public awareness increased 10 fold during MPR. It's one of the best ways for the public to understand and recognize they have a sanctuary.

Malia Chow stated that there weren't substantial changes during the 2002 MPR and more is being considered now.

Ed Lindelof stated that you have to balance ongoing operations during MPR. The SAC could provide ideas on how to handle this? Does the SAC have working groups or standing committees? They could be used to help with the MPR.

Ter Liecher stated that working groups are not a bad idea. The SAC will need specific guidelines/goals on how to conduct the working groups.

Ed Lindelof explained how other sanctuary advisory councils have worked on management plan reviews at other sites. SAC's have helped to get constituents to come out to scoping meetings. Following scoping some SAC's have helped to identify priority issues and working groups that



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

should be formed. Some SAC members chose to listen to public comments during scoping meetings and then presented summaries of issues that were identified.

SAC's have helped staffs to identify priority issues and recommend to management the issues to focus on. Based on issues, SAC's have set up working groups or workshops to develop ideas on how to deal with issues, for example by regulatory and boundary changes...etc. The sanctuary will then take the working group recommendations which will be part of the basis of the draft management plan. The recommendations will help to form the action plans that are included in the draft management plan. When the draft management plan is completed it will go out for public comment with the environmental impact statement. There will also be public hearings. The SAC will be involved throughout the process.

Malia Chow explained that in breakout discussions today the council can identify how to be involved in constituency engagement. The Change Solutions Working Group came up with strategies on how the sanctuary could reach out to the public. The council should really consider their role in community engagement. Ed Lindelof spoke about the importance of constituency engagement. It's important for the SAC to make sure we understand the views for their constituencies. The sanctuary will work closely with the SAC Chair and Executive Committee. It is important to have an actively engaged advisory council and an actively engaged public through the council. The council will have a role and provide advice in developing the draft management plan.

Bill Friedl discussed a possible approach where the council might choose working groups without diluting the day to day important work of the standing committees, for example, the work of the Education Committee or the work of the Conservation Committee on the listing status of humpback whales or other issues requiring committee attention. Working groups may be a good way for the council to stay engaged and open to discussions.

Terry O'Halloran discussed that having chaired a time intensive working group, it is helpful and easier for the council to respond to specific questions. There should be specific questions for the working groups to address to utilize the brain trust of the council, but reduce the time commitment required.

Ed Lindelof discusses working groups and subcommittees and that sometimes the terminology creates confusion. Working groups will have a chair from the SAC, but can include other people that aren't council members. They will then report back to the council.

Adam Pack stated that the council may have to tap into the expertise of others and that would mean a working group.

Bill Friedl stated that if the SAC has an MPR working group the immediate charge would be to establishing the ground rules, needs, and involvement of the SAC going into scoping so that we are on board and in agreement.

Teri Liecher stated that the council would have to decide to do what we've been doing, but do it better, a vision to be more like the other sanctuaries and include other species. The working group



## Hawaiian Islands Humpback Whale National Marine Sanctuary

is important because of broader scope. An MPR committee of SAC members could set the plan for where we want to go next, then SAC could expand to working groups on neighbor islands that report back to SAC.

Ed Lindelof stated that the council might want to establish a subcommittee of the SAC that will work closely with staff. Then as we move along, decide if the SAC needs additional working groups on islands or issues.

Bill Friedl paused to acknowledge Terry O'Halloran for his work as the chair of the Change Solutions Working Group. Terry O'Halloran replied that it was truly a group effort.

Kelly Finn asked who deals with the reality of jurisdictional issues, the Endangered Species Act, and Magnusson Stevens Act? We need someone who knows all the regulations.

Ed Lindelof and Allen Tom explained that that would be the job of the sanctuary.

Ed Lindelof suggested that when the SAC creates working groups on particular issues to make sure that right kind of agency folks are included.

Malia Chow - proposed that the SAC come up with key thematic issues and consider the structure of committees and how they are working now. It may be helpful to discuss before the breakout groups.

Bill Friedl explained that the issue on the floor to discuss how to proceed and formulate special working groups to address MPR. He suggested assigning organizational tasks to the Executive Committee who will provide a report to council.

The council then endorsed the plan for the Executive Committee to oversee SAC coordination for the MPR.

Malia Chow pointed out that the agenda calls for breakout groups and asks if that would still be valuable to the council.

Bill Friedl asks how to best spend the next half hour – to break into committees and start discussions or break for lunch.

**Lunch Break:** Bill Friedl called a break for lunch at 11:30 am.

**Call to Order:** Bill Friedl reconvened the meeting at 12:00 pm.

**Discussion on Committees:** Research, Conservation, and Education.

Bill Friedl directed the Research, Conservation, and Education Committees to discuss issues or actions that they are dealing with and for ideas to be put down on flipchart paper. Start off the session with each chair making a statement about what the committee has been doing.



