

Sanctuary Advisory Council

Fifty-first Meeting

Wednesday, January 9, 2008

1:00 p.m. to 4:00 p.m.

Honolulu International Airport
Inter-Island Conference Center

FINAL MINUTES

Attendance

Primary Council Members Present:

Cindy Barger, Bob Bruck, Jim Coon, Liz Corbin, Bill Friedl, Tommy Friel, David Hoffman, Eric Kingma, Marc Lammers, Teri Leicher, Marnie Meyer, Terry O'Halloran, Sara Peck, Dale Sarver, Mike Stanton, Cheryl Sterling, Don Thornburg, Dean Watase

Alternate Council Members Present:

Keeley Belva (for Aulani Wilhelm), Jackie Burke, Kyle Deems (for Mark Young), Janice Fukawa (for Becky Hommon), Liz Kumabe (for Jeanne Russell), Robin Newbold (for Lou Herman), Adam Pack, Kathy Yim, Reg White

Excused:

Athline Clark, Kimokeo Kapahulehua, Jerry Norris, Chris Yates

Others Present:

HIHWNMS: Christine Brammer, Mary Grady, David Mattila, Patty Miller, Naomi McIntosh, Jeff Walters, Paul Wong

Distributed Materials

- Today's Agenda
- Table of Contents
- Draft Meeting Minutes from August 29, 2007
- Action Item Report
- Sanctuary Manager's Report
- Sanctuary Co-Manager's Report
- 2008 Researcher Memo to SAC
- Maui County Report
- Conservation Committee Report
- Education Matrix
- SAC Letter to Governor Lingle
- Governor Lingle Response to SAC
- Dan Basta Letter to Governor Lingle

- Governor Lingle Response to Dan Basta
- 2002 Charter with Amendments
- Dan Basta Letter on *Blue Seas, Green Communities Initiative*
- News Article - *Honolulu Advertiser* - November 2007
- News Article - *Star Bulletin* - November 2007
- News Article - *Hawaii Fishing News* - January 2008
- *Sanctuary Watch* – Fall 2008

Call to Order

The purpose of this meeting is to plan for the upcoming year.

Council Chair Bill Friedl called the meeting to order at 1:00 p.m. Teri Leicher then took role.

Approval of Meeting Minutes

The meeting minutes from the council's August 31, 2007 were read. Adam Pack requested amending page 8 to add North Pacific and to change the date to 1966 in the following sentence: The humpback whale was protected in 1956, but Russians continued to hunt well up to the 1970s. The meeting minutes were approved as corrected.

Public Forum

Bill Friedl asked the members of the public to introduce themselves and called for any public comments. Marsha Green submitted two documents for council members to review on noise impacts in the sea. Ms. Green would like to present her concerns to the council at a future meeting.

Discussion on Reports and Updates

Chair's Report:

Mr. Friedl asked the council members to review the Action Item Report (see attachment 1). Bill Friedl said since becoming Chair, he has seen the commitment of both council members and staff members to the sanctuary. The council is evolving and provides to the sanctuary the public eyes and ears to help shape the direction that management should take in protecting Hawai'i's humpback whales. Mr. Friedl thinks our council functions on an impressive level and should now strengthen its focus by prioritizing its work as a citizen advisory body.

Sanctuary Manager:

Sanctuary Manager, Naomi McIntosh, submitted a written report (see attachment 2). Naomi McIntosh wished everyone a happy new year and welcomed the new agency members. Ms. McIntosh said she will stand on her written report. Ms. McIntosh also notified the council that she submitted recommendations for the selection of new Council members to headquarters and expected to be hearing back in the next couple of weeks. She mentioned that the Native Hawaiian and Fishing seats received one application each and both the SAC Selection Committee and the Executive Committee recommended these applicants as primary representatives. An additional Federal Register notice will be sent out to seek candidates for the alternate seats.

Sanctuary Co-Manager:

Sanctuary Co-Manager, Dr. Jeffrey Walters, submitted a written report (see attachment 3). State Sanctuary staff have been busy with monk seal pups on the islands of Kauai and Hawai'i. Monk seal 'O42' has been fed and has become a nuisance animal on the Big Island. The seal is blocking people from getting out of the water. This seal was captured and relocated for a fourth time. The monk seal response team members are looking at moving her 120 miles to recondition her. Tommy Friel commented that humans also need to be reconditioned.

