

Management Plan Review

# PUBLIC SCOPING REPORT

## Community Engagement in the Management Plan Review



April 2011

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## I. EXECUTIVE SUMMARY

The Hawaiian Islands Humpback Whale National Marine Sanctuary (sanctuary) has produced a Public Scoping Report, summarizing and synthesizing the input received during a 90-day public scoping period. The report represents the broad spectrum of input that was received from the public in the first phase of the sanctuary management plan review (MPR) currently underway.

This scoping report summarizes the issues, concerns and opportunities identified by the public and the sanctuary's partners during the scoping period of the sanctuary's management plan review process. This report was created to assist sanctuary staff, sanctuary advisory council (council) members, and the public in understanding the comments received during public scoping. The sanctuary's role during this process was to listen and document public input. The goal of the scoping phase was to engage agency partners, organizations and communities in soliciting input and identifying issues to be addressed in the sanctuary's next draft management plan.

Prior to scoping, sanctuary staff worked with the sanctuary advisory council to increase awareness of sanctuary programs and the management plan review process with communities and stakeholders. The efforts included a series of state-wide public information meetings, numerous constituency meetings, and multiple sanctuary advisory council meetings. Additionally, a series of documents were produced prior to and during the scoping period in order to better inform community members about sanctuary programs, marine resource management, and opportunities to participate in the MPR process. All outreach materials, along with other background information about the sanctuary, such as maps, existing regulations and management plans, can be found on the sanctuary website.

The official scoping period for the sanctuary management plan review process was held for 90 days (mid July to mid October 2010). During this time, sanctuary staff received over 12,000 submissions from a broad constituency representing agencies, organizations, elected officials, and interested citizens from Hawai'i as well as elsewhere in the United States and around the world. Input was received through letters, faxes emails, voicemails and individual comments during the state-wide public scoping meetings.

This report summarizes the public input received and describes how the comments were compiled and synthesized to identify a List of 11 Issues along with a set of Overarching Considerations and Potential Solutions. Descriptions of each of these categories are provided within this report along with a brief summary of the comments received related to that issue. All of the original comments have been collated and are presented as an appendix to this report.

## II. A BRIEF HISTORY: Sanctuary Designation to Current Management Plan

The Hawaiian Islands Humpback Whale National Marine Sanctuary (sanctuary) protects humpback whales and their habitat in the main Hawaiian Islands. The sanctuary works to achieve this goal through scientific research, education, public outreach, and by facilitating observance of federal and state laws that prohibit disturbing these endangered marine mammals.

Congress designated the sanctuary in 1992 through the Hawaiian Islands National Marine Sanctuary Act (HINMSA, Subtitle C of Public Law 102-587, the Oceans Act of 1992). The objectives of the HINMSA are to: 1) protect humpback whales and their habitat within sanctuary boundaries; 2) educate and interpret for the public the relationship of humpback whales to the Hawaiian Islands marine environment; 3) manage such human uses of the sanctuary consistent with the HINMSA and the Marine Protection, Research and Sanctuaries Act of 1972 (now referred to as the National Marine Sanctuaries Act or NMSA); and 4) provide for the identification of marine resources and ecosystems of national significance for possible inclusion in the sanctuary.

After the sanctuary was designated by Congress, the National Oceanic and Atmospheric Administration (NOAA) conducted a process to solicit public input to develop a management plan and final environmental impact statement that was completed in June of 1997 for the Hawaiian Islands Humpback Whale National Marine Sanctuary. Based on the extensive public input and information contained in the management plan and associated environmental assessment, then Governor Benjamin Cayetano approved the inclusion of state waters in the sanctuary and through a Memorandum of Agreement, identified the State of Hawai'i Department of Land and Natural Resources (DLNR) as the lead agency to co-manage the sanctuary. Five years later, in 2002, the sanctuary went back out to the public again to conduct its first management plan review which resulted in an updated management plan.

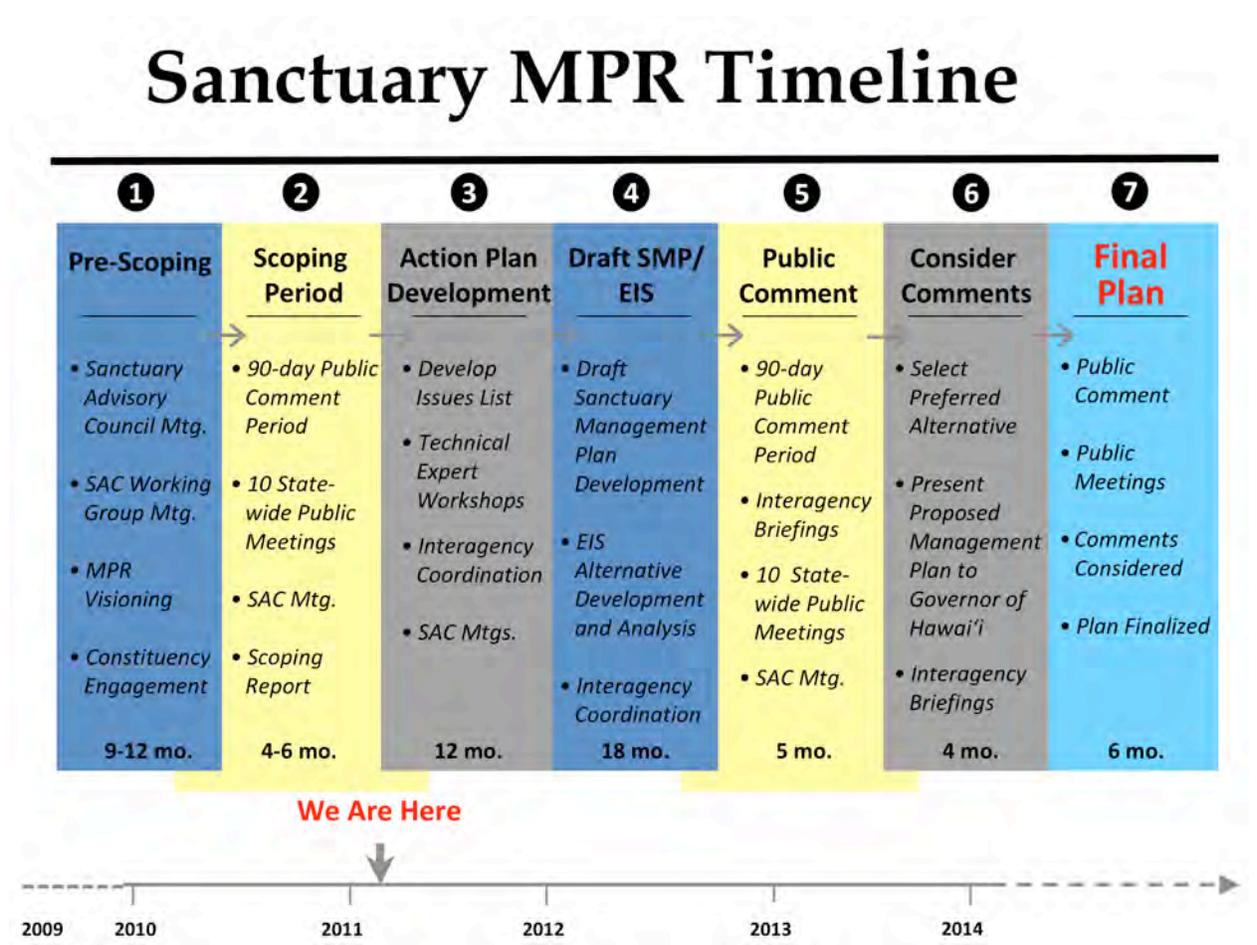
During the 2002 management plan review process, many public comments were received requesting the sanctuary increase its scope to include the conservation and management of marine resources in addition to humpback whales and their habitat.

