

SANCTUARY ADVISORY COUNCIL

Tuesday, October 16, 2001
10:00 a.m. - 3:00 p.m.
Honolulu International Airport

Interisland Conference Center, 7th Floor

Final Meeting Minutes

Attendance

SAC Members Present: Athline Clark, James Coon, Elizabeth Corbin, Bill Friedl, Eric Gilman, Walter Haas, Isaac Harp, June Harrigan Lum, Lou Herman, Iris Ishida (for Glenn Soma), Cindy Knapman, Jack Laufer, Teri Leicher, Bill Lennan, Naomi McIntosh, Patty Miller, Dick Poirier, John Reghi. Robert Smith, Mike Stanton, Mike Tosatto, Jeff Walters.

SAC Alternates Present: Jeff Kuwabara, James McCarty.

Excused: Sallie Beavers, Nancy Daschbach, Paul Nahoia Lucas, Paul Nachtigall, John White, Reginald White.

Absent: Margaret Dupree.

Others Present:

HIHWNMS: Claire Cappelle, Kellie Cheung, Joylynn Oliveira, Liza Simon, Jean Souza.
NWHI Reserve: Aulani Wilhelm
NMSF: Lori Arguelles
ONMS: Michael Murphy
MOP Intern with DLNR: Anne Reizewitz
PUBLIC: Oren Tsutsumi

Distributed Materials

- Final agenda
- Sanctuary Activity Calendar (October-December)
- SAC Action Item Status Report (August meeting)
- Corrections to the Minutes of August 7, 2001 (Dick Poirier)
- Acting Sanctuary Manager's Report
- State Co-Manager's Report
- Education & Research Subcommittee Reports
- Conservation Subcommittee Report
- County Reports
- Management Plan Review Update
- FY01 Annual Expenditures Report
- Proposed FY02 Annual Operating Budget
- Draft comment letter on HISWTR
- Draft resolution on CO2
- Draft resolution on Big Island Sanctuary Office
- Vessel Collision Workshop Proposal
- HIHWNMS Vision Statements
- Whale Slogan Entries

- Themes & Ideas for Facilitating Hawaiian Uses in the Sanctuary
- Draft Natural Resource Protection Action Plan
- Draft Research & Monitoring Action Plan
- Draft Education & Outreach Action Plan
- Draft Administration Action Plan
- Signed resolution in support of the South Pacific Whale Sanctuary (with cover letter)
- Signed comment letter to the Secretary of Energy on the CO2 experiment (with cover letter)
- Signed resolution supporting an HIHWNMS funding increase
- Correspondence regarding support for the Marine Mammal Stranding Network
- Advance program for the 2001 Oceans Conference & Exposition

Call to Order

The meeting was called to order by SAC Chair James Coon at 10:05 a.m. Mr. Coon identified changes to the agenda, noting that some of the items were moved from New Business to the discussion on Reports and Updates.

Approval of Meeting Minutes

Mr. Coon identified amendments that need to be made to the final minutes from the August meeting. The motion to approve the proposed CO2 letter, drafted by Walter Haas (with a vote of 11 yes, 2 no, and 5 abstentions) was recorded as having failed. The motion, however, did in fact pass since 10 votes were needed for passage, and should be reflected as such in the minutes. In addition, language in the minutes stated that some of the motions “failed due to lack of quorum.” This should be amended to read “motion failed.”

A few motions were believed to have passed at the last meeting, but in fact failed due to a lack of ten members voting in the affirmative. The motions are as follows:

- Motion to send Dr. Haas’ letter on CO2 with an additional resolution against the experiment (8 yes, 4 no, 6 abstentions).
- Motion to have the co-managers take action in prohibiting the HISWTR project in Sanctuary waters and at the Sanctuary office (9 yes, 1 no, 8 abstentions).

Dick Poirier submitted additional amendments to the minutes. He requested that the last motion under the Charter Revision Subcommittee item read: “A motion was made to add the list of violations in the original charter to the revised charter that may result in the removal of a member from the Council.” He also requested that the last line in the discussion of the charter revisions be changed to read: “However, a vote on the revised charter in its entirety as amended was not taken.”

MOTION: Accept the minutes from the last meeting with amendments. Motion carried.

Public Forum

Mr. Coon asked the members of the public to introduce themselves. The following were in attendance: Lori Arguelles (National Marine Sanctuary Foundation), Michael Murphy (Office of the National Marine Sanctuary System), Annie Reizewitz (Student intern with the Department of Land and Natural Resources), Liza Simon (Sanctuary Staff-DLNR), and Joylynn Oliveira (Sanctuary Staff-Maui Office).

National Marine Sanctuary Foundation (NMSF) Presentation

Naomi McIntosh introduced Lori Arguelles, Executive Director of the newly-founded NMSF. Ms. Arguelles was the Director of Public Affairs for NOAA from 1994-1999 and went on to serve as the Director of Communications for the Girl Scouts USA. The NMSF was incorporated in July 2000 and

became fully operational in February 2001. She noted that it is still a small foundation, with her being the only person on staff at the moment. The foundation will be working closely with National Marine Sanctuary System, as well as with the individual sites.

A number of luminaries are working with the foundation, including Board of Directors members Bob Ballard, Jean-Michel Cousteau, Sylvia Earle, Terry Garcia (National Geographic Society) and Kym Murphy (Walt Disney Corporation). Other members include Robert Lyn Nelson, Jim Tulip (Robert Lyn Nelson), Pat Romanowski, and John Wright (Cisco Systems).

The mission of the NMSF is to inspire people to protect our oceans through the preservation, protection and promotion of marine sanctuaries. It was identified that a \$52M budget was designated for the National Marine Sanctuary program this year and Ms. Arguelles indicated that she would like to help ensure that it continues to be funded at levels like this in the future. She further remarked that she would like the NMSF to be a behind-the-scenes facilitator for the sanctuaries.

The NMSF is registered to solicit as a not-for-profit organization in 13 states. Accounts have been established for each site with initial funds primarily donated from marine artist Robert Lyn Nelson. The Hawai'i Sanctuary currently has \$1400 in its account. In addition to donations from his posters, Ms. Arguelles acknowledged Mr. Nelson's recent participation in a reception in Washington, DC to unveil a painting entitled "Sea to Shining Sea." Ms. Arguelles also noted that Mr. Nelson will be doing a painting for each of the marine sanctuaries.

Another recent NMSF event was the Tall Ships Festival in Michigan. Approximately 4500 people were in attendance over the course of the two-day event, which brought in revenues of \$4000 for the Thunder Bay Sanctuary. Due to positive community response, the festival will be an annual event. The World Oceans Day (June 8, 2002) will be an opportunity to focus people's attention on the oceans. This event will also coincide with Hawai'i's management plan review.

Other initiatives include the website, which has items up for auction, and accepting and reviewing various grant proposals that are designated to benefit the NMSF. Ms. Arguelles announced that Nick Carter, a member of the popular musical group "Backstreet Boys" is a supporter of the program and has named the National Marine Sanctuaries as a beneficiary for a portion of their concert proceedings. Donation boxes will also be a useful item for the sites as there is now an account for money to go to. Direct marketing, cause-related marketing, individual gifts, and plan giving are other examples of donation options.

The NMSF has selected a number of priority projects for the Hawai'i Sanctuary to focus on, including developing a volunteer management system to assist with the recruiting and maintenance of volunteers, developing a generic national plan for sponsorship and signage, establishing visitor centers, and promoting "Team Ocean" as the national concept of sanctuary volunteer programs. The NMSF also proposes to establish local advisory boards for sanctuaries that do not already have a non-profit friends group to address site-specific issues.

On a final note, Ms. Arguelles asked the SAC to help the foundation identify potential donors. She remarked that at 10%, the NMSF overhead fee is very low. (See Attachment 1 for presentation notes).

Reports and Updates

Mr. Coon asked that all members come to the meetings ready to discuss things, having read the reports beforehand. He emphasized that this will help us move the meetings along more efficiently.

Ms. McIntosh went over the Acting Sanctuary Manager's report (see Attachment 2), noting that a correction needs to be made to the Oceans Conference. The conference was held on September 25th, not October 25th. She mentioned that eight individuals who were on their way to participate in a project with the Channel Islands National Marine Sanctuary were lost on one of the United Airlines flights in the September 11th incident. Ms. McIntosh stated that she and Jeff Walters have been participating in meetings

with NMFS PIAO to discuss efforts to improve coordination for marine mammal strandings in Hawaii. The Sanctuary is currently getting ready to conduct its annual Ocean Users workshops. Margaret Dupree is setting up a toll-free phone number for people to report marine mammal strandings. Ms. McIntosh recently met with representatives at NELHA to investigate opportunities for potential Sanctuary office space in Kona, as well as with Carol She of DLNR's Division of Boating and Ocean Recreation regarding new rules on thrillcraft. The Sanctuary Education Center on Maui conducted an educational workshop for visiting teachers from New York. Jean Souza recently participated in the Kaua'i County Fair with her volunteers. The Maui staff and volunteers also participated in the Maui County Fair. The Sanctuary Ocean Count is in its planning stages and will be held on three separate days in January, February and March. The open SAC alternate seats have not yet been finalized. Applications have been submitted but are still going through the approval process.

Dr. Walters commented that the State Co-Manager's Report (see Attachment 3) was previously distributed and he had nothing additional to add. He distributed some information on state-sponsored research regarding humpback whale abundance estimates and characterization that he anticipates will be published soon. A computerized bibliography system is also in the works by a student intern Anne Reizewitz. He requested that the SAC contribute to the project by providing input on existing bibliographies.

Eric Gilman indicated that his Conservation Subcommittee report had already been distributed, but provided a brief discussion on it (see Attachment 4).

Jeff Kuwabara (sitting in for Patty Miller in the morning) had nothing to add to the Education Subcommittee Report (see Attachment 5). He remarked that the Whale Slogan project is still underway and the schools are continuing to send in their slogans.

The Hawai'i County Report (see Attachment 6) was already distributed, but Teri Leicher touched upon the Kona Blue Water Farms issue for Sallie Beavers in her absence, referring to the maps at the back of the report. She remarked that it is an excellent concept, but was not sure if Keahole was the proper place to do it as it may impact the area's pristine waters. Bill Lennan commented that he heard a presentation by this group a few months ago, but it appeared that substantial changes were made to the plans, which involved surface aquaculture. June Harrigan Lum suggested that they also consider talking to the Department of Health, Clean Water Branch, if they have concerns regarding the project's impact on water quality. Mr. Coon requested that further discussion on the issue be moved to New Business.

Bill Friedl indicated that he had nothing to add to the Honolulu County report.

Walter Haas noted that a series of marine mammal stranding programs was scheduled earlier, but was cancelled due to the September attack. He hopes that these will be rescheduled. Nothing further to add to the Kaua'i County report.

Maui County alternate James McCarty had nothing to add to the Maui County report.

Mr. Poirier gave an update on the Charter Revision Subcommittee. He distributed copies of the revised SAC Charter (see Attachment 7 – *NOTE: the version attached here was finalized on 12/11/01*). He also added that the SAC quorum is 13 rather than 12, as was previously indicated, as pointed out by Dr. Haas. Further discussion on the charter was moved to New Business.

Mr. Friedl distributed information on the Vessel Collision Working Group (see Attachment 8) and commented that this research project needs to be very thorough and focused. Baseline data needs to be established on the type of vessel incidents occurring in the Sanctuary during the whale season. He also noted that a big hole exists in current data due to the low level of reporting on incidents. The Navy has also ramped up their interest in this issue. Mr. Friedl suggested that the Sanctuary consider looking at data that has already been collected on Right whales as it is very similar.

Discussion on the Sanctuary vision statement was handled by Dr. Walters for Athline Clark (who arrived later). He noted that the Sanctuary is trying to come up with a vision statement that will go into the

Management Plan. A list of the SAC's ideas on the vision was passed out, along with a final vision statement that was compiled from the ideas. Further discussion on this was moved to Unfinished Business.

Management Plan Review Update

Ms. McIntosh distributed a written update on the Management Plan activities. She indicated that June 6, 2001 is the deadline to get the Management Plan to the Governor. A meeting with State representatives was held on August 22nd to discuss the review process. A meeting was also conducted with Liz Moore (Sanctuary Headquarters), Anne Walton (Channel Islands Management Plan Coordinator), and Sanctuary staff. A meeting regarding the Cultural Resources Action Plan was held on October 11th with Jerry Norris (OHA), Tammy Harp, Paul Lucas, Joylynn Oliveira, Les Kulolo`io, and Sanctuary Co-Managers in attendance. Dr. Walters noted that the meeting participants supported what had been done on the plan and expressed an interest in taking it to the next level. In relation to this, Ms. McIntosh expressed interest in developing a Native Hawaiian working group for the SAC and asked everyone to keep this in mind for the future.