## Hawaiian Islands Humpback Whale National Marine Sanctuary

Lou Herman explains the Conservation and Research Committees. What we've done is to bring up issues as related to the protection of whales, for example, the issue of constructing 100 wind farms in Penguin Bank. At the time, there was no recognition that Penguin Bank was importance habitat for the whales. The committee drafted a letter in opposition to the activity. Other things: intend to follow the listing status review of humpback whales and consider potential consequence of delisting such as whether that might give an opening for scientific whaling of North Pacific humpbacks. Another issue that has been brought to the council is monitoring areas for proposed aquaculture development projects. We enlisted input from members of the committee through telephone conference calls when issues come up. We haven't done much in the last six months. Previously the calls were relatively frequent. We kept abreast of recent developments and the latest knowledge of humpback whales that is important to consider in their conservation and protection. Now we consider issues with other species and our charge is what issues should be considered over the next 1-2 years. Actions are assigned to the committee and transmitted to council for approval. If there are no objections, we can precede with suggestions of issues to focus on for the next 1-2 years that are relevant to MPR.

Bill Friedl asked if there is any guidance from the higher ups in NOAA as to the concerns that the Conservation and Research Committees might address that relate to other sanctuaries.

Ed Lindelof stated that there may be some research issues. Steve Gittings is in charge of research.

Paul Wong mentioned climate change and marine spatial planning.

Joseph Paulin mentioned the SAC Summit as an opportunity to inform other councils of issues that may relate to their sites such as the listing status review for humpback whales.

Bob Bruck mentioned ocean acidification.

Allen Tom noted that aquaculture has come up before and will come up again on NOAA's radar.

Cheryl Sterling discussed existing issues as they are related to humpback whales and new emerging issues and suggested that the council could brainstorm specific actions.

The council decided to stay together and not break into smaller groups.

Teri Leicher suggested discussing future spatial planning.

Kelly Finn mentioned new species being considered and given that there are some things in place, what could be done for sea turtles and monk seals.

Cheryl Sterling asked what exactly would the sanctuary do if additional species are added.

Liz Kumabe stated that because of the many different conservation groups working on these issues, they should provide input to the council and the council could reach out to those constituencies that should include agencies and organizations.

Lou Herman discussed that whales are extending their range and it includes areas that are not part



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

of the sanctuary. We know that whales are present around entire islands, their numbers are increasing, and they are appearing on the Hilo side of the Big Island and in the Northwest Hawaiian Islands. Should the Conservation Committee look at the current boundaries and consider if the boundaries should be expanded?

Teri Leicher asked if the committee discussed acoustic or sonar issues.

Lou Herman said that they have from time to time. There's always a concern. We know there are training activities within sanctuary boundaries, but there are military exemptions. The question might be is there any way to schedule events outside of whale season.

Bob Bruck mentioned that false killer whales inhabit the sanctuary.

Malia Chow asked if through the Conservation or Education Committees – could the sanctuary do a better job of communicating what has been done to minimize threats?

Teri Leicher stated that the council has addressed this in past years through written letters to the navy.

Kelly Finn stated that the NMFS deals with all that.

Teri Leicher stated that the council hasn't been proactive enough.

Malia Chow mentioned acoustic issues. She discussed that it will be important to clarify who has what authority.

James Yamamoto stated that this may be an aside, but if you're approached by a person who is very aggressive, as far as what the navy is doing, can you direct that person to the sanctuary's webpage as an answer to what the sanctuary is currently doing?

Malia Chow stated that James Yamamoto brings up good point.

Cheryl Sterling that aquaculture has been tied in with water quality.

Bob Bruck stated that injection wells are another emerging issue on Maui.

Malia Chow stated that water quality is a big issue for many communities across the state.

Adam Pack stated that the council needs to be informed on what the sanctuary is currently doing so they can respond appropriately to questions if asked.

Liz Kumabe stated that water quality is such a broad issue that any committee can take it on.

Lou Herman stated that water quality is not an issue with respect to humpback whales because they do not feed here. If the sanctuary takes on other resources, for example, turtles and monk seals, then it would be an issue. It is a valid question for the Conservation Committee to consider. Could other resources be realistically included?



## Hawaiian Islands Humpback Whale National Marine Sanctuary

Malia Chow stated that the SAC will brainstorm a list of things that the council could take on. The list can be divided by committees. The committees will be assigned a staff person to help.

Bill Friedl stated that this discussion is focusing on the Conversation Committee. Issues can be brought to council's full attention.

Allen Tom asked if the council would review these lists again after scoping?

Bill Friedl stated that he anticipates seeing these topics and others at scoping.

Adam Pack stated that the council will also want to identify where gaps are. There are people on Maui who are concern about runoff and whales swimming in it. There may be a gap. Allen Tom asked if there are toxins that affect the whales.