To fulfill the initial step of identifying and evaluating additional marine resources for possible inclusion in the sanctuary, NOAA and DLNR prepared a summary report in 2007 to provide background information on living marine resources and maritime heritage resources being considered by federal, state and community partners. This report provides information on their occurrence, threats, management, conservation needs and the potential role that the sanctuary could play if the sanctuary were to expand its scope beyond the protection of humpback whales. These findings were summarized in a report entitled "Assessment of Additional Resources for Possible Inclusion in the Hawaiian Islands Humpback Whale National Marine Sanctuary" and presented to the Governor of Hawai'i. Then Governor Linda Lingle responded with a letter expressing support to consider other marine resources for possible inclusion to the sanctuary.

In meeting the initial Congressional mandate, and with support from then Governor Linda Lingle, and the public, NOAA has determined that this is the right time to re-engage communities and explore, among other issues, the possibility of expanding the scope of the sanctuary beyond its primary mission of protecting humpback whales and their habitat.

### III. SANCTUARY MANAGEMENT PLAN REVIEW

A management plan is a site-specific planning and management document that guides current and future sanctuary operations. Sanctuary management plans generally outline regulations, describe boundaries, identify staffing and budget needs, and set priorities and performance measures for resource protection, research, and outreach and education programs. Periodic reviews of the management plan are required to keep the sanctuary relevant and up-to-date with ongoing and evolving issues in the ocean community. This management plan review process will address current and emerging issues in Hawai'i and is intended to increase management effectiveness. This multi-year process has many steps that are designed to allow a high level of public engagement (Figure 1).



**Figure 1.** The management plan review process has many steps which often take several years. The Public Scoping Report is a key product early in the management plan review process as it summarizes the pre-scoping and scoping period and identifies the key issues to be addressed in action plan development.

#### IV. INTRODUCTION TO THE SCOPING REPORT

This scoping report serves as a public reference to document comments in an organized way such that the reader can easily locate and review all comments.

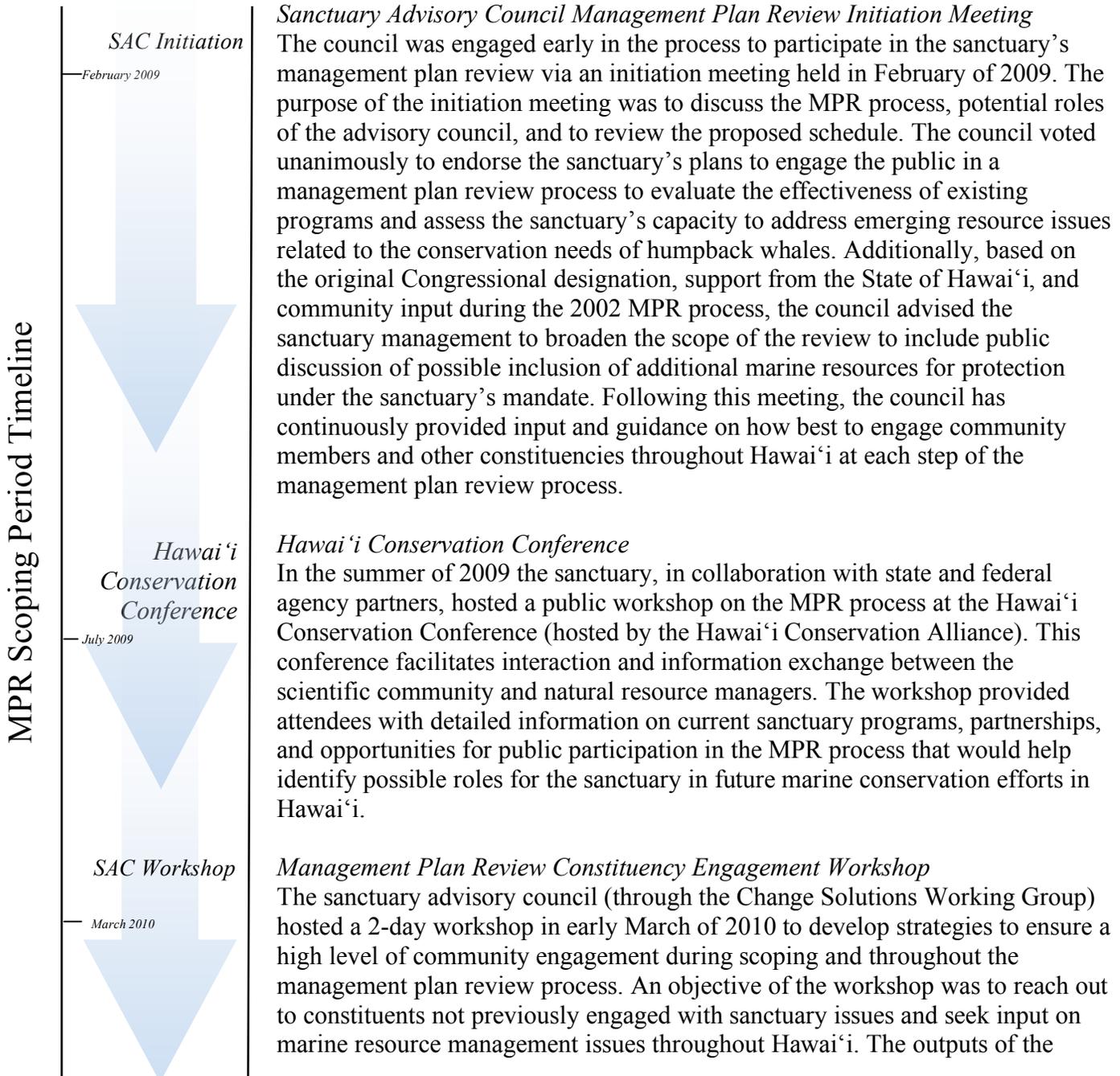
All submissions of public input were accounted for and are now part of the administrative record. Public comments were accepted via mail, e-mail, fax, voicemail and through a series of state-wide public scoping meetings. Following the completion of the public scoping process, every comment received was read by a core team of sanctuary staff and posted to the sanctuary website at <http://hawaiihumpbackwhale.noaa.gov>.

All scoping comments received within the 90-day official scoping period were grouped under one or more Issues, Overarching Considerations or Potential Solutions. A brief description of the issues, how the sanctuary may currently be addressing the issue, and focus of the public comments is provided. Additionally a bulleted list of all the issue-specific comments as they were received is also included (see Appendix).

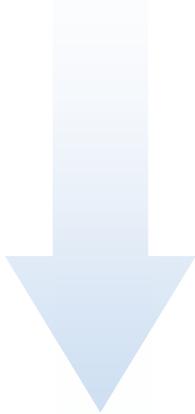
## V. COMMUNITY ENGAGEMENT

### Prior to the 90-Day Public Comment and Scoping Period

Prior to the official public comment period, the sanctuary worked closely with the sanctuary advisory council and the State of Hawai‘i to raise public awareness about the upcoming management plan review process. Several meetings were held to increase awareness about the MPR process as well as the scoping process and how to provide input during the 90-day public comment period. Efforts included a series of state-wide Public Information Meetings and multiple sanctuary advisory council meetings.