Much of September was spent revising sections of the Management Plan and some of the sections are now available for SAC review. Comments are needed very quickly as we are working on a tight timeframe – preferably by October 19th. The State of the Sanctuary Report is currently at headquarters for editing. The procurement for the Management Plan Coordinator is still being finalized, but Ms. McIntosh indicated that it should be done in the next two weeks.

The next steps for the review includes holding public meetings, which has been tentatively been set for January 14-18, 2002. These meetings will be held in a roundtable forum type of format.

Mike Murphy discussed the communication plan for the Management Plan and asked the SAC to start thinking about what we want the public to know about the 5-year review process (i.e. who we need to talk to regarding the review, when we should talk with these individuals, and how we will meet with them). He remarked that the SAC is the first tier of communication as they can provide information on key contacts and will play an important role at the public meetings.

Sanctuary Budget Update

Ms. McIntosh distributed copies of the Sanctuary's 2001 Annual Expenditures (see Attachment 9). She indicated that the cost of projects listed on the spreadsheet includes staff time as well as actual project expenditures. The base budget for FY01 was \$1.23M.

A copy of the Sanctuary's 2002 budget was also passed out. She emphasized that this is only the first draft of the budget and is still subject to approval. She also reminded that SAC that they had opportunities for input into this budget during this past summer's subcommittee meetings. The budget was submitted to headquarters in August 2001. Projections for the FY02 budget was based on what the Sanctuary received in FY01. Staff was asked to draft proposals for new projects and the SAC was encouraged to recommend priorities for Sanctuary activities, all of which was considered in the budget.

SAC priority recommendations that were identified as high priority funding items in the draft FY02 AOP included developing a Sanctuary Awareness Campaign and Sanctuary Education Unit, designating funding to support and provide recommendations for new exhibitry in the Sanctuary Education Center on Maui (with input from the SAC Education Subcommittee), supporting distribution and demographics studies for humpback whales and conducting a threat assessment study.

The Sanctuary also requested national program funding for additional research monies to support a vessel workshop and to examine acoustics and their function in Hawai'i.

Unfinished Business

MOTION: A motion was made to approve and distribute the Conservation subcommittee's draft letter regarding comments on the Navy's proposed installation and operation of the Hawaiian Islands Shallow Water Training Range (HISWTR). Motion carried 16 to 0 with 2 abstentions.

The SAC discussed the resolution that was drafted by Sallie Beavers on the establishment of a Sanctuary office on the Big Island (see Attachment 10). Amendments were suggested to change "20%" in the first sentence of the resolution to "20 percent," and to obtain base funding for this project in fiscal year 2002.

MOTION: Mr. Poirier moved to accept the amendments to the Big Island Sanctuary office resolution, which was seconded by Isaac Harp. Motion carried unanimously.

MOTION: Mr. Harp also requested that the resolution not identify specific population figures on the various islands (in the second paragraph). Motion carried.

Mr. Poirier raised a point of order regarding the revised SAC charter. Based on the revised (new) charter, a motion can only be passed with a vote based on a quorum of total voting members on the SAC (as opposed to current protocol which allows for a vote based on the majority of voting members present at a meeting). Since there are 24 voting members on the SAC, such a rule would require a minimum of 13 votes to pass a motion. (As clarification, 19 voting members were present at the meeting).

MOTION: Mr. Poirier moved to adopt the revised charter and follow the new protocols immediately. Motion carried unanimously.

Mr. Coon asked whether the vote to pass the draft resolution on the CO2 Ocean Sequestration experiment (see Attachment 11) at the previous meeting (which failed) could be reconsidered at this time. Mr. Poirier noted that in order for a failed motion to be reconsidered, a member who did not vote in the affirmative on the motion could move for reconsideration. Since Mr. Poirier did not vote in the affirmative previously, he would move for reconsideration of the draft CO2 resolution. Mr. Coon then called for a vote on Mr. Poirier's motion to reconsider. Members voted 14 to 3 in favor and it was put on the table for further discussion. The SAC had questions regarding the final proposals for the project and whether it was appropriate for the SAC to comment on matters outside sanctuary jurisdiction.

MOTION: Bill Friedl moved that the third paragraph of the resolution be amended to delete the statement regarding NELHA's opposition to the experiment. Mr. Friedl clarified that the NELHA Board merely requested that the consortium reapply for permission to conduct the experiment in the NELHA Research Corridor due to changes in the approved experiment design. As a result, the consortium chose to relocate the project rather than reapply. The paragraph should therefore read:

WHEREAS, the logistics for the experiment have subsequently been changed to conduct a ship-based experiment to avoid possible adverse ecological impacts to the nearshore environment, and the location of the experiment has been changed. The Department of Energy is now considering several alternative locations for the experiment;

Motion carried 17 to 0, with 2 abstentions.

Lou Herman expressed confusion on the purpose of CO2 letter and resolution. Because the letter has already been sent out to the Department of Energy, the SAC has already made its statement on the issue and there does not appear to be a need to develop an additional resolution on it. The SAC inquired what the status of the letter was at this time. Ms. McIntosh indicated that the letter must undergo several levels of review and will be sent from department head to department head. The letter is currently at headquarters for preliminary review. She noted that one benefit to this lengthy procedure is that the document will get heard at several different levels and by several different departments. Mr. Coon suggested that in the future, copies of SAC approved documents and correspondence should be provided to members so they can distribute it as they see fit. Mr. Lennan further commented that it might be more appropriate to forward

correspondence such as this to individuals outside the Secretarial or department head levels. Dr. Herman again questioned the need to prepare a resolution on the issue as the same information has already been addressed in the comment letter.

MOTION: Mr. Coon asked for a vote on sending the CO2 resolution as amended. Motion failed with a vote of 6 to 8, with 5 abstentions.

MOTION: Discussion on having the co-managers take action on prohibiting the HISWTR project was another issue that some members thought should be readdressed from the last meeting. Mr. Poirier moved to reconsider the issue for further discussion. Motion failed 11 to 4, with 1 abstention.

Mr. Coon noted that the SAC requested a manager's update on the CO2 project at the last meeting. In response, Ms. McIntosh referred to Appendix K in the original management plan which lists activities that are subject to Sanctuary regulation (page 449). She stated that in order to have the Sanctuary take action on an activity, it needs to be listed in the Sanctuary's designation document. Regulated activities are as follows:

- a. *Approaching, or causing another vessel or object to approach, by any means a humpback whale in the Sanctuary;*
- b. *Flying over a humpback whale in the Sanctuary in any type of aircraft except when in any designated flight corridor for takeoff or landing from an airport or runway;*
- c. *Discharging or depositing, from within or from beyond the boundary of the Sanctuary, any material or other matter into, or that enters or could enter the Sanctuary, without, or not in compliance with, the terms or conditions of a required, valid Federal or State permit, license, lease or other authorization;*
- d. *Drilling into, dredging or otherwise altering the seabed of the Sanctuary; or constructing, placing or abandoning any structure, material or other matter on the seabed of the Sanctuary without, or not in compliance with, the terms or conditions of a required, valid Federal or State permit, license, lease or other authorization;*
- e. *Taking, removing, moving, catching, collecting, harvesting, feeding, injuring, destroying or causing the loss of, or attempting to take, remove, move, catch, collect, harvest, feed, injure, destroy or cause the loss of any humpback whale or humpback whale habitat;*
- f. *Possessing within the Sanctuary a humpback whale or part thereof regardless of where taken, removed, moved, caught, collected or harvested; and*
- g. *Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the HINMSA or NMSA or any regulation or permit issued under the HINMSA or NMSA.*

She further reiterated that the Sanctuary cannot regulate a discharge if it is permitted by another federal agency. Although we can recommend against permitting, the Sanctuary does not have regulatory authority outside of this. June Harrigan Lum remarked that CO2 is not defined as a "pollutant" and therefore not an activity subject to DOH regulations.

New Business

Mr. Coon announced his intent to set up a SAC Program Coordination Subcommittee. Based on the SAC's complaint that they are not involved in the budget process, Mr. Coon proposed the formation of a subcommittee that would increase the effectiveness of the SAC and provide leverage in planning some of the Sanctuary activities. The subcommittee would also identify high priority issues ahead of time, which

would be independent from the manager's list of issues. The SAC would then be able to work on getting funding for these projects and lobby for support. Mr. Coon suggested that the subcommittee start as a small group that is aware of current Sanctuary priorities and could develop separate management plans, create one-pagers to provide to congressionals and lobby for more money. Mr. Coon requested that Mr. Poirier chair the subcommittee, with each of the island representatives participating as well. The Education, Research and Conservation subcommittees will feed into this for additional input. Mr. Friedl distributed some initial thoughts for this committee as follows:

Objectives:

Increase Sanctuary activity and effectiveness
Increase Sanctuary budget

Approach:

Provide input and direction for program formation and budgeting
Focus Sanctuary efforts
Mount a concerted lobbying effort to support high priority activities

- SAC needs to "get ahead of" the budget process and help Sanctuary get the funding to launch effective programs
- Sanctuary needs to get going on programs that make a difference (Research, Conservation & Education).
- The recent "visioning" and management plan exercises provide a good starting point.

Tentative Schedule:

October 2001: Organize Action Team/Subcommittee

- Work with SAC Committees for primary input

December 2001: Produce initial "hit list" of priority and high impact activities

- Report to whole SAC. Discuss.
- Begin scoping for program plans

March 2002: Final Recommendations from SAC

- Begin contact with Congressionals

June 2002: Detailed funding plans/decisions

- Provide details to Congressionals, as required

September 2002: Budget decisions

ACTION: Upon the request of Sallie Beavers, Mr. Coon announced that he will ask Kona Blue Water Farms to make a presentation at the next SAC meeting.

ACTION: Bill Lennan indicated that he will get the name of person looking to open a similar farm off of Kawaihae Harbor. This presentation might be done jointly.

Mr. Coon turned the discussion over to the development of a vision statement for the Sanctuary. Ms. Clark distributed a list of SAC contributions along with a compiled draft vision statement:

"We envision ourselves as stewards of a safe and healthy habitat for the Humpback Whale (*Kohola*) and all the species therein. As stewards we must strive for balancing appropriate uses, inspired caretaking, enlightened understanding and effective education to ensure the presence of the *Kohola* for future generations. May we build this home with harmony, hope, respect and *Aloha O Ke Kai* (Love of the Ocean)."

Mr. Lennan proposed the following amendments to the statement: “We envision ourselves as stewards of a safe and healthy habitat for the Humpback Whale (*Kohola*) ~~and all the species therein~~. As stewards we must strive for balancing ~~appropriate~~ **human** uses, inspired caretaking, enlightened understanding and effective education to ensure the presence of the *Kohola* for future generations. May we ~~build this home~~ **do this** with harmony, hope, respect and *Aloha O Ke Kai* (Love of the Ocean).” In response to this finalized version, discussion turned to wordsmithing before the final vote was made on this statement.

MOTION: Lou Herman moved that “*Kohola*” be removed from the statement. Motion failed 3 to 13, with 1 abstention.

MOTION: Ms. Clark moved that “all the species therein” be placed back into the first sentence of the statement. Motion failed 7 to 9, with 2 abstentions.

MOTION: A motion was made to add “of the whales” to the second sentence. Motion carried 13 to 4, with 1 abstention.

MOTION: Ms. Clark moved to change the phrase “May we build this home...” to “May we preserve this home...” in the third sentence. Motion failed 4 to 9, with 2 abstentions.

MOTION: Mr. Coon called for a final vote on the amended vision statement. Motion carried 15 to 1, with 2 abstentions. The final vision statement reads as follows:

“We envision ourselves as stewards of a safe and healthy habitat for the Humpback Whale (*Kohola*). As stewards we must strive for balancing human uses, inspired caretaking, enlightened understanding of the whales and effective education to ensure the presence of the *Kohola* for future generations. May we do this with harmony, hope, respect and *Aloha O Ke Kai* (Love of the Ocean).”

Ms. Miller distributed copies of the student and adult slogans that she received, identifying this as one of the first steps for the Sanctuary Awareness campaign. In January she announced that the Sanctuary will be helping to produce a special 16-page educational insert in the Honolulu Advertiser. The project, entitled Newspapers In Education (NIE), will produce 200,000 copies, with 150,000 going out to the public and 50,000 going directly to the schools. Ms. McIntosh indicated that the production costs will be covered equally by Sanctuary headquarters, the National Marine Sanctuaries Foundation, and the Hawaii Sanctuary. The final product will have a full-color cover and will cost just 15 cents a copy to print.