Jeff Walters and Ed Lyman have been busy working on the Ocean Etiquette Campaign. They held workshops across the state for vessel operators with over 90 participants involved. Jeff thanked Jerry Norris for helping to produce a program on the workshops on OLELO for OHA (Office of Hawaiian Affairs). A DVD will also be created and distributed.

Discussion

Adam Pack said the boater workshops are a great idea and a follow up survey of participants should be done. Adam Pack mentioned his concern about the sanctuary not being involved with the volunteer monk seal network on Oahu as there are increasing haul out events on Oahu in very public areas, such as the molting event in Kailua.

Naomi McIntosh said Adam Pack made some important points and even if monk seals are not the sanctuary's responsibility, the public expectation is that we will respond because we are a government resource protection program. She suggested that it is possible that the sanctuary could help with media opportunities to get more information out to the public.

Don Thornburg suggested creating a Kauai county working group to provide a forum to address emerging issues (like the Hawaii Superferry issue) in local communities.

Maui County:

Cheryl Sterling, submitted a written report (see attachment 4). Cheryl Sterling will be attending a meeting tonight with DLNR to discuss the initial design for pump out facilities being proposed during harbor improvements on Maui. The cover story of Maui Weekly was an article on Pump Don't Dump. The article discussed interim decisions that are being proposed until the harbor improvements and pump-out facility is completed. Funds to subsidize interim pump services at Maalaea are predicted to only last until February. There are over 20 boats currently using these services. There will be a meeting with the tri-isle area to explore additional funding opportunities to maintain the service. An opportunity for organizations to get back on board with funding support for the interim pump services is important to the community especially if the harbor improvement pump out facilities is predicted to be finished by 2010.

Discussion

A question was asked about the status of a resolution that passed in the State Legislature during the last legislative session requesting that the federal government create a no discharge zone within sanctuary boundaries. Jeff Walters explained that the resolution was transmitted to the U.S. Environmental Protection Agency (EPA)

and other agencies with jurisdiction. The EPA stated they do not have independent authority to declare a no discharge zone within State waters and that the governor has to request that a no discharge zone within state waters (3 miles from shore) be established. What the resolution requested is not possible under current federal law.

Naomi McIntosh stated that she and Jeff Walters met with Representative Joe Bertrum and Mike Moran from Pump Don't Dump and explained that the sanctuary plans to address the water quality issues during the upcoming Management Plan Review (MPR) and the process is being proposed to be underway as soon as funding is available. In the meantime, the sanctuary will continue to encourage boaters to utilize the pump-out trucks at the harbor. Ms. McIntosh stated it may be beneficial for Pump Don't Dump to recognize and show support for boaters that have been using the pump-out trucks.

Cheryl Sterling asked when the meeting was held on Maui and Jeff Walters replied it was in early September. Adam Pack suggested that it would be helpful to keep County Council representatives informed of meetings on appropriate issues so that they can share updates when they are contacted by people in the community. Both Jeff and Naomi agreed and promised to keep County Council representatives informed. Cheryl Sterling informed the council that she called Mike Moran and forwarded him information about the State DLNR meeting.

Naomi McIntosh stated the sanctuary will explore funding options for tri-isle are to continue offering pump-out services and maybe the council communicate their support for the effort to potential funders. At that point, Naomi McIntosh congratulated Jill Komoto for successfully competing for a grant from the Hawaii Tourism Authority to work with the sanctuary and other partners to provide education and outreach on water quality issues in Hawaii.

No written reports from Kaua'i County, Hawai'i County and Honolulu County were submitted.

Conservation Committee:

Lou Herman, Conservation Committee Chair, submitted a written report (see attachment 5). Robin Newbold, Conservation Alternate sitting in for Lou Herman stated that she would stand on the report submitted by Lou Herman. Robin did highlight that the sanctuary announced on the last conference call plans to restructure the committees and working groups and provide opportunities to work more directly with sanctuary staff. The Conservation Committee will be working with Ed Lyman and Justin Viezbicke. Lou Herman expressed his support for the idea and stated on the call that such communication and collaboration is important.