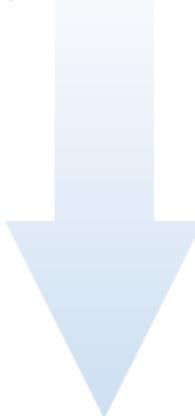
MPR Scoping Period Timeline



workshop were presented by the working group to the full advisory council at the following meeting in May 2010 as a series of recommendations for engaging community members. The recommendations were adopted and endorsed by the full council and submitted to the sanctuary superintendent for consideration. These recommendations have been implemented by sanctuary staff, as appropriate, to support a high level of community engagement in the process. For example, the council charter has been amended to add two new seats and provide representation for the islands of Lāna‘i and Moloka‘i. Additionally, efforts to engage communities have increased at all levels, including individual community leaders and decision-makers, neighborhood-level boards, and statewide organizations and agencies.

*Information Meetings*

*April 2010*



*Sanctuary Public Information Meetings*

The sanctuary hosted a series of eight public informational meetings in communities across the state several months prior to the official scoping period. They were held mid-April to mid-May of 2010 on the island of O‘ahu in Waialua and Hawai‘i Kai, Lāna‘i in Lāna‘i City, Maui in Kīhei, Hawai‘i in Hilo and Kailua-Kona, Kaua‘i in Līhu‘e, and Moloka‘i in Kaunakakai. These meetings were intended to inform community members about the sanctuary and its programs; explain the management plan review process, including how it will be conducted and how to participate; and to initiate a discussion on how the sanctuary might best fit into the future conservation of the marine resources in Hawai‘i. Several hundred members of the public attended the informational meetings. Community members came to learn and ask questions about the sanctuary, programs and the MPR process. There were several common themes of interest and concern expressed by the public, so these meetings were also helpful for sanctuary staff to better understand public concerns around marine issues in Hawai‘i.

**Box 1. Outreach Materials**

Several outreach materials were provided to the public to raise awareness about sanctuary programs, marine resource management, and opportunities to participate in the management plan review. Public outreach materials, along with other background information about the sanctuary, such as maps, existing regulations and management plans, can be found on the sanctuary website.

([http://hawaiihumpbackwhale.noaa.gov/management/mpr\\_documents.html](http://hawaiihumpbackwhale.noaa.gov/management/mpr_documents.html))

**MPR Informational Sheet**

Explains the management plan review process, and how the public can be involved.

*Find it here:* <http://hawaiihumpbackwhale.noaa.gov/management/pdfs/mpronepagerweb.pdf>

**Au O Ka 'Ike**

Sanctuary newsletter, offers periodic updates on the MPR process, sanctuary advisory council meetings, and other opportunities for public participation.

*Find it here:* [http://hawaiihumpbackwhale.noaa.gov/management/mpr\\_documents.html](http://hawaiihumpbackwhale.noaa.gov/management/mpr_documents.html)

**Public Information Meetings Summary**

Offers a synopsis of the public input that was received through the participation of several hundred participants in the 10-statewide informational meetings that took place prior to the scoping period.

*Find it here:* [http://hawaiihumpbackwhale.noaa.gov/management/info\\_mtg\\_summary.html](http://hawaiihumpbackwhale.noaa.gov/management/info_mtg_summary.html)

**State of the Sanctuary Report 2010**

The *Koholā Connection: State of the Sanctuary Management Plan Review Special Edition* highlights the sanctuary's current programs and accomplishments and describes the history of the sanctuary, identifies emerging marine conservation issues and raises several considerations about the sanctuary as it looks to the future.

*Find it here:* <http://hawaiihumpbackwhale.noaa.gov/management/pdfs/sosreport2010.pdf>

**Condition Report**

The 2010 sanctuary condition report serves as a report card and an important baseline on the status and trends of humpback whales and their habitat, and the human activities that may affect the sanctuary. In general, the report concludes that the status of humpback whales is in good condition, but the health of humpback whales is fair.

*Find it here:* <http://sanctuaries.noaa.gov/science/condition/hihw/welcome.html>

### During the 90-day Public Comment and Scoping Period

The National Oceanic and Atmospheric Administration (NOAA) formally initiated the public scoping process by publishing a notice of intent in the *Federal Register/Vol. 75, No. 134* on July 14, 2010. This notice of intent (1) informed the public that the sanctuary was initiating a review of its management plan and regulations; (2) served as the official start of the 90-day public scoping and comment period; (3) announced the 10 public scoping meetings held on six islands across the state; and (4) provided public notice of NOAA's intent to prepare an environmental impact statement pursuant to the National Environmental Policy Act and a management plan.

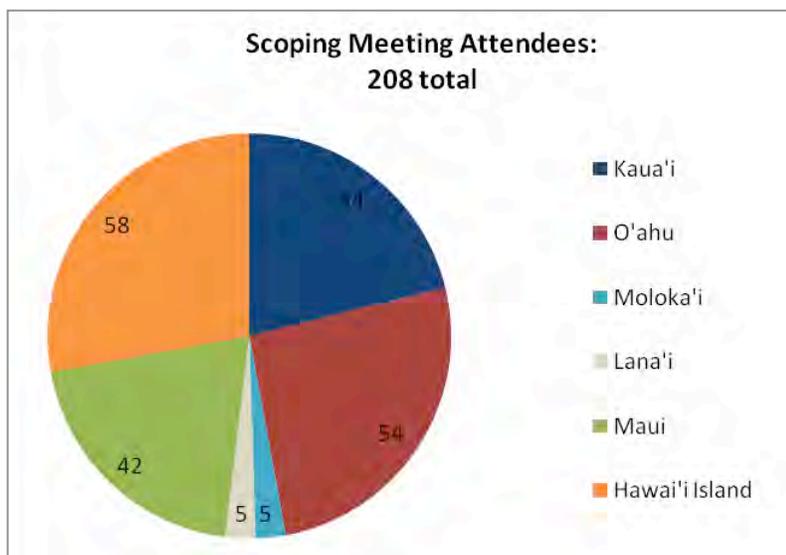
#### *Scoping Meetings*

The sanctuary held a series of 10 public scoping meetings in communities across the state during the month of August, 2010. The meetings were held early in the sanctuary's official 90-day public scoping period. Meetings took place on the island of Hawai'i in Hilo and Kailua-Kona, O'ahu in Honolulu and Hale'iwa, Kaua'i in Līhu'e and Kīlauea, Maui in Kīhei and Lahaina, Moloka'i in Kaunakakai, and Lāna'i in Lāna'i City (Table 1).