Teri Leicher inquired about training opportunities for naturalists on the Kona coast. She commented that she would like to get people more involved in the Sanctuary on the Big Island, particularly by way of training sessions. Mr. Coon responded that although there is no type of training in Kona, she may want to get in touch with the Maui Community College (MCC) to discuss their naturalist training program.

ACTION: Ms. Leicher requested more information on the MCC naturalist training program.

ACTION: Mr. Gilman requested more information from the managers on the MOU renewal between the Navy and the Sanctuary regarding shared sanctuary property. Ms. McIntosh indicated that she will put that information in her next Manager’s Report to the SAC.

MOTION: Mr. Friedl announced that he would like the SAC’s endorsement on Ms. McIntosh’s plan to hold a Vessel Strike Workshop in Spring 2002. Motion carried unanimously.

Mr. Lennan touched on a previous discussion on developing a Sanctuary certification program for naturalists and asked what the status of that project is. Ms. McIntosh replied that it was not identified as a priority for this fiscal year, but we should continue to pursue it. She also noted that there are plans to get a boater outreach program in place that may have elements of a certification program in it. Dr. Walters

commented that we might be able to work with the MCC naturalist training program and build a Sanctuary module into it.

ACTION: The SAC agreed that a naturalist certification program would be very beneficial for the Sanctuary and they requested that it be put on a fast-track for development (completion before the next whale season). The project was given to the newly formed Program Coordination Subcommittee to address and report on at the next SAC meeting. Ms. Miller and Dr. Herman were asked to look at the curriculum of similar programs already in place to see if they can be integrated.

Announcements

Liz Corbin announced the Oceans 2001 MTS/IEEE Conference that will be held November 5-8 at the Hilton Hawaiian Village.

Ms. McIntosh identified the possibility of forming a Native Hawaiian Working Group and indicated that she would like to speak with Paul Lucas regarding this at the next meeting.

Dave Matilla, the new Sanctuary Research Coordinator is now on contract through the Center for Coastal Studies (CSC).

Adjournment

With no further business, the meeting was adjourned at 2:50 p.m.

ATTACHMENT 1

NATIONAL MARINE SANCTUARY FOUNDATION PRESENTATION at the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council Meeting October 16, 2001

NMSF BOARD OF DIRECTORS

- Dr. Bob Ballard
- Jean-Michel Cousteau
- Dr. Sylvia Earle
- Terry Garcia
- Kym Murphy

NMSF MISSION

The National Marine Sanctuary Foundation will inspire people to protect our oceans through the preservation, protection and promotion of marine sanctuaries.

NMSF OUTCOMES

Visibility

The National Marine Sanctuary System will be widely recognized by the public as the nation's premiere preserver, protector and promoter of marine ecological and cultural resources.

Education

Public awareness of the marine environment and its ecosystems will be increased significantly through interaction with the National Marine Sanctuary System.

Financial Support

The public will provide significant consistent financial support for outreach, education, and research (including technology development) programs for the National Marine Sanctuary System.

Volunteer Support

A volunteer network will provide support in response to National Marine Sanctuary System goals.

'Political' Support

- Decision-makers at local, regional, and national levels will recognize the importance of the National Marine Sanctuary System and provide appropriate support for system-wide efforts.
- Incorporated in Michigan
- Received IRS 501c3 approval
- Opened Washington, DC office
- Hired Fundraising/Legal Counsel
- Registered to Solicit in 13 states
- Set Up Accounts for each NMS site

NMSF ACCOMPLISHMENTS

Special Events

From Sea to Shining Sea: A Celebration of National Marine Sanctuaries' Kick-off

RESULTS:

- More than 1-million people exposed to NMSS
- RLN Painting to be part of new exhibit
- 'From Sea to Shining Sea' to travel nationally

- Thunder Bay Tall Ships Festival

RESULTS:

- Attended by more than 4,000 people
- Supported by more than 100 volunteers

- Raised \$4000 for education/outreach fund
- Congressional Oceans Day
 - RESULTS:**
 - Excellent attendance
 - Partnership in Action
 - Commitment to make it an annual event

Fundraising

- Foundation Fundraising
 - Developed General Proposal
 - Identified 35 Foundation Prospects
 - Initial Proposal Requests total \$150,000
 - Prospects for \$750,000 near term
- Fundraising Initiatives In Progress
 - Chivas Regal Auction
 - RLN Client Mailing
 - Foundation Grant Proposals
 - Individual Donor Development
 - Backstreet Boys/Nick Carter
 - Donation Boxes
- Raise Money Through
 - Direct Marketing
 - Events
 - Cause Related Marketing
 - Grants/Appropriations
 - Individual Gifts
 - Planned Giving

NMSF FUNDRAISING

Future Strategies

- Specific Corporate Sector Focus On:
 - Pharmaceutical Companies
 - Ocean Industry Companies
 - Cruise Lines
 - Insurance/Financial Planning
 - Retail/Credit Card Companies
 - Travel and Tourism

NMSP Proposals

- Accepted Proposals Include:
 - National Aquarium Project (NMSS HQ)
 - Signage Sponsorship (NMSS HQ/All sites)
 - Nancy Foster Visitor Center Exhibit Plan (FKNMS)
 - Team Ocean/Volunteer Development (HIHWNMS)
 - M.E.R.I.T.O. Education Program (MBNMS)
 - Water Quality Monitoring (FBNMS)
 - TV Documentary (GRNMS)
- Friends Groups
- Members/Team Ocean
- Signage
- Visitor Centers
- Donor Identification

ATTACHMENT 2

SANCTUARY ADVISORY COUNCIL Acting Sanctuary Manager's Report October 16, 2001

National Marine Sanctuary Program Updates

- Naomi McIntosh attended the NMSP Leadership Team Meeting, October 2nd to October 4th in Port Angeles, WA. The meeting was hosted by the Olympic Coast National Marine Sanctuary.
- The Ocean's Conference is scheduled to be held on October 25th in Washington, DC. The event will highlight the importance of our nation's efforts to protect our ocean environment.
- The September 11th incident had a significant impact on the NMSP. Eight people, including two National Geographic staff, three teachers and three students were lost on the United Airlines flight that crashed into the Pentagon. The group was headed to the Channel Islands National Marine Sanctuary to participate in a National Geographic education program.

HIHWNMS Update

- The Sanctuary participated in a number of meetings with NMFS PIAO and the State of Hawaii to discuss efforts to improve coordination for marine mammal strandings in Hawaii.
- August 9 - Naomi McIntosh participated in a panel discussion on vessel collisions with whales at the Hawaii Ocean Safety Team meeting in Honolulu. Other panel members included SAC Chair Jim Coon and SAC Alternate Greg Kaufman.
- Members of the Hawaii Congressional Delegation staff from Washington, DC visited the Sanctuary offices on Maui and Kauai.
- August 29 - Naomi McIntosh and Jeff Walters met with Executive Director Jeff Smith, and Project Manager Jacque Hoover of NELHA to discuss opportunities for the Sanctuary to locate an office in Kona.
- August 31 - Scott Gudes, Acting Administrator for NOAA held a NOAA all-hands meeting.
- September 26 - Naomi and Jeff met with Carol She to discuss state proposed rules on thrillcraft.

HIHWNMS Education and Outreach Activities

- August 8 - Maui staff attended a meeting hosted by State of Hawaii DLNR/DAR to discuss possible coral reef education opportunities that may be funded by the US Coral Reef Task Force.
- August 9 - The Sanctuary Education Center on Maui hosted 15 teachers from the New York area. Presentations were provided by staff on humpback whales and the Sanctuary. A "Make it and Take it" session was also held to provide learning ideas on humpback whale biology and behavior.
- August 30-September 2 - Jean Souza, Liza Simon and four Kauai Sanctuary volunteers staffed an exhibit booth at the Kauai County Farm Bureau Fair in Lihue. The fair drew a large crowd with over 40,000 in attendance.
- September 8 - The Sanctuary began collecting information on GPS points for the Sanctuary Ocean Count.
- September 17 - Naomi McIntosh and SAC Education Chair Patty Miller met with representatives from the Honolulu Advertiser and Navcom to discuss opportunities for the Sanctuary to participate in Newspapers in Education. The project would entail the Sanctuary having a 12-page special edition insert in the Honolulu Advertiser.
- October 4-7 - Maui staff collaborated with seven other environmental agencies to sponsor an environmental booth at the Maui County Fair called "The Natural Wonders of Maui."

ATTACHMENT 3

October 1, 2001

MEMORANDUM

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

From: Jeff Walters, Sanctuary Co-Manager

Subject: Update from the Sanctuary Co-Manager for the period August 8 , 2001 through October 1, 2001 (Prepared for the October 16, 2001 Council meeting)

Management Plan Revision

State agency members of the Council met on August 22, 2001 to provide comments and suggestions on a July 2001 draft of the revised Sanctuary Management Plan. A new revised draft, reflecting these and other comments and suggestions, was resubmitted to NOAA-ONMS headquarters on October 1st. Next steps in the plan revision and reauthorization process include another quick round of plan revision, and subsequent submittal for NOAA clearance prior to release for public review (expected in January, 2002).

Research Bibliography

State-administered federal Sanctuary funds have been awarded to the UH Marine Options Program (MOP) for the production of an annotated, computerized bibliography of research reports and other scientific data related to the biology of humpback whales in Hawaii. Ms Anne Reizewitz is the intern selected to lead the project for MOP. Ms. Reizewitz is currently working toward a Graduate Ocean Policy Certificate with the UH Department of Oceanography. Council members may be requested to provide copies of bibliographies, reprints, etc. to Ms. Reizewitz. Your assistance with this project will be greatly appreciated and appropriately acknowledged in the final product. We have decided to use the widely known and user friendly *EndNote* as the reference database software for the bibliography.

Sanctuary Human Uses Survey

MOP has also been chosen to implement a survey to identify types and levels of commercial and recreational uses that occur within Sanctuary waters. Ms. Susan Cooper-Alletto, a UH graduate student and Ala Wai Small Boat Harbor resident, has been chosen to lead this project. She will use a team of MOP students on several islands to gather the data from government, NGO and private sector sources. Council members are respectfully requested to provide information regarding commercial and recreational uses they may be involved in and/or aware of if contacted by Ms. Alletto. Your assistance with this project will be greatly appreciated and appropriately acknowledged in the final report.

Hawaiian Uses Map

The original goal of this project was to produce a color poster/map and an associated set of GIS layers depicting native Hawaiian natural resource use within and just onshore of the Sanctuary. However, after discussion with the Council's Native Hawaiian and Fishing representatives and other concerned Hawaiian members of the Sanctuary community, certain aspects of this project are now under review. One specific concern was that mapping exact locations of extractive activities, such as limu picking, would be technically difficult and culturally inappropriate. The review will focus on developing a better vision of the most culturally appropriate way to "facilitate Native Hawaiian uses" as mandated in the Sanctuary's enabling legislation.

Education and Outreach

The first issue of the Sanctuary's new newsletter is expected to be distributed before the end of October. The masthead, featuring an image of a breaching humpback and Native Hawaiian elements, is currently in its final design phase. The state side of the Sanctuary is also taking the lead in acquiring a set of 20 images of whales, other marine animals and seascapes from professional photographers. The Sanctuary will be

given “use rights” to the images of this “Sanctuary Image Archive,” and the Sanctuary will be able to freely use the images in all publications, presentations and on the website. A near final draft of *The State of the Sanctuary Report* will be sent to NOAA-ONMS headquarters during the first week of October. The report summarizes the accomplishments and challenges of the Sanctuary since 1997. Several current and former Council members were interviewed by the Public Outreach Coordinator in the development of the report. The report is intended to serve as a reference during the public review of the revised management plan.

State Involvement in Protected Species Stranding Response

The Co-Manager has continued to consult with DLNR and NMFS staff to develop a more formal role for the State in responses to marine mammal strandings in Hawaii. An October 3, 2001 meeting with NMFS-PIAO staff, including the Council’s member from that office, is intended to work toward finalization of a temporary Letter of Agreement that would authorize DLNR involvement in stranding responses. The DLNR welcomes Sanctuary staff and SAC involvement as we work together to become more effective participants in the stranding network.

PWF vs. DLNR

The Pacific Whale Foundation has filed a Civil Complaint (No. CV0100533 HG LEK, Dated August 10, 2001) for Declaratory and Injunctive Relief in Federal Court against DLNR. The complaint asks the Court, among other things, to declare that the State of Hawaii is prohibited from enforcing any state law or regulation relating to the taking of humpback whales, and that the state has deprived PWF of rights, privileges and immunities secured to it by the laws and constitution. A scheduling conference before Magistrate Judge Leslie E. Kobayshi is scheduled for November 19, 2001.