Bob Bruck stated that he would like to see other species and archeological resources added to the sanctuary.

Liz Kumabe referred to her Education Committee report on the Youth Seat. There's different constituencies addressed by sanctuary programs. The sanctuary staff does well with formal education.

Patty Miller discussed education and outreach programs. Ed Lyman's trainings are more formal education. Outreach is done through community events.

Liz Kumabe asked council members what they anticipated being issues that their constituencies would like to be informed on?

Malia Chow asked the council to discuss who the target groups are and how to inform them.

Teri Leicher recommended having another staff member in Kona.

Cheryl Sterling stated that the sanctuary needs to do more to inform people about things that the sanctuary is doing like the Marine Mammal Protected Areas Conference and hosting International Whaling Commission meetings that bring researchers together. These are wonderful things that people are not hearing about.

Bob Bruck added that things like teaching high school students at the Kihei site, whale watching, and disentanglement efforts could be posted on YouTube or other free communication venues.

Lou Herman suggested that the Education Committee promote a cover story in the Honolulu Weekly.

Cheryl Sterling suggested showcasing the incredible work of David Mattila and Ed Lyman. Their research and disentanglement efforts are not properly recognized.



## Hawaiian Islands Humpback Whale National Marine Sanctuary

Allen Tom stated that the sanctuary should have video of interviews with David Mattila and Ed Lyman.

Patty Miller stated that there is a disentanglement video that runs at the education center in Kihei.

James Yamamoto asks if there is a staff person responsible for public relations.

Allen Tom responded yes, Chris Brammer.

Malia Chow discussed that a lot of work has been done to update the website and post materials.

Adam Pack stated that timing is really critical for maximum impact, especially to inform people who will be showing up for scoping meetings.

Liz Kumabe suggested that issues brought up during scoping should be brought back to the council.

Bob Bruck suggested that there should be outreach to standup paddle boarders and news groups on Maui about regulations concerning approaching humpback whales.

Bill Friedl stated that there are emerging issues that the council hasn't looked at before.

Patty Miller discussed the Ocean Protection and Cultural Awareness (OPACA) training. Maui County required that anyone who holds a county commercial permit and runs business out of beach parks has to attend the 8 hour training. Over 300 people participated this past year. Ed Lyman did a session on disentanglement and boater outreach. Participants have to pass a 75 question test at the end. The sanctuary provided support through the facility, speakers, and staff time. The County paid for class supplies.

Adam Pack asked if that is something that has been publicized. It is the type of thing Cheryl Sterling was talking about. We need to do a better job of telling people about the wonderful things that are happening.

Malia Chow asked if the program could be expanded throughout the state.

Patty Miller said she was talking with Russell Sparks about state harbors.

Malia Chow announced to the council that the staff is preparing a state of sanctuary report that will be posted on the website. It would be helpful if the council helped to distribute it.

Adam Pack suggested that there be a presentation on education programs at the next council meeting. A while back the Research and Conservation Committees realized that we were dealing with similar issues and decided to have joint conference calls. The committees discussed information on the history of ship-strike issue; drafted letters to support various sanctuary initiatives such as funding to help support genetic analysis for SPLASH and considering additional



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

species. We organized a series of lectures about sea turtles, acoustics, and monk seals. The committees also discussed research and emerging issues like aquaculture cages. In the future research could include the effects of noise on whales, health assessment of whales, follow-up aerial surveys, combining aerial and acoustic surveys to create a model of how acoustics could be used to determine whale density. The whales in the Northwest Hawaiian Islands have not been surveyed. It could be a missing breeding group. There could be collaborations with the monument and the sanctuary. Another issue is the bill by Representative Capps and the reauthorization of the National Marine Sanctuaries Act.

Allen Tom asked Adam Pack what were the top research needs.

Adam Pack stated that it is known that the humpback whale population is expanding through the SPLASH data and the last aerial survey. Based on current empirical data we could try to develop other monitoring efforts that are less expensive. We don't know the original population of the Pacific.

Lou Herman stated that it is important to know the demographics of populations in various regions. Kaua'i has smaller populations. Populations are demographically isolated in many cases.

Malia Chow asked the council if there are other research needs for discussion.

Liz Kumabe stated that there is so much more that can be done to recognize the value of the sanctuary. Some of it is land-based, such as whaling stations, for educational experiences that connect communities to the place. There are also opportunities for cultural heritage and human interactions with the environment.

Cheryl Sterling mentioned that there were funds available for a coastal survey.

Bob Bruck asked about other species that are present in the sanctuary such as false killer whales, spinner dolphins, etc...

Malia Chow discussed a bio-geographic assessment of the sanctuary.

Adam Pack stated that based on existing data. The sanctuary is in a place where a lot of research is going on by multiple agencies.

Eric Roberts asked what is an effective level of enforcement? Social scientists could look at what level of compliance is needed?