The Conservation Committee call was held on January 3, 2008. Ed Lyman, Sanctuary Marine Mammal Response Manager, presented a powerpoint on the committee call on local issues the sanctuary has been involved in. Ed Lyman and David Mattila have a primary role in the Hawaiian Islands Disentanglement Network to respond humpback whales in distress regardless of sanctuary boundaries. Ed Lyman said that while the primary focus of sanctuary response is humpback whales, sanctuary personnel also assist with responses for other federally protected resources. Entanglements and vessel strikes have been increasing in recent years

and no one knows whether this is due to increased awareness and/or increased reporting. Unfortunately, this is occurring at a time when funding has been decreasing.

David Mattila announced that the sanctuary submitted a proposal to the Hawaii Tourism Authority (HTA) and that the proposal was funded for \$21,750 to support education and outreach for rescue response. Naomi McIntosh said education and outreach is strong component of the sanctuary's rescue program efforts to ensure that people understand that responding to entangled whales on their own without proper training is very unsafe. The sanctuary also submitted a proposal for a NOAA marine debris grant to obtain funding to support the sanctuary's response efforts.

Sara Peck asked if the National Marine Sanctuary Foundation is able to allocate some funding towards this effort. Naomi McIntosh agreed that the foundation would be an excellent source of funding to pursue and a good example could be copied from a funding campaign that another group developed asking individuals to contribute to a specific issue.

Adam Pack asked Jeff Walters why the state is not able to provide funds to help support responses. Jeff Walters said it is not a current funding priority for the State. David Mattila stated that the state supports a tremendous amount in kind (with staff and boat support) to support the network. David Mattila also recognized the contributions of the Coast Guard for the response network.

Dale Sarver requested an explanation on item # 4.b. of the Conservation Committee report. Item 4.b. states: Monitoring of existing aquaculture projects for impacts on whales or other species of concern, including petitioning for reliable measures of impact. Robin Newbold said we will be discussing the objectives tomorrow as planned at the retreat unless the Chair wants to discuss them today. Bill Friedl asked that we discuss the objectives at the retreat.

Cheryl Sterling asked if there were any management concerns surrounding the new boat and whether it will require and come with additional funding and personnel. Naomi McIntosh explained to the council that a new research vessel was congressionally appropriated for the sanctuary and will be arriving soon on Maui. The sanctuary program will need to work out the logistics of harbor space and obtaining funding for a captain.

Education Committee:

Liz Kumabe, Education Alternate, asked the council to refer to a sanctuary education matrix. Ms. Kumabe said the Education Committee had a great conference call meeting. Patty Miller and Jean Souza will be helping to staff the committee. She mentioned that Jean Souza and Patty Miller shared with the Committee that they had attended a training to learn about evaluation techniques for education programs and the education program inventory matrix was an evaluation tool.

Jean Souza and Patty Miller provided a wonderful summary and fast glance at what the sanctuary program is doing in education. They also talked briefly about

sanctuary's primary target audiences. Liz asked that the council members review the matrix for tomorrow's retreat discussion

Bill Friedl commented that education is the main interface with public and the sanctuary program is doing a great job. Liz Kumabe agreed that all staff on all islands are doing a great job and reaching a variety of audiences.

Adam Pack asked about the status of the marine education curriculum. Naomi McIntosh explained that the project is now being coordinated by the Pacific Services Center (PSC). PSC is overseeing the contract that remained with the Pacific Region Environmental Learning (PREL). Patty mentioned that she had heard that ninety-five percent of the units had been developed and are being field tested. She thought that funding was available to print the curriculum for teachers.

Naomi McIntosh is hoping that the sanctuary's role in supporting ocean education is to continue our involvement with the Department of Education (DOE) providing in the field curriculum components and the sanctuary is looking to enhance opportunities for students to provide meaningful field trip experiences.

Research Committee:

Marc Lammers, Research Committee Chair, did not submit a written report however, he provided the council with an update of the Research Committee call. During the call, attendees also discussed the new structure of the Research Committee. David Mattila and Chris Brammer will be working with the Committee. David Mattila provided a thorough update on the Structure of Populations, Levels of Abundance and Status of Humpbacks project (SPLASH) and other research activities. David mentioned that the plan is to have a population estimate forthcoming in March for the North Pacific humpback whale population. There is evidence that the North Pacific population appears to be made up of subpopulations of which some are doing well and others are not. There is no place where entanglement is not an issue and there are likely to be some forty publications out of SPLASH and at least four of those will be from Hawaii.