Other Activities

- 1) The Co-manager attended the Hawaii Ocean Safety Team (HOST) meeting on August 9, 2001. The Acting Sanctuary Manager gave a panel presentation at the meeting on vessel strikes of humpbacks.
- 2) The Co-Manager attended a multi-agency meeting regarding the Draft Coral Reef Ecosystem Fisheries Management Plan prepared by the Western Pacific Regional Fisheries Management Council on August 13, 2001. The Council intends to submit the draft to NMFS for acceptance by the Commerce Secretary in early October 2001.
- 3) The Co-Manager accompanied the Acting Manager on a visit to the Natural Energy Laboratory of Hawaii Authority (NELHA) facilities on August 22, 2001. NELHA is being considered as a site for a new Big Island office for the Sanctuary.
- 4) The Public Outreach Coordinator assisted in staffing a booth with the Kauai Liaison during the Kauai County Farm Fair on August 31 and September 1, 2001.

cc: Gilbert S. Coloma-Agaran, DLNR Chairperson
William S. Devick, DLNR-DAR Administrator
Naomi McIntosh, Acting Sanctuary Manager

ATTACHMENT 4

Conservation Subcommittee Report

Hawaiian Islands Humpback Whale National Marine Sanctuary

16 October 2001 Advisory Committee Meeting

The Conservation Subcommittee met on 14 September.

The following members and observers were present:

Eric Gilman, Conservation, National Audubon Society
Walter Haas, Kauai County
Cindy Knapman, Western Pacific Fishery Mgmt. Council
Richard Poirier, DBEDT Office of Planning
Jon VanDyke, Conservation Alternate, University of Hawaii School of Law
Reginald White, Whale Watching, Paradise Cruise, Ltd.
Claire Cappelle, NMSP Maui
Liza Simon, DLNR, Sanctuary Public Outreach Coordinator
Jean Souza, NMSP Kauai
Jeff Walters, DLNR, State Manager
Christine Brammer, Sanctuary staff

ACTION ITEM

1. **Letter on Navy nearshore training activities:** At the 7 August SAC meeting, the SAC adopted the Conservation Subcommittee's motion to send a letter to the Navy to express a position on the Navy's proposed installation and operation of a Hawaiian Islands Shallow Water Training Range. The Conservation Subcommittee prepared a draft letter and distributed it to the SAC via e-mail. The letter has yet to be signed and distributed.
2. **Resolution on CO₂ Sequestration:** At the 7 August SAC meeting, the Conservation Subcommittee introduced a motion recommending that the SAC adopt a Resolution and send a letter to state a position on the proposed CO₂ sequestration project. After the SAC meeting, there was confusion regarding the SAC rules for adopting motions. Kellie informed me that the SAC did vote to approve the letter but not the resolution. The Subcommittee suggests that the SAC consider voting again on the resolution now that voting rules have been clarified.

DISCUSSION ITEMS

1. **Navy and HIHWNMS MOU:** The Conservation Subcommittee recommends that the SAC request that the Sanctuary Managers provide a status report on their efforts to negotiate a renewed MOU with the Navy regarding sharing federal land on Maui, as this is relevant to the SAC's position on the Navy's proposed Hawaiian Islands Shallow Water Training Range activities.
2. **SAC letters and resolutions distribution protocol:** The Subcommittee requested that the Sanctuary Managers distribute copies of all SAC letters and Resolutions to the SAC members as soon as the letters and Resolutions are signed by the SAC Chair, and inform SAC members to whom the Sanctuary has distributed the items. This has not occurred consistently to date.

UPDATES

3. **Letter on CO₂ Sequestration:** At the 7 August SAC meeting, the Conservation Subcommittee introduced a motion recommending that the SAC adopt a Resolution and send a letter to state a position on the proposed CO₂ sequestration project. Kellie informed me that the SAC did vote to approve the letter, which needs to be signed by the SAC Chair and be distributed.

4. **Vessel strike workshop:** At the March 2001 meeting, the Conservation Subcommittee requested that the SAC consider alternatives to address the increasing threat to whales from collisions with vessels. The SAC agreed to consider convening a workshop on collisions between ships and whales. Naomi has produced a draft workshop project proposal and budget for the planned workshop, scheduled to be held next spring or summer. The SAC created a Vessel Strike Working Group, Chaired by Bill Friedl.
5. **Threat assessment:** At the 7 August SAC meeting, the Conservation Subcommittee introduced a motion to recommend that the Sanctuary conduct a threat assessment by allocating requisite funds to either (a) hire a contractor to conduct the research and produce a written product with management recommendations, or (b) convene a workshop (similar to a workshop convened in 1995) and produce an edited Proceedings with management recommendations. The SAC passed the motion. Naomi reports that the Sanctuary is going to propose funding a research consultant to conduct a threat assessment study, and will submit the proposal to NOAA headquarters as part of next year's budget request for the Sanctuary. The Sanctuary could then convene a threat assessment workshop, building off of the consultant's research results, in fiscal year 2003.
6. **Management Plan:** On 19 July the Sanctuary office distributed a portion of the draft management plan to the conservation subcommittee members requesting comments. The Sanctuary office plans to distribute additional sections of the draft plan to the SAC for comment prior to releasing a copy to the public.
7. **Low Frequency Active Sonar:** The SAC sent a letter, dated 30 May 2001, to NMFS commenting on the Navy's proposed Low Frequency Active Sonar project. The Subcommittee is unaware of any recent Navy activity on this proposed project.
8. **South Pacific Whale Sanctuary Resolution:** The SAC approved the Conservation Subcommittee's proposed South Pacific Whale Sanctuary Resolution, to be sent to the U.S. representative to the International Whaling Commission. Kellie Cheung is working on identifying the appropriate NOAA personnel to receive the Resolution. The Subcommittee requested that the SAC be provided with copies of the signed Resolution.

ATTACHMENT 5

**Hawaiian Islands Humpback Whale
National Marine Sanctuary
SANCTUARY ADVISORY COUNCIL**

Education Subcommittee Report

October 2001 Meeting

Patty Miller, Education Subcommittee Chair

The Education committee has very little to report at this time. The slogan campaign has been circulated in the schools and we are getting some great ideas from the kids. Ideas are still coming in and a compiled list will be distributed at the SAC meeting. The contest is open through November 15, so we are not doing any selections at this time.

Research Subcommittee Report

October 2001 Meeting

Paul Nachtigall Research Subcommittee Chair

Nothing to report at this time.

ATTACHMENT 6

Hawaiian Islands Humpback Whale National Marine Sanctuary SANCTUARY ADVISORY COUNCIL

Hawai'i County Report

October 2001 Meeting

Sallie Beavers, Hawai'i County Representative

- 1) No Sanctuary activities on the Big Island that I'm aware of, however there may have been a booth at the County Fair on the east side. Perhaps the managers can bring us up to date on that. With regards to the County fair, I recommend that the Sanctuary instead use that money to participate instead in the Farm Fair on the west side the week prior to the County Fair and also in the Kohala Country Fair. Both of these fairs target populations adjacent to the Sanctuary. Costs of flying staff over to man the booths can be kept low by utilizing the large pool of volunteers here in west Hawaii.
- 2) The Sanctuary manager had a meeting with the folks at NELHA about potential office space at the NELHA facility. I hope the manager will bring us up to date on this exciting progress at our next meeting October 16th.
- 3) Kona Blue Water Farms (KBWF), a division of Black Pearls, Inc. is proposing an application for an ocean lease for the purposes of farming native Hawaiian fish and the native Hawaiian pearl oysters off the airport at Keahole Point. The proposed location is well inside the Sanctuary boundaries. The site would encompass an area of approximately 81 acres and would be located in water between 150-200 feet deep. (Maps will be available at the SAC meeting). The folks at KBWF are currently preparing a draft Environmental Assessment for the site. Kona Blue Water Farms would like to schedule a presentation and information session with the SAC at our next meeting. I ask the Chair to please add this item to our agenda for the next meeting. Meanwhile KBWF and I have a meeting scheduled on October 5, 2001 to exchange information.

Honolulu County Report

October 2001 Meeting

Bill Friedl, Honolulu County Representative

On Saturday, August 25th, O`ahu staff participated in the Kalihi Uka Stream Festival at Kalihi Elementary School. Other participants included Protect the Planet, City and County of Honolulu, Board of Water Supply, and others. The event was held in conjunction with a stream cleanup that took place earlier in the morning.

The annual Get the Drift and Bag It beach cleanup activity was held on O`ahu on September 15th. Sanctuary staff did not participate.

Kaua'i County Report

October 2001 Meeting

Walter Haas, Kaua'i County Representative

CO-LOCATION

Discussions with the National Weather Service have been initiated to explore co-location possibilities at the NWS' new site at Lihue Airport which has an ocean view.

ADMINISTRATION

Coordination has been made for NMS Foundation Executive Director Lori Arguelles' visit to the Kauai sanctuary at Kilauea Point National Wildlife Refuge.

Jean Souza attended the August public hearing in Lihue on the N-PAL project's application for a state permit.

EDUCATION & OUTREACH

A contract with the Kauai Children's Discovery Museum had been approved to develop and distribute supplemental educational curriculum for its upcoming exhibit on deep-sea creatures featuring robotic whales, giant squid, and prehistoric marine dinosaur. Project completion is expected within two months. The exhibit is scheduled to open this month for one year.

Preparation is underway for the annual Sanctuary Ocean Count on Kauai, Oahu and Big Island. Volunteers have already started to sign up and are working in the office. The count has been expanded in scope and will run from January through March. Kauai is again expecting a boat-based count as well as a land-based count. Volunteer training and whale lecture are tentatively scheduled for January 19 in Lihue.

Preparations are being made for the annual Ocean Users Workshop scheduled for November 13 in Lihue.

Preparation has started on the 5th Annual Family Ocean Fair at Kilauea Point, scheduled for March 16. SAC members are encouraged to call Jean Souza at 246-2860 if participation in the fair is desired.

An article for the Sanctuary Watch newsletter on the sanctuary's exhibit booth at the Kauai Farm Bureau Fair was prepared by Jean Souza and Liza Simon. Part of the exhibit was made possible with the contributions of NMFS staff, professional photographers, and sanctuary volunteers.

The September national webcast of the recently completed NMS Aquarius mission (a submerged habitat serving as a research platform off Florida's Atlantic Coast) failed to transmit because of technical problems with a buoy in Florida. Videotape of the webcast and other post-mission educational products are being prepared for public distribution. Jean is a member of the mission's education team.

A reference and lending library has been established in the Kauai office to include publications, videotapes and CD-ROMS on marine mammals, marine environment, Hawaii's marine resources, Hawaiian culture, educational curriculum and environmental assessments.

VOLUNTEERS

During FY 00-01, the Kauai office has had over 150 sanctuary volunteers. These include residents, part-time residents, and visitors who have volunteered their time and talents with sanctuary events, event preparation, and office support. This represents a three-fold increase over the previous year.

Maui County Report

October 2001 Meeting

John H. White, Maui County Representative

I would like to thank all of the staff at the Sanctuary Offices for making my transition into the "Sanctuary Advisory Council" an easy one. The material shared plus the time to answer questions really has been helpful as a new member. To all of the members, thank you for providing email news.

I was able to spend time with Claire Cappelle (Maui liaison) to develop an understanding of the current programs and objectives, which are underway on Maui. We were able to discuss possible ways the Department of Education could help in the aligning of our "curriculum" at the education center with the standards of the DOE. Letters have been sent to the Maui District Office and the State DOE office suggesting that they want to help in aligning the curriculum offered at our education center with the standards.

Maui Representative (John White) and Maui Alternate (James McCarty) are planning on meeting to share ideas and to develop goals.

ATTACHMENT 7

DRAFT

HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY ADVISORY COUNCIL CHARTER

INTRODUCTION

~~The National Marine Sanctuaries Act (NMSA), 16 U.S.C. § 1431 *et seq.*, authorizes the Secretary of Commerce to designate areas of the marine environment of special national, and in some instances international, significance as National Marine Sanctuaries due to their conservation, recreational, ecological, historical, research, educational, or aesthetic resources or qualities.~~

~~The National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management (OCRM), Sanctuaries and Reserves Division (SRD) administers the National Marine Sanctuary Program (NMSP).~~

A marine sanctuary is an area of the marine or Great Lakes environment of special national, and sometimes international, significance warranting protection and management by the Federal government. As steward of coastal and ocean resources, the National Oceanic and Atmospheric Administration (NOAA) protects and manages Sanctuaries through the National Marine Sanctuary System (NMSS). The mission of the NMSS is to comprehensively protect and manage marine or Great Lakes areas of special national significance to protect their ecological and cultural integrity for the benefit of current and future generations. NOAA uses ecologically sound principles of resource conservation, and develops and implements stewardship, education, and research programs that foster public understanding, support, and participation. Use of sanctuary resources must be consistent with the primary objective of the program, which is resource protection.