<i>Meeting Location</i>	<i>Date</i>
Hilo, Hawai'i	August 10
Kailua-Kona, Hawai'i	August 11
Honolulu, O'ahu	August 12
Līhu'e, Kaua'i	August 14
Kīlauea, Kaua'i	August 14
Kīhei, Maui	August 16
Lahaina, Maui	August 17
Kaunakakai, Moloka'i	August 18
Hale'iwa, O'ahu	August 23
Lāna'i City, Lāna'i	August 26

**Table 1.** Schedule of scoping meetings during August 2010.

There were several hundred people in total attendance across the islands (Figure 2). The meetings provided a forum for the public to provide comment on the sanctuary's management priorities, which were presented in the State of Sanctuary Report (Box 1), for the next 5 to 10 years. A similar format was used for each meeting (Box 2). Each meeting started with an informal open house that allowed participants to learn more about the sanctuary's current programs and to ask staff questions. An overview presentation was given at each meeting to provide information about the sanctuary and the management plan review process. Participants were then invited to break out into smaller groups to ensure every member of the public had an opportunity to provide input. Staff served as facilitators and recorders for each break out group. In order to ensure that comments were captured accurately, the discussion notes were displayed to the group. After the meeting, all notes from the scoping meetings were published on the sanctuary's website at [http://hawaiihumpbackwhale.noaa.gov/management/mpr\\_scoping\\_comments.html](http://hawaiihumpbackwhale.noaa.gov/management/mpr_scoping_comments.html).



**Figure 2.** Scoping meetings were conducted across Hawai'i and several hundred people participated.

### Box 2. Scoping Meeting Agenda

#### *Open house (30 minutes)*

Public is encouraged to walk around and talk with staff at informational exhibits to learn about the sanctuary and ask questions about sanctuary activities

#### *Formal presentation (20 minutes)*

Overview of the meeting (agenda and expectations)

Why are we here?

What we heard during information meetings

MPR process and timeline

Where do we go from here?

Vision for the future

What have we heard so far?

Overview of meeting

#### *Small group breakouts (1.5 hours)*

Each group will be comprised of 10-12 members of the public and two staff (one facilitator and one note taker).

#### *Wrap-up plenary (15 minutes)*

Members of the public will reassemble back into plenary session. Overview of how the public can provide input, scoping meeting dates, how will this information be used, public scoping report.

#### *Mahalo and Pau*

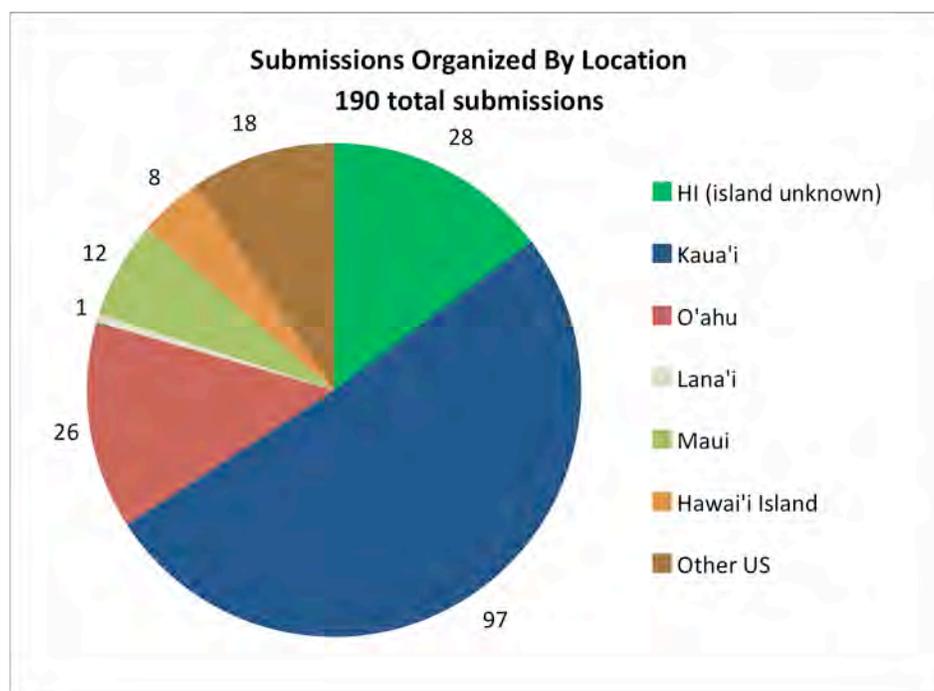
## VI. SUMMARY OF COMMENTS

In addition to the comments received during the scoping meetings, there were over 12,300 other submissions received during the 90-day public comment and scoping period that took place from mid-July to mid-October, 2010. During that time, sanctuary staff received input from a diverse constituency representing agencies, organizations, elected officials and community members from throughout Hawai‘i, the U.S. mainland and around the world (Table 2). Submissions were received as letters, faxes, voicemails and emails, in addition to the comments provided at public scoping meetings (Figure 3). The submissions included two petitions with a total of 12,019 signatures.

Public Input	Hawai‘i	Location Unknown	Other U.S.	International	Totals
Agencies /Organizations	32	0	9	0	41
Individuals	140	0	9	0	149
MCBI Petition	52	49	4,397	1,805	6,303
Kaua‘i Ballot	166	0	0	0	166
Fishing Community Petition	5,625	0	89	2	5,716
<i>Location Sub-totals</i>	6,015	49	4,504	1,807	12,375

**Table 2.** Summary of submissions received during scoping period

- *Agencies/Organizations*: Includes federal and state agencies, as well as organizations and local county council members. Input was received as emails and letters.
- *Individuals*: Includes letters, emails, and comment sheets received from individual citizens.
- *MCBI Petition*: Online petition from the Marine Conservation Biology Institute which was forwarded to the sanctuary superintendent as individual emails.
- *Kaua‘i Ballot*: Concerned citizens from Kaua‘i produced their own ballot to provide their comments during the scoping period. Hard copies of the ballots were received by the sanctuary office by mail.
- *Fishing Community Petition*: Includes individuals representing ocean users and the fishing community. A hard copy of the petition was submitted to sanctuary staff in person.



**Figure 3.** Submitted comments from individuals, agencies and organizations came from several different islands, as well as elsewhere in the United States. When comments from Hawai‘i could not be identified with a specific island, they were noted as “HI (island unknown)”. The MCBI petition and the Fishing Community petition were distinct and thus not included in this figure, but it should be noted that greater than 90% of the MCBI comments were received from individuals outside of Hawai‘i whereas greater than 90% of signatures on the Fishing Community petition were from within Hawai‘i.

All submissions received during the 90-day public comment period were documented as part of the administrative record, and made available on the sanctuary website. Sanctuary staff extracted concise comments from full submissions and maintained the context of the original comment. For example, one letter could contain numerous individual comments on several topics. Comments were compiled into a database to archive all original comments from letters, faxes and e-mails, in addition to transcribed notes from public meetings and voicemail messages.