Other highlights for 2008 include the International Conference for Marine Mammal Protected Areas, exploring possible aerial surveys in collaboration with the marine debris program as a continuation of previous efforts, and the possibility of a formal graduate student program to be able to facilitate work of students (by offering things like lodging).

David Mattila stated there is no 2008 funding for research projects. The sanctuary is putting in a modest funding request for SPLASH, funding for the Marine Mammal Protected Areas Conference, and is asking for funding to support logistics for the 41 ft. research vessel.

Marc Lammers said the role of the Research Committee was discussed on the conference call and ideas were generated for 2008 objectives on how the Committee can support the sanctuary's research program. Although the research efforts of the sanctuary has global implications, the committee will focus on providing recommendations on local issues and therefore the proposed objectives that will be discussed at the retreat will be locally focused.

Aquaculture Working Group:

Mike Stanton, Aquaculture Working Group Chair, did not submit a written report, however, he provided the council with an update on the Aquaculture Working Group's last meeting. The Aquaculture Working Group will be working with Jeff Walters and Justin Viezbicke.

Jeff Walters announced that there will be a public meeting on the Big Island regarding expansion and reconfiguration of the Kona Blue Aquaculture facility site. The meeting will be held on January 16th from 6:30 p.m. to 8:00 p.m. Eric Kingma asked if Kona Blue is moving their operations to the west coast. Dale Sarver replied the Chief Executive Officer (CEO) will be re-locating to San Francisco and focus on marketing. President Neil Sims will stay in Kona to continue to manage the operations. Jeff Walters said another aquaculture meeting will occur this month with the Aquaculture Development Program. The Maui Fresh Fish company will meet with agencies on January 17th to discuss their plans. Cheryl Sterling asked if this project will be located off of Maui. Dale Sarver said the project is designed to have a hatchery in Maui that is already under construction and a grow out facility off the southwest side of Lanai. The site was only proposed a couple weeks ago after extensive review of other areas. The primary proposal will be to grow opakapaka but since that has not been done or has been difficult plan B will be designed around fish other than opakapaka.

Marc Lammers asked if the proposed location is in the sanctuary. Jeff Walters replied, that the proposed location is in the sanctuary and the sanctuary will be commenting on recommending what should be in the Environmental Assessment (EA)/Environmental Impact Study (EIS) and mitigation measures.

The Maui Fresh Fish Company would like to give a presentation to the council. Bill Friedl said members would like to hear from commercial representatives but would like to know if there is anywhere to find published guidance from the State. Jeff Walters said the Office of Conservation and Coastal Lands (OCCL) permit and the Conservation District Use Permit (CDUP) provide guidance and may be able to provide information to the council.

Tommy Friel said NOAA Office of Law Enforcement (OLE) and State's Division of Conservation and Resources Enforcement (DOCARE) are interested to know how farmed aquaculture products can be tracked. He pointed out that Opakapaka is a bottom fish species that is regulated and the fishery is closed. Eric Kingma said tracking of regulated species is an important issue. Bob Bruck said this is already being done with Moi. Tommy Friel said many of these transactions have cash sales and are very difficult to track. Jeff Walters said yes, it is very difficult to enforce and will present a challenge.

Mike Stanton shared an article that appeared on the front page of West Hawaii Today's newspaper. The article focused on Kona Blue's proposal to double the area of their site. Kona Blue has done a lot of public relations and also has an article in airline magazines.

According to what Kona Blue has posted online. They are exploring three options for expanding their facilities. Neil Sims upgraded Kona Blue's revised EA two weeks

ago. The proposal is in the same location of their current facilities with an added small geographic imprint for cages, which is significant for tethering and doubled the cubic size. The location is in the sanctuary off Keahole Point. The EA compares the amount of space of the expansion as being equal to approximately one cruise ship or .01% of the sanctuary.

Unfinished Business

Status of the Sanctuary's Communication to Governor regarding the Management Plan Review

Two letters were sent to Governor Linda Lingle; one from the council and one from Dan Basta. The council sent out a letter that was in specific support for sanctuary and the Management Plan Review (MPR). The governor responded and said that she supported the council's work and would send another response by the end of the year to communicate her thoughts on the MPR process.

On October 31, 2007, Dan Basta sent a letter to Governor Lingle in support of the MPR and the additional resources process. On December 11, 2007, the Governor responded and requested additional time for further review and analysis by her Department of Land and Natural Resources Chair, Laura Thielen. Jeff Walters plans to meet with Laura Thielen to discuss the review.