The goals of the NMSS are:

- to enhance resource protection through comprehensive and coordinated conservation and management tailored to the specific resources that complements existing regulatory authorities;
- to support, promote, and coordinate scientific research on, and monitoring of, Sanctuary resources to improve management decision-making in the Sanctuary;
- to enhance public awareness, understanding, and wise use of the marine environment; and
- to facilitate, to the extent compatible with the primary objective of resource protection, multiple uses of the Sanctuary not prohibited pursuant to other authorities.

The Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary) was designated by an Act of Congress (Title II, Subtitle C, Public Law 102-587, Hawaiian Islands National Marine Sanctuary Act or Act) to recognize the importance of Hawai'i's nearshore waters which serve as the winter breeding, calving and nursing habitat essential to the long-term survival and recovery of the North Pacific stock of the endangered humpback whale (*Megaptera novaeangliae*). The Sanctuary, working in partnership with the State of Hawai'i, its governments and citizens, will function to provide the protection needed to ensure that the whales and their habitat are safe from harm and harassment while continuing to meet the needs of marine users of an island state.

The Act established the Sanctuary for the following purposes:

- to protect the North Pacific population of humpback whales and their habitat within the Sanctuary;
- to educate and interpret for the public the relationship of humpback whales to the Hawaiian Islands marine environment;
- to manage human uses of the Sanctuary consistent with the Act and the NMSA, as amended; and
- to provide for the identification of marine resources and ecosystems of national significance for possible inclusion in the Sanctuary.

As identified by the Act, the comprehensive management plan for the Sanctuary shall:

- facilitate all public and private uses of the Sanctuary (including uses of Hawaiian natives customarily and traditionally exercised for subsistence, cultural, and religious purposes) consistent with the primary objective of the protection of humpback whales and their habitat;
- set forth the allocation of Federal and State enforcement responsibilities, as jointly agreed by the Secretary and the State of Hawai'i;
- identify research needs and establish a long-term ecological monitoring program with respect to humpback whales and their habitat;
- identify alternative sources of funding needed to fully implement the plan's provisions and supplement appropriations under section 2307 of this subtitle and section 313 of the NMSA (16 U.S.C. §1444);
- ensure coordination and cooperation between Sanctuary managers and other Federal, State, and local authorities with jurisdiction within or adjacent to the Sanctuary; and
- promote education among users of the Sanctuary and the general public about conservation of humpback whales, their habitat, and other marine resources.

ESTABLISHMENT AND AUTHORITY

~~The Director of the Office of Ocean and Coastal Resource Management (Director), National Ocean Service, NOAA, hereby establishes the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council ("Council") pursuant to section 315 of the National Marine Sanctuaries Act, 16 U.S.C. 1445a.~~

Section 315 of the National Marine Sanctuaries Act (NMSA or Act; 16 U.S.C. § 1445a) authorizes the Secretary of Commerce to establish Sanctuary Advisory Councils to provide advice to the Secretary of Commerce regarding the designation and management of National Marine Sanctuaries. This authority has been delegated to the Director of National Marine Sanctuary System (Director). The Director hereby establishes the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council (Council).

This Charter describes the objectives and roles of the Council's activities, procedural requirements on the appointment of Council members and officers, requirements for the conduct of Council members and meetings, and other requirements. All Council activities must be conducted pursuant to this Charter.

OBJECTIVES AND DUTIES

1. The Council, in accordance with the Act, shall provide advice to the **Secretary of Commerce through the Sanctuary Manager, State Co-Manager, and others as appropriate** regarding the management of the Hawaiian Islands Humpback Whale National Marine Sanctuary.

~~2. The Council shall act solely as an advisory body. Nothing in this Charter constitutes authority to perform operational or management functions, or to represent or make decisions on behalf of the Sanctuary or NOAA.~~ **The Council is established to provide advice to the Sanctuary Manager, the State Co-Manager, and others as appropriate regarding the on-going management of the Hawaiian Islands Humpback Whale National Marine Sanctuary. This does not constitute either authority to perform operational or management functions, or to make decisions on behalf of the Sanctuary.**

3. The Council shall draw on the expertise of its members and other sources in order to provide advice and recommendations.

4. The Council may serve as a forum for consultation and deliberation among its members and as a source of advice to the Sanctuary Manager, **and the State Co-Manager.** ~~Such advice shall fairly represent the collective and individual views of the Council members.~~

5. ~~The Council shall provide links to the communities that they represent to ensure that the views of the various local interest groups are fairly and adequately communicated to NOAA. Council members shall also facilitate discussion forums in which these interest groups can cooperatively develop cohesive recommendations for the Sanctuary.~~ Council members shall serve as liaisons between their constituents and/or communities and the Sanctuary, keeping the Sanctuary staff and others informed of issues and concerns, as well as performing outreach to their respective communities on the Sanctuary's behalf.

SCOPE OF RESPONSIBILITIES

The Council ~~shall~~ **may** provide advice and recommendations to the Sanctuary Manager, **State Co-Manager, and others as appropriate** on the goals, activities and priorities contained in the Management Plan for the Sanctuary as follows:

1. Resource protection. The Council may advise ~~the Sanctuary Manager~~ on the effectiveness of interagency agreements, permit review and coordination, and on the effectiveness of the Sanctuary regulations in providing adequate resource protection.
2. Research. The Council may advise ~~the Sanctuary Manager~~ on priority research and monitoring needs, proposals, and reports.
3. Education. The Council may advise ~~the Sanctuary Manager~~ on enhancing public awareness, understanding, and wise use of the marine environment and on the development of an informed constituency.
4. General Administration. The Council may advise, ~~at the request of the Sanctuary Manager, on proposal(s) for activities within outside of, but affecting the Sanctuary, and on proposals for activities outside of, but affecting, the Sanctuary.~~ It may also ~~include advice~~ **advise** on planning for the use, development, and maintenance of Sanctuary lands ~~and~~, buildings and equipment.
5. Program Modifications. ~~The Council's advice will~~ **may also** be sought in the process to identify other resources of national significance which may be considered for future inclusion in the Sanctuary; the review of any new regulations or modification of existing regulations developed pursuant thereto or for any other purpose based on new findings or future needs; and for necessary modifications to the management plan.

MEMBERS, ALTERNATES AND OFFICERS

1. The Council shall consist of no more than twenty-five ~~four~~ **(25 24)** voting members who shall be appointed by the Director, in consultation with the Governor or his/her designee, from among persons employed by Federal, State or Local government agencies with expertise in management of natural resources, members of the Western Pacific Fishery Management Council, representatives of native Hawaiian groups, local user groups, representatives from adjacent counties, conservation and other public interest organizations, scientific and educational organizations, and members of the public interested in the protection and multiple use management of Sanctuary resources. The membership is designed to be balanced in terms of interests represented, geographic representation, and advisory functions the Council will perform.
2. **The Sanctuary Manager and State Co-Manager shall attend and participate in all Council meetings as a non-voting member and shall work with the Chair in scheduling each meeting and formulating the agenda.**
3. ~~There are two categories of seats for which voting members are appointed. The following procedures shall govern the application, nomination and appointment of Council voting members.~~

(a) (i) Government (10 members). By virtue of the shared functional responsibilities of Federal and State jurisdictions in the implementation of Sanctuary-related management, each of the following government entities shall be requested to designate one individual to serve on the Council. ~~(Of the numerous responsibilities encompassed within each entity, the specific functional area of expertise needing representation is identified in parenthesis):~~ **and to represent the specific functional area of expertise noted below:**

State of Hawai'i (6)

- Office of Planning (marine and coastal coordination and planning)
- Department of Health (water quality management and monitoring)
- Department of Land and Natural Resources (aquatic resources, marine conservation areas, boating, enforcement)
- Department of Business, Economic Development and Tourism (marine recreation, development and tourism)
- Department of Transportation - Harbors Division (shipping, harbors and harbor expansion)
- Office of Hawaiian Affairs (native Hawaiian issues)

Federal ~~(4)~~ (3):

- U.S. Army Corps of Engineers (water quality, dredge disposal & alteration of seabed)
- U.S. Coast Guard (oil spills, enforcement)
- ~~National Marine Fisheries Service (protected species, enforcement)~~
- Western Pacific Regional Fisheries Management Council (fisheries management)

(b) (i) Non-government (15 members). A representative of each of the following interest groups or activities, which are integrally affected by the management goals of the Sanctuary, will be selected:

- County-specific representatives¹ (4)
- Native Hawaiian (1)
- Research (1)
- Education (1)
- Conservation (1)
- Whale watching (1)
- Business/Commerce (1)
- Ocean recreation (1)
- Fishing (1)
- Tourism (1)
- Citizen-at-large (1)
- Commercial shipping (1)

NOTE: NOAA recognizes that all of the non-government user/interest groups are comprised of many different individuals and organizations, each representing specific interests. The selected representative of each group will be encouraged to make concerted efforts to identify, contact and coordinate with all the diverse organizations and individuals comprising the respective group.

4. The following shall be designated as non-voting members on the Council:

¹ County-specific representatives: Each of the four counties (Kauai, Honolulu, Maui, and Hawaii) will have a non-governmental individual to represent the concerns of that county. This individual will establish a county-specific working group and coordinate and consolidate the various views and concerns of the citizens of that particular county and present them to the Council. The county groups shall include the county governments and involve the expertise of the individual county Coastal Zone Managers

- **Fagatele Bay National Marine Sanctuary Manager**
- **Hawaiian Islands Humpback Whale National Marine Sanctuary Manager**
- **National Marine Fisheries Service, Pacific Islands Area Office (protected species)**
- **National Marine Fisheries Service, Office of Law Enforcement**
- **Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve**
- **State of Hawai'i Co-Manager**

5.(a) Council Officer Elections and Terms

The Council shall elect one member to serve as Chair, one member to serve as Vice-Chair, and one member to serve as **Council Secretary**. Election for all positions ~~is by~~ **shall be made by majority vote of all Council members written ballot**. ~~Members who will not be present at the time of the election may submit their vote in writing to the Sanctuary Manager prior to the meeting. All officers are granted the same voting rights as other Council members.~~

The term of all officers (Chair, Vice-Chair, and Secretary) is one year. Officers will be allowed to ~~carry~~ **serve no more than three consecutive terms. A Chair or Vice-Chair may leave his/her term to run for another Council officer position if desired. If the Chair or Vice-Chair is elected to a new position, the Council shall nominate and elect a new representative for the vacated position.**

(b) Roles of Council Officers

(i) **Chair:** ~~The Chair shall preside over meetings of the Council and shall, along with the Sanctuary Manager, approve the location, times, and agendas of the meetings.~~ **schedules and sets agendas for all Council meetings in consultation with the Sanctuary Manager; calls to order, presides, and adjourns all meetings of the full Council; and ensures that meetings are conducted in accordance with the current Robert's Rules of Order, except as may be inconsistent with the provisions of this Charter; signs all correspondence and documents authorized by the Council; and generally represents the Council's positions, interests and concerns to the public.**

(ii) **Vice Chair:** ~~The Vice Chair shall~~ **acts as the Chair in the absence of the Chair and assists as necessary in performing executive duties of the Council.**

(iii) **Council Secretary:** ~~The Council Secretary shall be responsible for taking the official attendance at each SAC Council meeting; working with Sanctuary staff in taking and distributing minutes of each SAC meeting reviewing minutes of each Council meeting; recording official votes as necessary; and working with Sanctuary staff to prepare a yearly report of the Council's activities to be submitted to the Sanctuary Manager; assisting Sanctuary staff in performing other administrative duties as directed by the Chair or Vice-Chair.~~

6. Alternates

(a) An alternate (from the same government entity) of a government Council member may attend **and participate in** a Council meeting if the Chair and Sanctuary Manager are notified at least 24 hours in advance of any meeting at which an alternate will represent the government Council member. **Such notice shall** ~~including~~ the name, address, and position of the individual designated. An alternate may not name another alternate.

(b) As each new non-governmental seat becomes vacant and the process for selection of new members is conducted, the Sanctuary Manager will identify an alternate for each candidate the Manager recommends to the Director to fill the seat. The alternate will have all the rights of the member at such times the alternate is officially substituting for the member. The Chair and the Sanctuary Manager must be notified by the member that his/her alternate will attend a meeting at least 24 hours prior to such meeting.

7. Removal from Council

Council members serve at the discretion of the Director. The Sanctuary manager, ~~in consultation with the SAC chair~~ **with the concurrence of the State Co-Manager and Council Chair**, may recommend to the Director removal of a non-governmental member of the Council if it is found that the member has violated one or more terms of this Charter **or fails to attend two consecutive meetings.** .