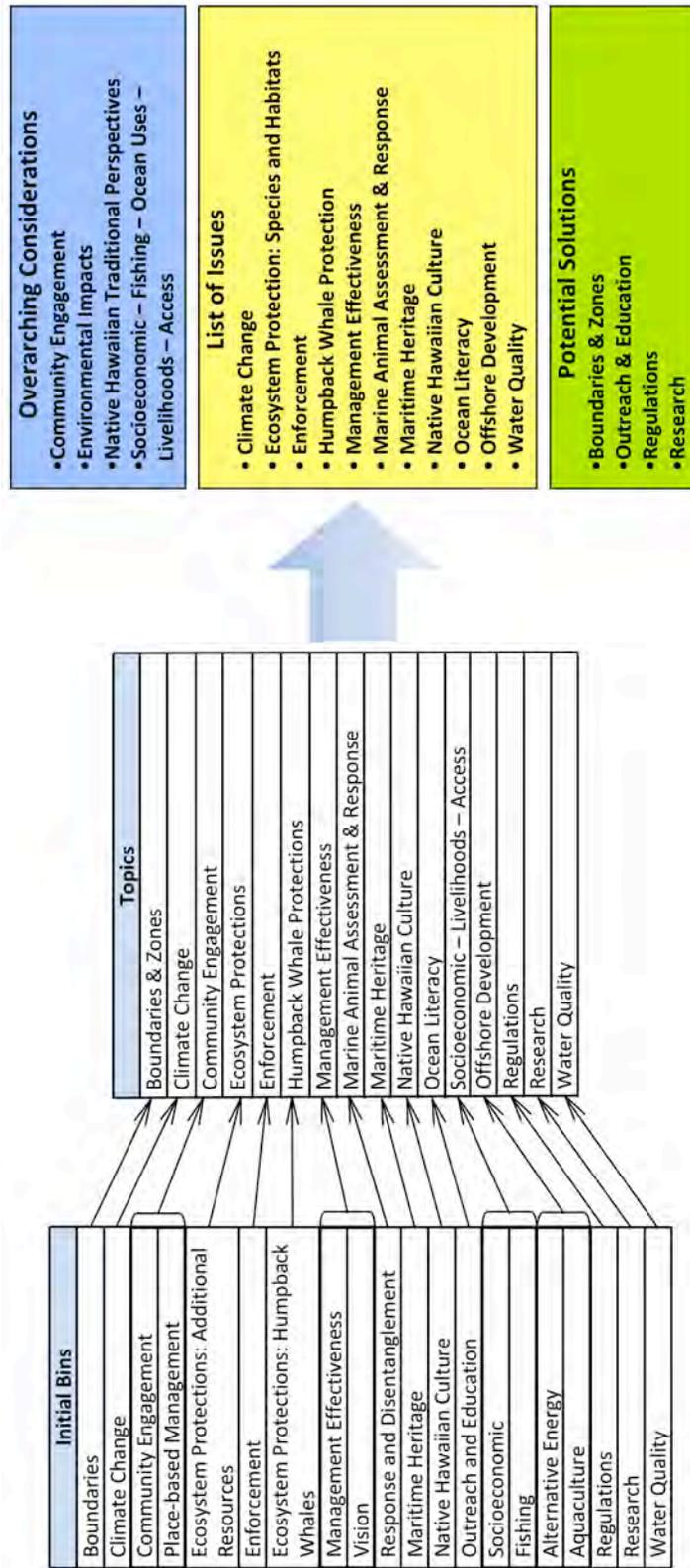
Once the comments were appropriately sorted, filed and archived, sanctuary staff gathered to read and examine through every comment to conduct a thorough analysis and synthesis. The team of sanctuary staff included the Island Program Coordinators who organize sanctuary programs on Kaua‘i, O‘ahu, Maui County, and Hawai‘i, as well as all staff who work directly on MPR-related projects. The approach utilized by staff to organize comments grouped related comments into general categories, or “bins”. The agreed upon procedure was to review each and every comment and place it into the general category that it best fit. This process ensured that each and every comment was considered.

The initial bins used for sorting included the topics and issues which were presented to the public in the State of the Sanctuary Report during the summer of 2010 (Box 1). As staff considered each comment, they discussed and collectively decided which bin it could be placed in. In many cases, comments addressed multiple topics, so they were placed in multiple bins as necessary. While examining the comments, sanctuary staff found it necessary to expand the list of bins to accommodate new issues or new perspectives presented. It was also apparent that several bins were so similar to each other that they could be combined, while at other times a bin was so complex that it was split into separate bins. Ultimately, every comment was considered during this sorting process, and every comment was placed in at least one bin.

At the completion of the binning process, staff identified 17 total bins into which all comments could be organized. These bins form the basis of the “draft topics” that the sanctuary presented to the sanctuary advisory council for review and input in December 2010.

During the comment binning process, staff further sorted the topics into three general categories: Overarching Considerations, Potential Solutions, and List of Issues (Figure 4).

# Progression of Topics



**Figure 4.** Topics (in alphabetical order) developed by sanctuary staff were refined and approved by the sanctuary advisory council. Overarching Considerations: many comments were considered so overarching that they were grouped together and will be applied across all the issues. Potential Solutions: specific comments identified tools or management actions for the sanctuary to consider in addressing each issue.

## VII. TOPIC DESCRIPTIONS

Topics were classified into three categories because it became clear they were a mix of Issues, Potential Solutions (or actions) and Overarching Considerations, and would need to be addressed differently. For example, certain topics effectively permeated across all the issues. These particular topics were sorted as Overarching Considerations. Contrastingly, certain topics fit more into the category of a future management action for addressing specific issues or concerns, such as research and monitoring or boundaries and zones so these topics were distinguished as Potential Solutions. The remaining topics highlight current or emerging issues and are from now on renamed as the List of Issues. The sanctuary will focus on addressing the List of Issues identified by the public during the management plan review.

### **Overarching Considerations**

Comments in this category emerged as so fundamental to marine resource conservation and management in Hawai‘i that they must be effectively considered when addressing each of the issues. These Overarching Considerations are listed below alphabetically.

#### ***Community Engagement***

The sanctuary understands that community engagement is essential for the management plan review process to be successful. Many communities across the state have already taken actions to identify their priority conservation and management needs. Whenever possible, the sanctuary will work with communities to complement and support, as appropriate, current planning or existing community-based efforts. This overarching consideration of community engagement is consistent with the sanctuary’s priority to promote and foster open dialogue with communities across Hawai‘i.

Focus of comments	Comments highlighted existing and developing community driven place-based management efforts. Many comments provided the sanctuary with site-based examples. As a result, there is a strong spatial component to many of the comments related to community engagement.
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#### ***Environmental Impacts***

An environmental impact is anything that alters the current state of the environment. These impacts could be positive, negative or neutral. In the marine environment, impacts are often not restricted to any given area; what occurs in one area may have an influence elsewhere. Many environmental impacts are human-caused and can be prevented. The primary purpose of the sanctuary to facilitate all public and private use must be balanced with the primary objective of resource protection, and as such minimizing environmental impacts will be an overarching consideration.

Focus of comments	Many comments addressed the need to minimize environmental impacts. Whenever possible, these comments were linked with a particular issue or potential threat. Threats such as sonar testing, non-point source pollution, offshore development structures, and boat traffic were identified in the comments, among many others.
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***Native Hawaiian Perspectives***

Cultural perspectives and traditional practices of Native Hawaiians provide a wealth of place-based knowledge because they have been developed through generations of learning and teaching. These perspectives provide a foundation to create cohesive relationships with the land and sea because the underlying values of Native Hawaiian culture are deeply rooted in the natural environment. In the process of identifying a list of issues, it became apparent that Native Hawaiian perspectives are an integral component of all issues that were identified during the scoping process. The cultural perspectives of Native Hawaiians will be an overarching consideration for all working groups as they develop management strategies for addressing each issue. As appropriate, cultural expertise will be sought out to aid the sanctuary staff in this endeavor. By increasing our understanding of Native Hawaiian cultural perspectives, the sanctuary can better incorporate Hawaiian values into future management actions, thereby perpetuating place-based knowledge and practices.

Focus of comments      Comments pointed out that Native Hawaiians who inhabited these islands prior to western contact developed a living system which allowed them to live sustainably with their natural environment. In order to effectively manage the biological resources which are an integral component of the ecosystems in Hawai‘i, comments addressed the need to include cultural perspectives which are unique to these islands.