Adam Pack surveyed ocean users on various islands on their perception of the effectiveness of the sanctuary in dealing with ship strikes. The survey asked if they were aware of ship strikes that had not been reported. The survey generated quite a bit of data. Now would be a good time to re-do the survey to see if people's perceptions and reporting behavior has been changed or altered.



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

Adam Pack discussed that acoustics is an issue that keeps coming up with the public. It is a new area to explore. There is also the issue of whales using the entire water column. There are also emerging issues with commercial fishing and laying cables in whale habitat. The bottom substrait is important to humpback whales for resting habitat.

Bill Friedl suggested an annual report of projects that whale researchers did with permits issued by state.

Malia Chow discussed a spatial bibliography that is being developed for the Northwest Hawaiian Islands. It will serve as an interface for managers, a one stop shop, for the types of research that has been going on. Joey Lecky is helping to build a GIS base map for the main Hawaiian Islands. The focus is existing data on humpback whales that has been published in scientific literature.

David Nichols could put together a report at the end of whale season.

Allen Tom mentioned that there are research funds for the Northwest Hawaiian Islands through Senator Inouye's Office. There will be a genetic connectivity study.

Kelly Finn stated that the University of Hawai'i is conducting a larval dispersal study under Donald Kobayashi.

Bill Friedl charged committees to have meetings to hash things out and be able to discuss at next SAC meeting.

Malia Chow stated that staff will be assigned to assist committees.

Bill Friedl called a break at 2:10 pm.

Bill Friedl reconvened the meeting at 2:15 pm.

### **New Business**

The council discussed amending the charter to add representatives for the islands of Moloka'i and Lana'i. The council would have to vote to amend the charter and the National Director would have to approve the amendment.

Adam Pack moved to amend the council charter to include representatives for Moloka'i and Lana'i. Nan Howell seconded the motion.

Discussion : Cheryl Sterling asked if there was ever representation for Kahoolawe and Kahoolawe Island Reserve Commission (KIRC) involvement. Allen Tom mentioned that KIRC previously had a seat on the council.

The council discussed that the names of the county seats. James Yamamoto stated that he



## Hawaiian Islands Humpback Whale National Marine Sanctuary

represented the Island of Kauaʻi and he would prefer to change the name of the seat.

Teri Leicher stated that the council could take it one step further and add a Hilo Representative. Hilo wants to become much more involve.

Adam Pack stated that for Lanaʻi and Molokaʻi it makes sense because they are in sanctuary. For the time being, we have a Big Island representative and we have the opportunity to have people from other islands, Lanaʻi and Molokaʻi, not only Maui County.

Nan Howell stated that there will be an opportunity for so much more interaction now.

Bill Friedl asked if there was any further discussion and there was not.

Bill Friedl called for a vote on the motion to amend the council charter to include representatives for Molokaʻi and Lanaʻi. The motion carried by a unanimous vote.

Bill Friedl stated that the next topic for discussion is council support for the sanctuary management plan review.

The council discussed that the SAC will endorse a plan for the Executive Committee to oversee council coordination for the management plan review process.

Bill Friedl called for a motion.

Bob Bruck motioned that the SAC endorse a plan for the Executive Committee to oversee council coordination for the management plan review process. James Yamamoto seconded the motion.

Discussion: Adam Pack asked if the council would be involved with scoping.

Lou Herman talked about the composition of the executive committee and that it only includes officers and committee and working group chairs.

Teri Leicher stated that Terry O'Halloran was a huge part of the Change Solutions Working Group, now disbanded. He had participated on the Executive Committee as the working group chair. Now that the working group has been dissolved, will this exclude him from participating on the Executive Committee? Joe Paulin explained the composition of the Executive Committee and that since the working group no longer exists, that Terry O'Halloran will no longer be a member of the Executive Committee. However, if the committee required his expertise for a particular meeting then they could invite him to participate at that meeting.

Bill Friedl stated that scoping and working groups will be discussed further at the next council meeting and called for a vote on the motion that the SAC endorse a plan for the Executive Committee to oversee council coordination for the management plan review process.

The motion was approved by unanimous vote.



## **Hawaiian Islands Humpback Whale National Marine Sanctuary**

### **Public Forum:**

Bill Friedl called for any public comments. There were no public comments.

**Review of Decisions and Action Items:** Bill Friedl reviewed the action items.

### **Announcements**

The next council meeting is scheduled for July 19th at the Hawai'i Kai Conference Room on O'ahu.

The results of the SAC selection process will be announced prior to the meeting.

Bill Friedl was presented with a certificate of appreciation for his service on the council from 1998-2010. Bill Friedl stated - well, it's been fun. I won't say aloha, I'll say a hui hou.

**Adjournment:** Bill Friedl adjourned the meeting at 4:00 pm.