A decision to remove by the Director shall be final and not subject to administrative appeal.

The Sanctuary manager may consult with ~~the Council members~~ prior to taking such action. If a Council member ~~fails to attend two consecutive meetings without prior notification to the Sanctuary manager and SAC chair, he or she will be~~ **is** removed from the Council, ~~an~~ **his or her** alternate will assume the seat for the remainder of the member's term. ~~If a member misses more than one half the total meetings held during a calendar year, the Sanctuary Manager may recommend to the Director that the member be removed and his or her alternate assume the seat for the remainder of the member's term.~~

If a member representing a government agency willingly decides he or she can no longer participate as a member of the Council, fails to attend two consecutive meetings and/o is removed by the Director for violating one or more terms of this Charter, the Sanctuary Manager, with the Director's approval, shall request the agency to replace the designee.

TERMS AND APPOINTMENTS

Non-governmental members shall be appointed for a term of two years, and may compete for re-appointment. Terms are staggered to establish continuity within the Council. Should a non-governmental seat become vacant prior to the expiration of the member's term, his or her alternate shall assume the seat for the remainder of the member's term.

As each non-governmental seat becomes vacant at the end of an incumbent member's term and the process for selection of a new member is conducted, the Sanctuary Manager shall recommend to the Director the member and an alternate from among the top three candidates resulting from the review process.

Public notice shall be provided as to the vacancy of constituent group seat(s) and at-large representatives. Applications by individuals, and nominations from constituent groups, for ensuing terms for constituent group seats shall be submitted to the Sanctuary Manager. Applications for ensuing terms for the at-large position, likewise, shall be submitted to the Sanctuary Manager. In all cases, submission of written applications stating particular interest, qualifications and experience shall be requested. Guidelines for applying will be supplied at the appropriate time.

The Sanctuary Manager may consult with Council members during his or her screening of the applications. Any Council member that has a conflict of interest (financial, personal, self nomination, etc.) shall notify the Sanctuary Manager of such conflict and excuse him/herself from such consultation. The Sanctuary Manager, in consultation with the Governor or his/her designee, and with concurrence of the ~~Chief, Sanctuaries and Reserves Division,~~ **Director**, will select two candidates for each vacant seat, identifying one to fill the seat and another to serve as an alternate for that seat. The Sanctuary Manager will forward his or her selection to the Director for final approval.

~~Terms for non-governmental members will be staggered to establish continuity within the Council. Initially, the Sanctuary manager will randomly select one half of the non-governmental members to serve for a two-year term with the other half appointed for a three-year term. Following the initial term appointments, all terms for non-governmental members will run for two years.~~

ADMINISTRATION

1. Members of the Council shall serve without pay except that each member ~~may~~ receives travel expenses including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of Title 5, U.S.C., for travel to and from official Council meetings. **Reimbursement of travel expenses for working group activities or meetings shall be at the discretion of the Sanctuary Manager.** Travel expenses for governmental members of the Council may be provided by their own agencies.

2. The ~~NMSS Sanctuary Manager~~ may make available such staff, ~~information~~, administrative services, or assistance as the Sanctuary Manager determines are reasonably required to enable the Council and its subcommittees and working groups to carry out their functions.

OPERATION

1. Conduct of Individual Members

(a) No Council member may use or allow the use of, for other than official purposes, information obtained through or in connection with his or her Council affiliation that has not been made available to the general public.

(b) When speaking to the public or writing about any matter regarding the Sanctuary in a document for distribution beyond the Advisory Council membership, Sanctuary Manager or Sanctuary staff, a member shall clearly distinguish those recommendations, opinions, or positions officially adopted by the Council as a body from those he or she may have as an individual. In no case shall a member represent individual opinions as those of the Council, the Sanctuary Managers, Sanctuary staff, NOAA or the Department of Commerce.

(c) Any Council member that has an interest (financial, personal, or business ~~interest~~) in any matter before the Council, its Subcommittees or Working Groups must identify such interest prior to discussion and voting on such matter. No member shall cast a vote on any matter that would provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Federal law. An affected member who may not vote on a matter may participate in Council deliberations relating to the decision after notifying the Council of the ~~voting record and identifying the member's~~ interest that would be affected.

2. Conduct of the Council as a Body

(a) All communications that are intended to speak for the Council as a body must be coordinated with, and approved by, the Chair. All communications must pertain to Sanctuary business.

(b) The Council ~~shall~~ **may** provide advice or make recommendations on the Sanctuary to the Sanctuary Manager **and State Co-Manager. The Sanctuary Manager must be notified by the Chair of** Any advice, correspondence or information that the Council wishes to offer or express or otherwise extend to others beyond the Sanctuary Manager ~~must be provided to and approved by the Sanctuary Manager prior to the Council action.~~ **prior to its promulgation.**

(c) Any correspondence, press releases, informational releases, news articles, or other written documents that are intended to speak for the Council as a body must be coordinated and approved by the Chair and Sanctuary Manager. The following disclaimer must be placed in documents originating from the Council: "The Council is solely an advisory body. These opinions and findings do not necessarily reflect the position of the Hawaiian Islands Humpback Whale National Marine Sanctuary and the National Oceanic and Atmospheric Administration."

3. Council Letterhead

The Council shall, with the assistance ~~and approval~~ of the Sanctuary Manager, design and use its own letterhead. All approved, official correspondence from the Chair or other members of the Council, or the

Council as a body, shall be upon this letterhead. **The Council shall not use official NOAA letterhead for any correspondence or other purpose.**

4. Subcommittees Standing Committees and Working Groups

(a) **Subcommittees Standing Committees:** The Council ~~may establish such subcommittees as necessary to fulfill its duties~~ **shall have three standing committees, namely Research, Education, and Conservation..** ~~Subcommittees~~ **Each standing committee will** ~~shall~~ be composed solely of members of the Council, **chaired by a member of the Council appointed by the Chair,** ~~and will be~~ recognized as official sub-units of the Council, ~~and Subcommittees are subject to the all requirements of this Charter.~~

(b) Working Groups: Working groups may be established by the **Chair of the Council** ~~with the approval of the Sanctuary Manager for general purposes such as research and education, or~~ for specific purposes or topics that need more focused attention that cannot be accomplished by a subcommittee (e.g., County-specific representation). Working groups ~~are~~ **may be** composed of members of the Council, **alternate members,** and persons outside the Council. Working groups shall be chaired by a member of the Council and ~~will~~ **shall** function under the purview of the Council. Working groups established by the Council to address short-term specific issues shall disband once ~~their advice or~~ final recommendation on the particular matter is submitted to the Council. Working groups shall provide a general report to the Chair of the status of requested recommendations at each meeting of the Council. Working groups will provide their recommendations to the Council only, ~~which will use the assistance in developing recommendations to the Sanctuary Manager.~~

5. Role of the Sanctuary Manager

~~The Sanctuary Manager sits as a non-voting member of the Council, approves each meeting, and approves the agenda as well as potential presentations for each meeting. No meetings may be conducted in the absence of the Manager or his/her designee.~~

5. Quorum and Meetings

(a) **The Council quorum shall constitute a majority of those voting members to which the Council is entitled. No business may be conducted or any action validated by the Council without the presence and concurrence of a majority of those voting members to which the Council is entitled.**

~~(a)~~ (b) Meetings are held at the call of the Chair, ~~with the approval of the Sanctuary Manager.~~ **All voting members, or their authorized alternates (if the members are not present), may vote.**

~~(b)~~ (c) Decisions and recommendations made by the Council are advisory only, ~~and shall be made by majority vote of those present. A vote may only occur if a simple majority of members are present.~~ Individual votes and abstentions shall be recorded in the minutes by roll call vote **if requested by a member of the Council.**

~~(c)~~ (d) Each meeting shall be open to the public.

~~(d)~~ (e) Members of the public **in attendance** shall be permitted ~~the opportunity~~ to present oral or written statements ~~pertaining to agenda items~~ **at an appropriate time as noted on the Council agenda.**

~~(e)~~ (f) Emergency meetings may be held at the call of the Chair, ~~with the approval of the Sanctuary Manager.~~

~~(f)~~ (g) Timely notice of each meeting, including the time, place, and agenda ~~of each meeting,~~ shall be published in at least one local newspaper of general circulation within the vicinity of the Sanctuary, and additional notice may be given by such other means as will result in appropriate ~~public~~ notice to interested groups **and the general public.**

~~(g)~~ **(h)** The Council shall meet as frequently as necessary, not to exceed once per month, but at least once every six months. The Council meeting place **may be rotated among various locations adjacent to the Sanctuary and meeting sites** shall be chosen to accommodate anticipated public attendance and ~~to be~~ be reasonably accessible to those interested in attending.

~~(h)~~ **(i)** Minutes of each meeting shall be **kept by a person specified by the Sanctuary Manager** ~~prepared by Sanctuary staff and retained by the Council Secretary~~ and contain a summary of attendees and matters discussed. Such minutes shall be available to the public **at any of the Sanctuary offices**.

~~(i)~~ **(j)** A yearly report shall be prepared by Sanctuary staff in cooperation with the Council Secretary, summarizing issues addressed and actions taken during the previous year.

~~(j)~~ **(k)** All meetings will be held in accordance with ~~procedures found in the current~~ Robert's Rules of Order. ~~All SAC members will be trained in the such procedures. Training will be facilitated by the Sanctuary program through the sponsorship of a one day training session and/or the provision of a copy of the rules for each member. When the provisions of this Charter are silent, the current Robert's Rules of Order shall govern.~~

6. Procedures for Providing Advice

The following procedures shall be used to provide advice:

(a) **The Council may provide advice on a relevant issue or topic to the Sanctuary Manager, the Sanctuary Co-Manager, and others.** Requests for information, assistance, or advice from the **National Marine Sanctuary System Sanctuaries and Reserves Division**, or other NOAA offices, ~~or other agencies~~ shall be made in writing and will be coordinated through, ~~and approved by,~~ the Sanctuary Manager.

(b) The Council acts under the auspices of the Director ~~of the Office of Ocean and Coastal Resource Management. Any matters that the Council would like to raise independently must be approved by the Sanctuary Manager prior to doing so.~~

(c) The Council shall provide advice ~~directly to the Sanctuary Manager~~ via a ~~formal~~ written recommendation **based upon a motion passed by the Council and reflected in the minutes**. Draft recommendations and verbal discussions will not be considered official advice from the Council, but may be considered as background information.

(d) Any written or oral advice or correspondence that the Council wishes to offer or express beyond the Sanctuary Manager and State Co-Manager shall be voted on and approved by the Council and forwarded to the Sanctuary Manager prior to its promulgation.

(e) The Council ~~may~~ **shall** base their recommendations on a vote of the Council with negative votes, ~~and abstentions noted, or on a general consensus reached during discussions,~~ with minority opinions and views noted.

(f) Any information or recommendations resulting from discussions in subcommittees or working groups **that is requested by the Council shall must** be presented to and approved by the full Council prior to being submitted to the Sanctuary Manager, **the State Co-Manager or others**.

OTHER TERMS OF THIS CHARTER

1. The Council shall operate pursuant to the terms of this Charter.

2. This Charter shall remain in effect for a period of five years from the date of the Director's signature.

3. Six months prior to the expiration of this Charter, the need for the Council will be evaluated by the ~~Sanctuaries and Reserves Division~~ NMSS to determine whether to renew the Charter.

4. Revisions to the Charter may be made as determined necessary by the ~~Sanctuaries and Reserves Division~~ NMSS or the Council.

5. All revisions to the Charter shall be adopted by the Council.

Daniel J. Basta
Director, National Marine Sanctuary System

Date

ATTACHMENT 8

The Hawaiian Islands Humpback Whale National Marine Sanctuary is planning a research project and workshop devoted to issues concerning collisions between vessels and whales in Hawaiian waters. The workshop will provide a forum to review relevant research, discuss critical issues, and recommend appropriate actions required to address, mitigate or prevent collisions between vessels and humpback whales in Hawaii.

The Hawaiian Island Humpback Whale National Marine Sanctuary Advisory Council has authorized a SAC Working Group to provide public input to the workshop plan. This summary provides background information about the ship strike problem and solicits suggestions for workshop topics and working groups.

Please provide suggestions, comments and other input concerning the workshop to the SAC Working Group worker bee, Bill Friedl, via e-mail at billf@ceros.org. The worker bee will present the input to the Sanctuary Advisory Council on 16 October.

Input is solicited; brevity is appreciated.