***Socioeconomic – Fishing – Ocean Uses – Livelihoods - Access***

As an island community, access to the ocean is vital to the people of Hawai‘i. This topic includes, among others, boaters; subsistence, recreational and commercial fishers; surfers; divers; and tour-boat operators. The sanctuary is committed to providing the various ocean user groups with accurate and up-to-date information and to address any concerns that may arise, including those pertaining to access and livelihoods. Sanctuary staff and advisory council-sponsored working groups are committed to taking into account the views of all ocean user groups while considering the sanctuary’s scope for the future. One of the main objectives for the sanctuary is to facilitate public and private uses to the extent compatible with the primary mission of resource protection.

Focus of comments      During the scoping process, input was received from various ocean user groups including among others: ocean recreationists, members of the fishing community, and commercial operators. Commercial operators include recreation-based activities such as kayaking and diving, and tours that promote wildlife watching. Many groups expressed the need to increase efforts to conserve the ocean, while other groups expressed concerns that their livelihoods may be impacted if the sanctuary were to expand its current scope beyond the protection of humpback whales and their habitat.

## Potential Solutions

Many comments provided to the sanctuary were actually tools or “Potential Solutions” that the sanctuary can use to address various issues. These Potential Solutions are listed below alphabetically.

### *Boundaries and Zones*

National marine sanctuaries use place-based management in order to protect natural and cultural resources within their boundaries. Many of the comments submitted identified specific areas of particular value or interest. These specific areas are often important to communities because of their cultural and biological significance. Boundaries and activity-specific zones are commonly used spatial management tools that have been implemented in Hawai‘i and elsewhere as effective components of marine conservation efforts.

Focus of comments            Comments about sanctuary boundaries represented a broad spectrum of opinions. Many individuals supported expanding the scope of the sanctuary because they felt that current protections for marine resources and habitats were insufficient. Many others felt that the sanctuary may restrict ocean user activities and did not support an increase in scope or area.

### *Outreach and Education*

The sanctuary has proven successful in providing humpback whale and broader ocean-related information through diverse venues such as outreach events, focused trainings and workshops, and programs in schools. Formal education programs occur mostly in classrooms, while informal education takes place on a regular basis at the visitor center or in the field. Outreach activities disseminate information through public events and lectures. In addition, the sanctuary uses a variety of media including print, web content, social media, and exhibits, to deliver content to a wide audience.

Focus of comments            Outreach and education was highlighted in many of the comments and it is an effective management tool that can be used to raise awareness about an issue to affect change in behaviors over time.

### *Regulations*

Resource management is less about managing resources, and more about managing human impacts on those resources. Sanctuary staff recognizes that there are many layers of regulations already in place and that the solution to an issue is not necessarily to create more regulations. However, establishing regulations can be considered an effective tool when there is a need to fill regulatory gaps in the existing legislative landscape.

Focus of comments      Many of the comments relevant to regulations were also related to other specific issues (e.g., water quality, zones, fishing, threats to humpback whales and other species). A common thread among regulation comments was that the sanctuary should refrain from duplicating existing regulations. However, there were also individuals who felt that the sanctuary's regulations are currently insufficient. A desire to increase enforcement efforts was also expressed within the comments.

### ***Research and Monitoring***

In addition to place-based knowledge, research and monitoring efforts can also provide useful information for marine resource managers. The sanctuary science and research program began in 2003 and today, sanctuary personnel are recognized as world experts in the area of large whale entanglement response and research. Current projects focus on the impact of entanglements, vessel collisions and other human activities affecting humpback whales and their habitat. These projects have been shared with the broader scientific community and general public in a variety of ways, including numerous scientific papers and presentations on whale biology, human impacts, and policy and management.

Focus of Comments      Comments suggested a need to participate in research and monitoring activities to further explore the relationships between human activities and marine resources in addition to humpback whales and their habitat. Some comments emphasized there is still much that is unknown about the ocean, its habitats resources, and human influences on the marine environment. Comments also offered examples of areas that may benefit from additional research (e.g., acoustic monitoring, water quality). Existing information that may be useful in future marine conservation efforts as well as information needs were also identified.

## List of Issues

The following issues were identified from the public comments which address a current or emerging concern. A brief description is provided for each issue followed by the current status of that issue relative to the sanctuary. For each issue, a short summary is provided of the comments received related to that issue. The Issues are listed below alphabetically.

### *Climate Change*

Changes to the climate and marine ecosystem, both ongoing and past, have been documented, yet there are considerable uncertainties about current and future consequences at local, ecosystem and oceanic scales. Increased coordination and cooperation among resource management agencies would improve planning, monitoring and adaptive management to address this phenomenon. Monitoring data can serve as a baseline from which to assess changes in the coastal ecosystem that may occur as a result of climate change.

In order to reduce its carbon footprint, the sanctuary implemented the Office of National Marine Sanctuaries Blue Seas Green Communities Initiative by establishing a sanctuary advisory council working group to identify ways the sanctuary could green its operations and programs. The greening of sanctuary operations has included active recycling efforts and buying environmentally friendly products as well as reducing the amount of printed material for council meetings. At the sanctuary's Maui facility, the installation of new solar panels and repair of an existing photovoltaic system allows the production of at least half of the site's energy requirements.

Focus of comments	Comments suggest that the sanctuary should address global warming, climate change and ocean acidification in order to protect marine resources in Hawai‘i. The addition of corals to the list of resources protected by the sanctuary was also suggested since they are important indicators of climate change. The need for additional research and monitoring was also noted in the comments. It was also suggested that the sanctuary should “green” its operations in order to minimize its impact on the environment.
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### *Ecosystem Protections: Species and Habitats*

The Hawaiian Islands provide a unique marine ecosystem for an abundant and diverse wildlife community. Human impacts may alter and change this unique setting. Hence, a holistic approach is needed to find a balance between ocean uses and conservation efforts. Long-term and collaborative monitoring is critical to assess the current abundance and health of species in Hawai‘i in order to see if certain species are in need of heightened protection.

Currently, the sanctuary’s mission is to protect humpback whales and their habitat which does not directly address conservation and management from an ecosystem-based perspective. However, through partnerships with state and federal agencies, the sanctuary supports NOAA’s broader mission of resource protection through education and outreach programs that focus on coral reef ecosystems, water quality, and marine protected species

such as Hawaiian monk seals, sea turtles and Hawaiian spinner dolphins. This includes collaboration with the National Marine Fisheries Service to respond to distressed or stranded marine animals and also collaborative research activities to minimize destructive human-caused impacts to marine ecosystems.

Focus of comments      Comments focused on ecosystem protection addressed the need to increase the scope of the sanctuary beyond humpback whales and their habitat. The suggestions noted the expansion of sanctuary boundaries as well as including additional species and enhancing the protection of their environment. On the other hand, opposing comments suggested reducing the sanctuary's size or eliminating it entirely. Concerns were raised that protection for other marine species is already provided through various federal, state and non-profit organizations. The public also addressed threats such as the extinction of specific marine species, and discussed other environmental impacts on the ecosystem.

### ***Enforcement***

Enforcement ensures adherence to existing regulations and laws. In order to address this issue, a variety of management strategies might be considered such as voluntary compliance, penalty and fines, protocols and community engagement.