Jeff Walters said the discussion will center over what it means to move forward with MPR process that includes addressing emerging issues for humpback whales and consideration of adding additional resources. Eric Kingma asked if the governor could say to go forward with the MPR with just humpbacks or could specify to go forward with the MPR with humpbacks and other resources? Jeff Walters said yes, she could make a decision either way.

Dale Sarver asked about the possibility of putting in a bill for funding to support the sanctuary's program efforts at the state legislature. Bill Friedl stated that members of the Sanctuary Advisory Council (SAC) can act as individuals to discuss these issues with representatives at the legislature and can express to legislators that they learned about an issue through the SAC but they cannot speak on behalf of the entire Council. Liz Corbin asked if state representatives could have a legislator introduce something since state representatives are not voting members anymore. Bill Friedl said that could be risky and he was not sure what rules are in place.

Marc Lammers asked about the MPR in regards to the sanctuary's mandate. Naomi McIntosh replied the sanctuary is mandated to conduct a review of its management plan every five years and that NOAA wanted to be sure that the State supported moving ahead with consideration of additional resources to be discussed during this MPR review. Marc Lammers asked when Ms. McIntosh thinks there will be a response from the State. Naomi McIntosh replied that both parties would like to resolve this issue within the next couple of months.

Bill Friedl said that it is important for the council to endorse reaching a consensus on their position with moving forward with the MPR.

Presentations

Retreat Objectives—Bill Friedl, Chair, HIHWNMS Sanctuary Advisory Council

Bill Friedl spoke to the council about the retreat objectives. Mr. Friedl said the retreat objectives were based on the best way to move forward with the committees and sanctuary programs. Based on the committee and working group meetings, the committee and working group chairs have come up with a list of hot topics and objectives for the groups to address in 2008. The retreat will focus on these objectives and how to strategically move forward.

Management Plan Update—Naomi McIntosh, Superintendent, HIHWNMS

Naomi McIntosh provided an update to the council on the MPR. NOAA sent a letter to Governor Linda Lingle summarizing the programs findings and requested the Governor's support to begin a community based process to review and potentially revise the Sanctuary's Management Plan to further address threats to humpback whales and to consider adding other resources (living marine resources and maritime heritage resources) for possible inclusion.

If the Governor agreed and NOAA is able to allocate the appropriate staff and funding, the sanctuary would begin Phase II of the process in 2008.

Naomi McIntosh also addressed three main topics: what a management plan is; why the National Marine Sanctuary reviews its management plans; and the community-based process for developing management plans.

Naomi McIntosh explained the sanctuary is waiting on the state's approval to move forward with the process and on funding decisions to support the MPR. Ms. McIntosh said the structure of the new management plan will be different because it will be more issues-based instead of programmatic-based. Ms. McIntosh explained that this is an evolution for all sites within the National Marine Sanctuary Program.

Discussion

Marc Lammers asked if adding additional resources or regulations will trigger an EIS that NOAA will have to do. Jeff Walters replied that an EIS will probably be triggered and that Mary Grady and other staff have already gathered information for the EIS.

Bill Friedl said given the state buys in and funds are received, Phase II will need the council's vote to endorse that process. Council members asked if the management plan will also include discussion on other emerging issues. Naomi McIntosh said the scope of the review will include discussion on emerging issues and will also be dependent on public comments and interests.

Bill Friedl and Terry O'Halloran made a motion to support and endorse the MPR process given the state approves moving forward with the MPR process and NOAA is able to allocate appropriate funds to support the MPR process. Jim Coon seconded the motion and the motion passed unanimously.

Don Thornburg said Sara peck received an email from the Hanalei Watershed Hui requesting help with issues such as the commercial use of the bay and sonar and melon headed whales. Don asked if these issues could be considered during the

MPR process. Jeff Walters asked when the email was sent. Mr. Thornburg replied January 7, 2008.

Jeff Walters said he spoke with representatives from the Hanalei Watershed Hui about two months ago and said that he would look at those issues as part of the MPR and that this process would take a few years.

Mary will send a copy of the e-mail out to the council and the council can decide if we should refer it to a committee.