Background and Scope

Historically, ship collisions with whales were "infrequent" until about 1950, and then increased through the 1970's as the number and speed of ships increased (Laist et. al. 2001). Other recent accounts suggest that ship collisions with whales may be more common than previously suspected or reported. Furthermore, the effects of collisions with ships have been identified as a significant obstacle to the recovery of at least one endangered large whale species, namely North Atlantic right whales.

Although recent incidents suggest that collisions between ships and whales are becoming more common, comprehensive analysis is lacking for information specific to incidents in waters around the main Hawaiian Islands. For example, comprehensive assessments are lacking on the time, location and frequency of collisions; the types and speed of vessels involved in collisions; the type of animals involved, the nature of their injuries and their fate; and other contributing factors.

During the 1970s, operators reported hydrofoil collisions with dolphins in a commercial passenger service operated between the islands of Oahu and Maui. Although Hawaii has not had a high-speed inter-island ferry transportation system since 1978, a business plan was recently submitted to state officials proposing a service involving advanced catamaran vessels with a nominal cruising speed of 45 miles per hour and a maximum speed of 55 miles per hour. Unfortunately, the baseline collision data are insufficient to determine whether such vessels are more or less likely to collide with whales if a high-speed inter-island ferry service is reestablished. Yet, the question remains both valid and timely and emphasizes the need to clarify and characterize the ship strike situation in Hawaii.

During the past few years, several collisions between boats and whales have been reported in Hawaii. In some reported cases, collisions produced blood in the water. In most of the reported cases, the fate of the animals involved is unknown.

A few research efforts have investigated ways to reduce or mitigate the occurrence and effects of ship collisions with whales. For instance, recent research recommended geographic areas in the vicinity of Barber's Point on Oahu that could be avoided to mitigate marine mammal and boat collisions. In other areas, experimental broadcasts of low-frequency sound proved unsuccessful in deterring sperm whales from ferry routes (Andre et al. 1997) and researchers in

the New England area have implemented an "early warning system" of advisories to mariners to reduce the chance of encounters with whales.

Can collisions between vessels and whales be expected to increase if the numbers of vessels and/or whales increase? Scientists estimate that the North Pacific population of humpback whales may be increasing by approximately 7% per year. Furthermore, recent advances in ship technology enable boats to operate at greater speeds. Collisions with boats traveling at faster speeds may produce more serious injuries to whales. Clearly, these are important issues that require careful and serious consideration. Do increases in the number of whales, vessel traffic and vessel speed necessarily mean concomitant increases in whale/vessel interactions and a greater threat to whales in Hawaiian waters?

Draft Workshop Plan: Sanctuary Perspective

A recent working paper* from the National Marine Sanctuaries Office contained the following perspective:

"The HIIWNMS SAC has begun preliminary planning for a workshop on high-speed vessel/whale interactions. The workshop will have three components covering safety, new technology and management tools. In preparation for the workshop, and sanctuary policy development, a series of studies on whale distribution and vessel interaction are underway. These studies are being conducted by local scientists, graduate students, and industry consultants. Initial findings indicate that it may be possible for ferries to operate in a restricted manner that would be consistent with the ONMS mandate to protect the whales and their habitat."

* High-Speed Vessels and Whales. Considerations and Responses for National Marine Sanctuaries

Draft Workshop Plan: Research Needs

Collect and examine available research information pertaining to ship strike incidents in Hawaii. Coordinate with the National Marine Fisheries Service to determine the extent and scope of the problem.

- Summarize data on significant features such as the number of collisions with marine mammals; the time of day and date; and the type, speed and location of the vessel involved in the collision.
- In addition, summarize factors related to the animals struck such as species, age, sex, resulting injuries, and fate.
- Also summarize data on passenger injuries and damage to vessels resulting from collisions.
- Finally, conduct a systematic review of available information and provide a quality filter for available data, e.g. good, so-so, unverifiable hearsay or gossip.

Draft Workshop Plan: Available Research from Other Areas

Refer to Laist et al. "Collisions between ships and whales". Marine Mammal Science, 17(1):35-75 (January 2001).

Refer to draft report on the ship strike problem and North Atlantic right whales prepared by the Ship Strike Committee of the National Marine Fisheries Service

Draft Workshop Plan: Workshop Nuts & Bolts

2 days / March 2002 / Maui

Day One – presentations, solutions working groups (first part)

Day Two – solutions working groups (second part), reports, and recommendations

Estimate 75-100 participants

Potential participants: marine mammal researchers and resource managers, U.S Coast Guard, US Navy, NOAA Fisheries Enforcement, NMFS-Pacific Islands Area Office, Protected Species Office and Office of Protected Resources, State Department of Conservation and

Resource Enforcement, Hawaiian Islands Humpback Whale National Marine Sanctuary, Department of Land and Natural Resources, Department of Transportation-Harbors Division, and Marine Mammal Commission; commercial boat owners and operators (from ocean recreation through commercial transport); boat designers and builders; state and federal legislators; and interested public.

Draft Workshop Plan: Workshop Objectives

- Review and summarize information on collisions between vessels and marine life, particularly humpback whales in Hawaiian waters.
- Review information and experience regarding ship collisions and related research and management efforts in other areas, particularly the northwestern North Atlantic and the North Atlantic right whales.
- Identify geographic areas of greatest concern with regard to collisions between ships and whales in Hawaii based on available information concerning the distributions of humpback whales and vessel traffic patterns in Hawaiian waters.
- Determine gaps in available data and recommend strategies required to collect additional data to better define the problem and the severity of the impacts.
- Identify and assess potential management actions, including education/outreach, policy, or other measures to mitigate, reduce or prevent the number of future collisions or injuries resulting from collisions between ships and whales.

Draft Workshop Plan: Possible Program Topics (work in progress)

- General overview and review of information concerning ship collisions with whales
- Overview and review of information concerning ship collisions with whales in Hawaii
 - Research on collisions with marine mammals in Hawaii
 - Research at Barber's Point to determine shipping routes to be avoided to minimize vessel/mammal collisions
 - Hawaii Marine mammal population and distribution
- Vessel user prospective
 - Status of industry procedures, practices and efforts to avoid collisions
 - Review of port facilities, vessel traffic patterns and traffic management systems
 - Vessel numbers, characteristics and uses in Hawaii
 - Passenger safety issues
 - Time and money factors; business practices
- Potential lessons for Hawaii from other locations
 - What's being done in other locations to mitigate or prevent collisions?
 - Case study: North Atlantic right whales
 - Sanctuary-specific lessons e.g. 1998 Stellwagen Bank NMS workshop on concerns surrounding whales and high-speed vessels
 - Other vessel impact studies
- Report on plans for deploying new high-speed vessels in Hawaii
- Advances in research and technology to mitigate or prevent collisions
 - Whale location, tracking and tagging methods and technologies
 - Capabilities, shortcomings and needs
 - New method, developed in Alaska, to determine distance of vessels to whales
- Regulatory and enforcement issues
 - Regulatory status
 - Federal / State approaches: similarities and differences
 - Sanctuary factors and considerations
- Reporting requirements and data quality issues

Draft Workshop Plan: Solutions Working Groups (Preliminary Ideas)

- Whale population, distribution and biology issues

- Boat design and speed issues
- Route and ocean space utilization issues
- Marine mammal location and tracking technology
- Research needs
- Mitigation, regulation and potential enforcement issues

Draft Workshop Plan: Potential Issues or Topics (May or May Not Make Final Agenda)

• **SAC Research Committee Research Priorities for Ship Strike avoidance, March 2001**

The following list was circulated for comment and prioritization: 1. Determining concentrations of whales to recommend ship paths with a lower probability of hitting a whale; 2. Exploring acoustic deterrents such as scout boats in front of larger vessels and sounds broadcast in front of boats; 3. Detection of whales in front of ships via sonar or other systems; 4. Determination of the rate of collisions; 5. Develop tracking tags to know where whales are at all times (this would likely be completed in the future); 6. Examine the Right Whale literature to see what is being developed there; 7. Plan a workshop to discuss this problem; 8. Contact Boeing to find out about their 929 Jetfoil that will likely be brought into Hawaii soon; 9. Study the whale's awareness of boats.

*E-mail message from Paul Nachtigall, SAC Research Committee Chair, 8 March 2001

• **Deterrence.**

Noise may disturb marine mammals. Is this a potential tool to control whale distribution along proposed vessel transit routes? Pertinent research is scant or nonexistent.

• **Enforcement.**

What is legal policy? Boat hitting a whale is considered a take and enforcement action – such as citation – can occur. At minimum, incident should be reported and investigated. What is the policy for accidental collisions (e.g. whale surfaces from beneath vessel)?

"I do know that this issue seems to be fairly new to ONMS and at this time we just want to know how big a threat this issue is to Hawaii's humpback whales. NMFS on the other hand may be looking at this issue differently. I know they have had preliminary discussions focused on the incidents that occurred last whale season."

*E-mail message from Naomi McIntosh, 8 August 2001

• **Permitting & Regulations.**

No federal permitting process for high-speed vessels. What are state and federal roles and positions regarding permitting, licenses, training and education of operators, etc.

Jim Coon mentioned that requirements that operators report collisions and regulations that punish operators for collisions with whales could work at seemingly cross-purposes. Prevention is the best regulation, but some kind of "no fault" reporting system should be sought. "While I would prefer to see a ban on any high speed ferries (greater than 25 knots) in Hawaiian/Sanctuary waters, short of this, I think the above are positive 'first' steps to reducing the likelihood of strikes. I will be working further with the Group and other water users to help mitigate collisions. In the meantime, I do think it necessary to consider modifying the HIHWNMS Management Plan to restrict use of high speed ferries (greater than 25 knots) during primary "whale months" (December 1 - May 30). Such action would require the creation of a new 'rule' or regulation(s) -- which the Sanctuary is relatively void of. Given the upcoming State reauthorization of the federal Sanctuary in Hawaiian waters, perhaps now is the time to insert such a rule."

*E-mail message from Gregory D. Kaufman, 23 July 2001

• **Outreach.**

Need coordination to inform vessel owners, users and operators of problems such as collisions, which may arise in waters around Hawaii. How to identify "hot spots" and provide timely, practical information to vessel operators? What sort of information is required and when is it needed? Who should be responsible for providing information and in what format?

- **Safety.**

How do collisions affect the safety of passengers or the integrity of vessels? Several collisions have been reported between ferries and sperm whales in the Canary Islands - one collision there resulted in the death of a passenger. Particular USCG and Industry concern.

- **SAC Conservation Committee Recommendations.**

(a) After the Sanctuary completes an assessment of the threats to whales from vessel strikes, the Conservation Subcommittee recommends that the SAC request that the Sanctuary Co-Managers assess the need to initiate a rule promulgation process to address the threat of whale and vessel collisions. (b) The Conservation Subcommittee recommends that the SAC request the Sanctuary Co-Managers to conduct requisite research and consultation with industry to determine needed restrictions on high speed vessels in Sanctuary waters (e.g., what size and type of vessels are of concern, would seasonal restrictions be effective at addressing threats, should speed limits be put in place for specific locations or seasons, should a monitoring program be mandated to avoid collisions with whales, etc.).

*Sanctuary Advisory Council Final Meeting Minutes for August 7, 2001

- **Baselines.**

Workshop needs baseline data on the boat traffic in sanctuary waters e.g. the type of traffic (commercial shipping, fishing, recreation, military, etc.), volumes, frequency, routes, speeds and such. These data should be available as background for discussion "going in" to the workshop.

"Before we get too far along on solutions I'd like to see some evidence of a problem. I know that the northern right whale is of particular concern for vessel collisions and certain vessel procedures are in place in parts of the Atlantic to mitigate collisions. However I am not aware of any particular problem with humpback whales. Does anyone know if there is a problem with humpback whales and vessel collisions? Is there any data for Hawaii or anywhere else?"

*E-mail message from Jack Laufer, 14 March 2001

An e-mail reply to the above message indicates the "hearsay" quality of ship strike data: "I understand there have been 4-5 reported strikes on humpbacks this season alone. The high speed ferry is great cause for concern based on the history of SeaFlite 1977-78. At this point I think it best to be proactive (in the face of a growing whale population) rather than reactive when collisions become a hazard both to whales and humans."

*E-mail message from Gregory D. Kaufman, 15 March 2001

No information is provided on either the reported strikes (reported to whom?) or the history of SeaFlite. Points out need for accurate and complete reporting and recording.

- **Technological Fixes.**

A low-cost shipboard system that would enable vessels to detect and avoid whales at "normal operating speeds" would be an ideal technological fix for the ship strike problem. However, the State-of-the-Art (SOTA) for whale detection and collision avoidance is far from . and only a handful of research systems have been developed

"... there really isn't any forward looking sonar that effectively works for cetaceans (or that is commercially available" However, "... several scientists and universities are at work on the topic, with some beta testing happening as early as April."