The sanctuary regulations summarized below are in place to protect humpback whales in the sanctuary and also apply anywhere within Hawaiian waters as per the Endangered Species Act (ESA). Enforcement of these regulations are coordinated by the NOAA Office of Law Enforcement, U.S. Coast Guard, State of Hawai'i Department of Land and Natural Resources Division of Conservation and Resource Enforcement and the NOAA Office of General Counsel. As members of the Sanctuary Interagency Law Enforcement Task Force these agencies coordinate to maximize enforcement capabilities to protect humpback whales in the sanctuary and throughout Hawai'i. The sanctuary also conducts workshops, trainings, lectures, and develops brochures and signage in order to educate ocean users on how they can protect humpback whales by adhering to regulations that provide for a safe wildlife watching experience.

### **Current Prohibited Activities**

- (1) Approaching, or causing a vessel or other object to approach, within the Sanctuary, by any means, within 100 yards of any humpback whale except as authorized under the Marine Mammal Protection Act (MMPA), as amended, and the ESA, as amended;
- (2) Operating any aircraft about the Sanctuary within 1,000 feet of any humpback whale except when in any designated flight corridor for takeoff or landing from an airport or runway or as authorized under the MMPA and the ESA.

For the complete list of regulations for the Hawaiian Islands Humpback Whale National Marine Sanctuary go to:

[http://hawaiihumpbackwhale.noaa.gov/res/guidelines\\_laws.html#hihwnms](http://hawaiihumpbackwhale.noaa.gov/res/guidelines_laws.html#hihwnms)

Focus of comments      Comments highlighted the need to enforce existing regulations and increase enforcement presence and budget in order to create additional regulations to protect humpback whales and other marine resources. Specific suggestions included speed limits for vessels and fines for derelict nets.

### ***Humpback Whale Protection***

The Hawaiian Islands are an important breeding ground for the North Pacific humpback whale population. The sanctuary's primary purpose is to protect humpback whales and their habitat in order to provide safe breeding grounds to ensure abundance of their population. In order to accomplish this, it is essential to establish equilibrium between human impacts, such as ocean uses and manmade entanglement, and conservation efforts. In light of the current and emerging threats, the sanctuary may need to reassess several aspects of the status of humpback whales in Hawai'i, such as population structure, abundance, trends, and habitat use and preferences.

Sanctuary scientists coordinated the largest whale research project ever completed. The Structure of Population, Levels of Abundance, and Status of Humpback (SPLASH) project generated the most accurate population estimates ever calculated for the North Pacific humpback whale population. Sanctuary science and research personnel are recognized as world experts in the area of large whale entanglement response and research. Staff also advises various organizations such as the NOAA Humpback Whale Biological Review Team and the International Whaling Commission. In addition, the sanctuary co-hosted the First International Conference on Marine Mammal Protected Areas.

Focus of comments      Many comments called for increased protections of humpback whales and their habitat, which was sharply contrasted by comments saying that populations are increasing so no additional protections are needed. Several current and emerging threats to humpback whales such as vessel-whale collisions and entanglement in marine debris were identified as primary concerns. Also, included in this issue were comments that stated that whales were already protected by other laws, and that ultimately, the sanctuary is not necessary.

### ***Management Effectiveness***

Expanding sanctuary operations and programs with additional funding and infrastructure would improve sanctuary staff's abilities to meet the current research, education, outreach and resource protection needs. The sanctuary superintendent is responsible for developing an annual budget and operating plan, as well as promoting capital improvement projects. A major component of management effectiveness is to streamline conservation efforts through collaborative approaches with partner agencies.

The sanctuary coordinates closely with the State of Hawai'i and National Marine Fisheries Service through the Pacific Islands Regional Office on all aspects of humpback whale protections. The sanctuary also supports rescue and response of other living marine resources through the Marine Mammal Response Network.

Focus of comments      Public comments expressed concerns related to budget, staffing and programs. Comments also included requests for the sanctuary to be more involved in protecting resources in Hawai‘i. Many comments stated the need to work more collaboratively with partner agencies, organizations and communities. It was also noted that the duplication of rules and regulations should be minimized through partnerships and collaborations between state and federal agencies.

### ***Marine Animal Assessment and Response***

Entanglement in fishing gear and marine debris as well as collisions with marine vessels are widely recognized as the primary human-caused sources of serious injury and mortality among humpback whales in Hawai‘i and elsewhere. Sanctuary staff are recognized experts that provide leadership in mitigating the impacts of whale entanglement in Hawai‘i, nationally and internationally.

Sanctuary staff respond to reports of humpback whales in distress by conducting on-water assessments and when conditions and resources permit, attempting to free whales from potentially life-threatening entanglements. In collaboration with state and federal agencies, local whale researchers, the tourism industry, fishermen, and private citizens, the sanctuary coordinates the efforts of the Hawaiian Islands Large Whale Entanglement Response Network. The information gathered from these response efforts may mitigate these threats in the future. Key sanctuary staff also provide support for response to other marine animals including monk seals, sea turtles and other cetaceans.

Focus of comments      The public expressed concern for the need to respond to animals in distress, including whales, dolphins, turtles and monk seals. Comments also addressed the need for stricter laws or regulations that would hold individuals accountable and liable for derelict nets and marine debris. Additionally, rewards for the collection of nets and other marine debris was an idea included in the comments.

### ***Maritime Heritage***

Maritime heritage features the historical, cultural and archaeological resources which reflect our multi-cultural seafaring history, with historic shipwrecks being the most familiar to the public.

The protection of maritime heritage resources is not included in the sanctuary’s current management plan and therefore is not directly addressed. The sanctuary recognizes that those resources of national significance may benefit from additional protections. To that end, the Office of National Marine Sanctuaries Pacific Islands Region office has initiated a review of the inventory of maritime heritage resources within the sanctuary, and has supported several resource assessments at specific locations. Within the sanctuary’s boundaries there are at least 146 known losses of ships and aircraft. There are no active programs in place to inventory, assess and protect maritime heritage resources within the sanctuary at this time.

Focus of comments      Scoping comments highlighted the unique historical and archaeological value of maritime heritage resources, and the need for more education and outreach and ocean stewardship of maritime heritage resources.

### ***Native Hawaiian Culture***

The sanctuary acknowledges the importance of integrating traditional Hawaiian practices and knowledge to effectively manage the unique marine ecosystem of the Hawaiian Islands. The Hawaiian Islands National Marine Sanctuary Act directs the sanctuary to “facilitate to the extent compatible with the primary objective of protecting the humpback whale and its habitat, all public and private uses of the sanctuary, including uses of Hawaiian natives customarily and traditionally exercised for subsistence, cultural, and religious purposes”. The sanctuary strives to sustain and perpetuate traditional Hawaiian knowledge by understanding the significance of cultural practices and the values that are ingrained in mo‘olelo (stories). Through partnerships with various organizations to develop curriculum and support fishpond restoration efforts, the sanctuary aims to maintain strong relationships with Native Hawaiian cultural groups. The sanctuary will continue to honor and respect the heritage and living culture of Native Hawaiians and will strive to incorporate traditional values and management principles to guide resource management decisions in the future.

Focus of comments      Communities and families still utilize cultural practices in their everyday lives, and many comments addressed cultural gathering rights. This included fears that the sanctuary would close off coastal areas and prevent access to culturally significant areas. If cultural resources will be included, comments addressed the need to comply with Section 106 of the National Historic Preservation Act. The importance of utilizing the traditional Hawaiian land management system, the ahupua‘a, was highlighted as an effective management approach. Comments also pointed out that the ocean is traditionally a crucial food source for Hawaiian people. There were several suggestions that the restoration of Native Hawaiian fishponds would not only increase food security but also Native Hawaiian cultural awareness.