New Business

SAC Charter

Mary explained the changes to the SAC Charter. The changes included a change in the voting status for the following State of Hawaii Representatives: Office of Planning; Department of Health; Department of Land and Natural Resources; Department of Business, Economic Development and Tourism; and the Department of Transportation. The U.S. Coast Guard and the Army Corps of Engineers (ACOE) also changed their status from voting to non-voting. The quorum for approving a council recommendation is now nine voting members. The date of effect for the Charter was also extended for two years due to the MPR.

Bill Friedl said he appreciates the support from all members and encouraged agency representatives to remain involved with the council. Jeff Walters said he has supported the changes to the charter and the quorum has been an issue for years. Terry O'Halloran has said how important it is for representation from state agencies at council meetings. Dale Sarver said it is helpful for the state agencies to be present and advise but not vote.

Cindy Barger said the ACOE initial interest in being on the council was to make sure their voice was heard and to have a vote. Now the agency is more comfortable with the sanctuary and would like to make the change because of regulatory and programmatic concerns. The ACOE is very committed to continuing to participate and support the program.

Blue Seas, Green Communities Initiative

Teri Leicher provided an introduction to the Blue Seas, Green Communities Initiative. She reminded the council that Dan Basta had sent information on this initiative in a recent letter to the council. This initiative is an opportunity for the council to create more awareness for environmental issues, such as recycling and reduction of plastics in the marine environment. The initiative also gives the council the chance to work more in communities to address important initiatives to contribute to protecting our environment. Teri Leicher would like to discuss this idea tomorrow at the retreat and form a working group if the council supports the initiative.

Terry O'Halloran made a motion to endorse the Blue Seas, Green Communities Initiative as outlined by Dan Basta and discuss it at the retreat. Jim Coon seconded the motion and it passed with 14 ayes and 1 abstaining. Eric Kingma abstained and

expressed his concerns about starting entirely new projects and how the categories would be defined.

Teri Leicher responded we can work with an existing project to enhance it or we can come up with new project idea. We can do this on an island per island basis or statewide. Right now this is totally in the planning stages and we can decide where we want to go with it.

Meeting Schedule

The council discussed the meeting schedule for 2008. The meeting dates were set for March 13th, June 12th and September 11th.

Preparation and Planning For Next Meeting

Adam Pack would like to have a presentation on spinner dolphins and other cetaceans.

Jim Coon would like to follow up on Hawaii Superferry. Jeff Walters said he will provide an update on the Superferry Task Force. Teri Leicher asked if there is anyway to get information from cruise ships and other large vessels on what they do operationally to avoid whales. Naomi McIntosh said she would follow up with Alan Yamamoto, Vice president of Operations at Norwegian Cruise Lines.

Terry O'Halloran said he would like a report in June from the previous whale season.

Teri Leicher requested a report from SPLASH in June.

Keeley Belva announced that the Papahānaumokuākea Monument will be have their Draft Natural Resources Management Plan ready in late spring and can provide a presentation for the council.

Cheryl Sterling would like to have more information about sonar.

Adam Pack said he could approach Joe Mobley for presentation in June to talk about advances in radar techniques.

Naomi McIntosh suggested maybe sonar and radar detection presentations can happen in committees since the June meeting seems to already have a lot of topics.

Marc Lammers said sonar is part of a broader issue of noise in the environment. The Committees could invite Marsha Green to present and review papers and prepare a report to bring back to the council.

Cheryl Sterling would like a notice on all committee meetings. Mary Grady is sending the notice on meetings to all members.

Naomi McIntosh mentioned that Paul Michel from Monterey Bay National Marine Sanctuary would also like to come out and present to the council. Ms. McIntosh will look into this for a future meeting.

Public Forum

There were no public comments at this time.

Announcements

Jeff Walters announced that he has provided the council with the research permit list of the eight humpback whale research permits issued to this date for the 2007-08 season (more are expected) and the memo also includes a brief summary of research objectives.

Liz Corbin announced that she now has an alternate, Kathy Yim, who joined the branch a few months ago.

Dean Watase introduced Jackie Burke as a new representative for the Department of Transportation.

Jeff Walters thanked his state counterparts for coming to the meeting.

Naomi McIntosh welcomed Janice Fukawa, the U.S. Navy substitute for Becky Hommon.

Naomi McIntosh shared with the council that there was a reporter from KGMB that is doing a news story on Channel 9 on the Hawaii Superferry and both she and Terry O'Halloran were interviewed. She apologized for the disruption at the start of the council meeting.