*E-mail message from Gregory D. Kaufman, 14 March 2001

"We have submitted a proposal to ONR under an STTR for marine mammal automatic detection and avoidance. We will be looking at all available technologies in phase I and then committing to

a plan for phase II assembly of a test device. Likely candidates are forward looking sonar and down looking IR. Both have very difficult problems to overcome for a fast moving ship"

*E-mail message from Eric Schiff (Navatek Ships), 26 April 2001

"I've always thought this would be a good CEROS program to pursue for both the military and commercial benefit. And, it would create a high production run commercial product that could be sold in the hundreds to thousands of units."

*E-mail message from Eric Schiff, 26 April 2001

"I agree that this is a potentially fruitful area for CEROS and would like to see something come of the recent concern and attention to this matter. Paul Nachtigall at HIMB has the ideal "long range solution" -- tag each whale so you know where each one is at all times. We're not as far from that capability as you might think, but I don't think we're ready just yet to push a large-scale effort forward. As an interim solution, we might be able to monitor the ferry routes. That technology might also be at hand."

*E-mail message from W. Friedl to Eric Schiff, 26 April 2001

"FYI: We commissioned UH to do a marine mammal location and density study for the ferry route during the ferry project. One of the recommendations is to pursue active detection."

*E-mail message from Eric Schiff, 30 April 2001

Subject areas of interest include:

(3) New Ocean Platform and Ship Concepts, including fast ship concepts; fighter submarine concepts and support technologies; new hull, structure and propulsor designs; advanced modeling, simulation and design techniques; affordability and low cost sea test procedures; automation and software enabled control systems; and advanced systems for prevention of collisions between ships and marine mammals.

*CEROS Broad Agency Announcement BAA-CEROS-02-01 of 1 October 2001

- **Industry Perspective.**

"I looked at the Passenger Vessel Assoc. web site and don't see anything about any active approach to this. But I know from attending the conferences that the industry is anxious about being regulated over this issue. They would love to have a low-cost green solution so they could be proactive. However, the industry cannot afford the research.

The industry is very conscious of MM avoidance. They make their living off whale watches. They know what the cost is of hurting the product. Operators are very good about observing limitations on approaching etc. They report to Nat. Mar. Fisheries as required etc."

*E-mail message from Eric Schiff, 26 April 2001

"My opinion is that for both the pass vessel industry and the Navy, a good low priced technical solution would be a 'field of dreams'. If we could develop something, then <the industry> would be compelled to acquire it to show their proactive approach and keep <strict regulations> from shutting (or slowing) them down."

*E-mail message from Eric Schiff, 26 April 2001

"In our PVA High Speed Subcommittee meetings the issue has been discussed but we really don't have a defined position on it. Some <organizations> have made noises to the effect that this is a greater potential problem than it seems to be but of course any marine mammal strikes would be unacceptable".

*E-mail from David Clark, PVA High Speed Subcommittee Chair to Eric Schiff, 26 April 2001

- **Policy and Procedures for Dealing with Injured Animals.**

Relates to Stranding Networks, etc. See perspective in Science, Vol 293, 1754-1757 (7 September 2001) article on MM strandings.

- **Status: Proposed Fast Ferry Service for Hawaii.**

"I would like to give you an update on the fast ferry planned to commence operation in Hawaiian waters prior to next whale season. I have had one meeting and several phone conversations with the CEO of

Rainbow Transportation Group. They plan to run high speed Boeing hydrofoils (identical to the old SeaFlite hydrofoils) between Honolulu-Molokai-Maui (two vessels one based in Honolulu, other in Maui). The vessels use water jets for propulsion and travel at 45-50 mph. They are planning to expand service to include Honolulu-Kauai, and Honolulu-Maui-Hawaii sometime in the future.

I conveyed my concerns about whale strikes, impacts on the marine environment, and relayed some of the recent findings regarding these issues to the Group. I also shared research reports and publications regarding humpback whale distribution in Hawaii from studies conducted by Pacific Whale Foundation, UH, UH West Oahu, and others. I encouraged them to abandon their plan, or short of this, to avoid Penguin Banks, and use Kahului Harbor instead of Maalaea as their destination/operation point. I also suggested the Group reduce their speed to under 25 knots from December 1 - May 30, and undertake a on-board and land based monitoring programs to help avoid ship strikes on cetaceans.

I am happy to report I just received a phone call from the Group agreeing to the following: 1. They will be using Kahului Harbor instead of Maalaea Harbor for their operations. 2. They will avoid entering or crossing the Penguin Bank area from December 1 - May 30. 3. They are willing to adjust their routes during "whale months" to routes which will take them through the areas of less whale density. 4. They are willing to consider speed reduction (to what degree has not been agreed upon), and monitoring programs to avoid ship strikes.

Finally (in case you are not aware) the State Legislature (in '01) approved a \$44,478,747 special facility revenue bond for the "purpose of making improvements and equipping special facilities for use by Rainbow Island Express under its lease with the department of transportation at harbor facilities on the islands of Molokai, Maui, Lanai, Hawaii, and Oahu to operate an inter-island and intra-island ferry service."

*E-mail message from Gregory D. Kaufman, 23 July 2001

- **Earth Island Institute Perspective re: Remedies:**

"Preventing Collisions In 93 percent of ship strikes, ship operators don't see the whales, or see them too late to avoid a collision. In the majority of the remaining cases, the vessel operators saw the whales but did not attempt to avoid them. To address this problem, the National Marine Fisheries Service (NMFS) has instituted aerial surveys and a mandatory ship reporting system in critical right whale habitat off Georgia, Florida, Massachusetts, and Rhode Island. Aerial surveillance has enabled the NMFS to locate whales and warn approaching ships of their locations. The International Fund for Animal Welfare (IFAW) has installed high-tech acoustic buoys to track right whale migrations in the busy Great South Channel off the northeastern US. A ship-collision workshop organized by the IFAW and NMFS in April is expected to release a new set of rules requiring ships to reduce speed in right whale zones and change course to avoid springtime calving areas. Vessel operators, ports and stranding networks should be required to report all whale collisions, so that a more complete database can be developed. Some waters should be declared off limits to ships and ferries either seasonally or year-round to prevent collisions with endangered whales. The most effective means of reducing fatal collisions would be to require that commercial vessels moving in waters frequented by whales to slow to 10 knots or less.

*Teri Shore in Earth Island Journal, Autumn 2001

- **Workshop Participation:**

Navy and Coast Guard input, perspective and participation are critical to the Workshop's success and ultimate effectiveness. Both the Navy and Coast Guard have an abiding commitment to environmental preservation and remediation. Navy and Coast Guard operations in and around Sanctuary waters should be considered in workshop discussions so workshop conclusions and recommendations will be realistic, practical and effective.

"I'd be interested in potentially making two presentations at this workshop: one on the status of the Hawaii wintering humpback population, and two on a new ONR project I've been working on examining the feasibility of using Doppler radar to detect great whales and avoid collisions. I'm

firm on the first option, but regarding the second, I'll need to check with my co-PIs in Arlington to make sure they're OK with the idea."

*E-mail message from Joseph Mobley, 21 September 2001

"from a Doug Arnott, in Hilo -- perhaps you should get him to participate on the WG"

*E-mail message from Gregory D. Kaufman, 24 September 2001

ATTACHMENT 10

DRAFT

RESOLUTION IN SUPPORT OF THE ESTABLISHMENT OF A SANCTUARY OFFICE ON THE WEST COAST OF THE ISLAND OF HAWAII

WHEREAS, the west coast of the island of Hawaii contains approximately 20% of the Hawaiian Islands Humpback Whale National Marine Sanctuary coastline, which is 3.25 times as much as Kauai, 1.1 times as much as Oahu, and 1.2 times as much as Maui, each of which currently supports HIHWNMS offices;

WHEREAS, the population of Hawaii County is 148,677 and ranks second in the state (populations of other islands with Sanctuary offices: Oahu 876,156; Maui 128,094; Kauai 58,463) and 47,712 of residents of Hawaii County live adjacent to the Sanctuary;

WHEREAS, public support for the Hawaiian Islands Humpback Whale National Marine Sanctuary is currently strong and growing, and demand for consistent Sanctuary presence is high;

WHEREAS, concern and uncertainty initially expressed by Hawaii County residents over potential Sanctuary imposed fisheries regulations have resolved since the inception of the West Hawaii Fisheries Council;

BE IT RESOLVED that the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council fully supports the creation of an office and Sanctuary Liaison on the west coast of the island of Hawaii to better reach out to the people of the state of Hawaii and to continue to strengthen the developing education, outreach, conservation, and research programs of the Hawaiian Islands Humpback Whale National Marine Sanctuary.

BE IT FURTHER RESOLVED that the Sanctuary Advisory Council recommends an increase in the base funding for the Hawaiian Islands Humpback Whale National Marine Sanctuary to support this office.

BE IT FURTHER RESOLVED that the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council urges the Hawaiian Islands Humpback Whale National Marine Sanctuary to move quickly on this matter.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the Secretary of Commerce and the Director of the National Marine Sanctuary Program.

ATTACHMENT 11

RESOLUTION IN OPPOSITION TO THE PROPOSED CO₂ SEQUESTRATION EXPERIMENT

WHEREAS, the U.S. Department of Energy, Japan New Energy and Industrial Technology Development Organization, Norwegian Research Council, Natural Resources of Canada, Australia CSIRO, ABB Corporate Research, and Central Research Institute of Electric Power Industry are sponsoring research on carbon dioxide (CO₂) ocean sequestration to explore the feasibility of this approach to address the accumulation of greenhouse gases in the atmosphere;

WHEREAS, in a presentation given in March 2000 to the Sanctuary Advisory Council of the Hawaiian Islands Humpback Whale National Marine Sanctuary, Dr. Gerard Nihous of the Pacific International Center for High Technology Research, the general contractor hired by the sponsoring agencies and private companies to conduct the proposed experiment, explained that the planned CO₂ sequestration experiment would involve the discharge of 40 to 60 tons of liquid CO₂ at a depth of 3,000 feet, delivered through a steel pipeline laid from Keahole Point on the island of Hawaii. Investigators hypothesize that the liquid CO₂, when discharged at depth, will dissolve into the water column, the seawater enriched with dissolved CO₂ will be denser than surrounding water and will therefore sink until mixing stabilizes the plume at a neutral-buancy depth, and other physical processes, such as currents, will gradually reduce carbon concentrations and disburse the CO₂-enriched plume of water;

WHEREAS, the logistics for the experiment have subsequently been changed to conduct a ship-based experiment to avoid possible significant adverse ecological impacts to the nearshore environment, and the location of the experiment has been changed due to opposition by the Natural Energy Laboratory of Hawaii Authority, which voted to exclude the CO₂ experiment from Kona waters. The Department of Energy is now considering several alternative locations for the experiment;

WHEREAS, the hypothesized results of the planned CO₂ sequestration experiment are contrary to the results of experiments conducted by the Monterey bay Aquarium Research Institute and by Stanford University without explanation;

WHEREAS, the experiment would result in CO₂ remaining in the ocean for an extended, unknown period of time, but the proposed research plan does not include assessments of long-term environmental effects, and only proposes to observe impacts in Hawaii for a two-week period following the discharge of the liquid CO₂. While a separate component of the project would focus on observing responses of marine organisms to long-term exposure to CO₂ in Norway, no such assessment of possible long-term adverse environmental impacts are planned as a follow-up to the planned discharge in waters off of Hawaii;

WHEREAS, the proposed experiment neglects to include a mitigation plan to avoid, minimize, and rectify potential significant adverse environmental impacts that may result during or after the discharge of the liquid CO₂;

WHEREAS, the ability to use abandoned oil wells, saline aquifers, and salt mines for liquid CO₂ disposal, and the development of mineral carbonization that changes CO₂ into rock, may make the need for ocean disposal of CO₂ unnecessary;

WHEREAS, the 2001 Hawaii State legislature passed a concurrent resolution opposing the experiment in Hawaiian waters;

WHEREAS, based on this information, the Sanctuary Advisory Council concludes that the proposed experiment is poorly planned and likely unnecessary; now therefore,

BE IT RESOLVED THAT the Humpback Whale National Marine Sanctuary Advisory Council strongly opposes plans to conduct the CO₂ Sequestration Experiment in Hawaiian waters, and will consider recommending the promulgation of Sanctuary rules to prohibit this experiment in Sanctuary waters if planning for the experiment in Hawaiian waters continues; and

BE IT FURTHER RESOLVED that the Sanctuary Advisory Council calls upon the U.S. Navy to discontinue efforts to implement the CO₂ Sequestration Experiment.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to the Secretary of the Navy and Director of the President's Council on Environmental Quality.