### ***Ocean Literacy***

Enhancing ocean literacy aims to increase the public’s general knowledge about the marine resources in Hawai‘i and to foster stewardship within communities. Public awareness and appreciation of natural and cultural resources is central to the sanctuary’s mission, and ocean literacy is a key component of the sanctuary’s efforts to promote ocean conservation and resource protection in Hawai‘i.

In addition to the Kihei Learning Center on Maui, the sanctuary offers a variety of programs to the communities of Kaua‘i, O‘ahu, Maui, and Hawai‘i Island to increase ocean literacy.

Focus of comments      Enhancing the public’s awareness and appreciation of humpback whales has been central to the sanctuary’s mission, and scoping comments encouraged the sanctuary to continue to support outreach and education. In particular, ocean literacy was identified as an issue because comments highlighted the lack of awareness about marine resources, and the subsequent need to raise awareness ocean conservation and resource protection.

### ***Offshore Development***

Offshore development has the potential to affect environmental resources, yet its environmental impacts have not been thoroughly evaluated. Enhancing the knowledge and understanding of possible ecological impacts of offshore development will support the sanctuary in its decision-making process to achieve sanctuary goals.

Energy independence and food security are two important issues facing Hawai‘i. The sanctuary recognizes offshore development as an important issue and is currently working with community members, the state and industry representatives to learn more about existing and proposed projects in Hawai‘i. The sanctuary advisory council has previously been engaged in existing and proposed offshore development projects in the state. The council supports the combining of science and place-based knowledge to develop public policy that governs the management of coastal areas and associated marine resources.

Focus of comments      Aquaculture and alternative energy resources were the two main categories of offshore development identified during the scoping process. Examples include wind and wave energy structures, underwater cables, and aquaculture cages. Comments stated concern for potential impacts to cultural and biological resources. Contrastingly, other comments suggested that development activities have not been shown to have adverse impacts on marine resources. Community members recommended using the best available science and place-based knowledge when considering development activities within the sanctuary.

### ***Water Quality***

Good water quality is essential to the health of the marine ecosystem. There are diverse sources of human-caused and natural factors impacting water quality, such as polluted run-off, erosion and injection wells. Since pollution affects coastal areas in various places and on various time-scales, coordinated management strategies and place-based management approaches may be useful.

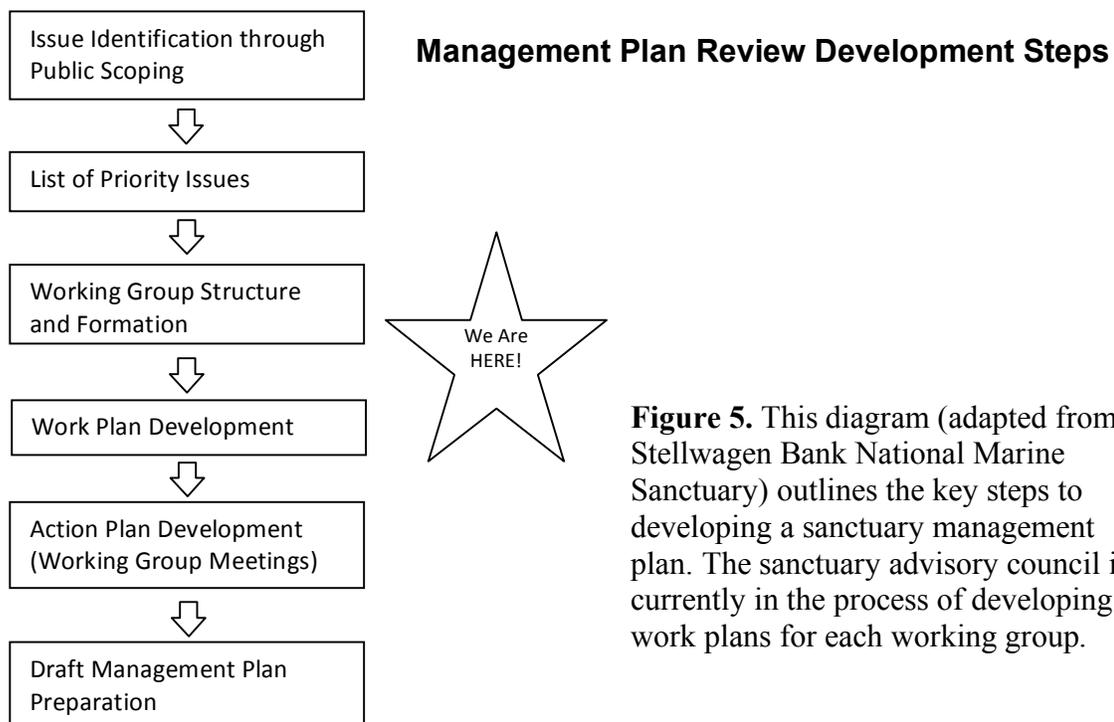
The sanctuary recognizes water quality as an important issue for human and ecosystem health. Currently, the sanctuary has a regulation which prevents discharge within the sanctuary if it is conducted in a way that is not in compliance with a previous authorization. Although the sanctuary does not directly regulate water quality, the sanctuary plays a supporting role to improve water quality through education and outreach programs.

Focus of comments      Community members throughout Hawai‘i stated that water quality protection should be a high priority for the sanctuary. For certain communities, this was a major issue. For example, many comments from individuals in Maui County discussed concerns about the possible effects of storm water runoff and vessel discharge on marine wildlife as well as human health and safety. Additionally, community members stated a need for more research and monitoring programs and increased collaborative efforts to address water quality issues within the sanctuary.

## SUMMARY AND NEXT STEPS

Management plan review is an important public process designed to engage stakeholders, agency partners and the general public in providing input into sanctuary management. Sanctuary staff will continue to work collaboratively with the sanctuary advisory council, the State of Hawai'i and other partners to keep the community informed and engaged throughout the multi-year management plan review process.

The sanctuary advisory council has played and will continue to play an important role throughout the MPR process. As an important step in the process, the council endorsed a List of Issues, Overarching Considerations and Potential Solutions at the December 2010 meeting. The council also created nine working groups to further refine each of the issues. These working groups have been charged with developing a work plan for how each issue will be addressed over the next six to nine months. Issue-specific groups will identify existing projects or initiatives and the technical experts, stakeholders or organizations involved; identifying gaps or information needs; identify potential collaborations or partners; and define a potential role for the sanctuary related to that issue.



**Figure 5.** This diagram (adapted from Stellwagen Bank National Marine Sanctuary) outlines the key steps to developing a sanctuary management plan. The sanctuary advisory council is currently in the process of developing work plans for each working group.

The product or outcome of the working groups will be to develop a set of management actions that will be presented to the full advisory council for review and discussion. Upon approval by the full council, a final set of management recommendations will be submitted to sanctuary leadership for possible inclusion in the draft sanctuary management plan. It is anticipated that this meeting will take place in the fall of 2011. Updates on the working group progress will be posted regularly on the sanctuary website. All advisory council meetings are open to the public and provide an opportunity for all interested members of the public to remain engaged and provide comment throughout this process.