Cindy Barger announced the ACOE received federal appropriations on December 26th to do a west Maui watershed study.

Mary Grady provided handouts with directions to the Ford Island retreat and made arrangements to take guests to the Navy Lodge.

Adjournment

Mr. Friedl adjourned the meeting at 4:00 p.m

Sanctuary Advisory Council
2007-2008 Action Item Report

ACTION: The council asked for sanctuary staff to draft talking points for management plan review and aquaculture. (4/18/07)

Status: Sanctuary staff drafted talking points, which are being reviewed by Sarah Marquis, Media Coordinator.—PENDING

ACTION: The Aquaculture Working Group and Research Committee will further evaluate research priorities on aquaculture. (1/17/07)—ONGOING

ACTION: The Executive Committee will evaluate the composition of the council. (1/17/07)

Status: The Executive Committee held a meeting on 7/19/07 and decided that the composition of the council will be evaluated during the management plan review process.—ONGOING

ACTION: Terry encouraged the Aquaculture Working Group and other Committees to evaluate the proposed expansion of Kona Blue and provide recommendations to management. (1/17/07)

Status: Mike Stanton held a follow up call with Neil Sims on 7/23/07 and Neil reported their expansion plan has been downsized. Instead of 12 new net pens they have decided to add only 4 new net pens to their existing approved site location. They are proposing to add the 4 new ones to the east (inshore) of their existing pens, for which they are awaiting the engineers production of precise drawings with distances and measurements. Neil surmises that the eastward expansion will go about 200 ft further inshore. He has provided a synopsis of the EA for the SAC and is very appreciative of our interest in his expansion and our continuing contact directly with him.—ONGOING

Attachment 2

Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council Manager's Report September through December 2007

Education and Outreach Highlights

Increasing Ocean Awareness

Maui's Ocean Awareness Training course received recognition as one of the three top winning programs for the education category at Hawaii's Living Reef Awards. The program sponsored by the Department of Land and Natural Resources honors organizations and businesses that participate in marine related programs. The sanctuary in partnership with five other organizations provides this training four times a year to marine resource educators in the community. Upon completion the participants receive a "CORAL Card" certification. Participants include naturalists, volunteers and interpreters that work with Maui's ocean recreation tour boats.

The Go Green newspaper insert to The Garden Island contained an ad that highlighted the sanctuary program's marine wildlife viewing guidelines.

Maui staff and volunteers participated in Maui's Children's fair on Saturday, October 20, 2007. The fair was organized by Representative Roz Baker and featured health, education and children's organizations. Sanctuary booth featured humpback whale and marine science activities. The event drew huge crowds, along with the education booths, there was great entertainment and rides and jumping booths for the kids.

The Sanctuary has been invited to work with organizations on Maui to coordinate activities for the Maui International Year of the Reef (IYOR) committee. The committee is organized by the Mayor's office with the idea that the different agencies on the island will work together to present IYOR activities. The group has come up with the "12 Best Ways to Protect the Reef" list and these are being used in all publications and events. Working as an "Island" group we have been able to leverage a lot of in-kind support from graphic artists, to use of the Wailea Hotel's groups for our celebration event. There are about 20 different state, federal and non-profit agencies working to make a variety of events happen all to support the IYOR.

Ed Lyman, Marine Mammal Response Manager, participated at Whalefest in Sitka, Alaska. Whalefest is an annual educational and scientific symposium that focused this year on whale/human interactions. Participants came from all over the country to participate in the Sitka community event. Ed provided lectures and hands on experience in the high schools on the topic entanglement.

The Sanctuary partnered with the Maui Ocean center for their annual Halloween week, October 24th – October 31st. 16 Sanctuary volunteers dressed up as sea creatures and ran craft activities between 10am – 2pm for the week leading up to Halloween.

Maui Ocean Awareness training was offered again by a consortium of organizations including the Hawaiian Islands Humpback Whale National Marine Sanctuary, the Maui Ocean Center, Maui Community College Marine Option Program, Hawaii's Eco-Nature Society, Maui Reef Fund, Project S.E.A.-Link, Hawaii Wildlife Fund and the Coral Reef Alliance. Twice-weekly workshops were held on October 29th in Lahaina at the Maui Community College Lahaina Education Center & October 30th in Kihei at the Sanctuary Education center, and continued for three weeks through mid-November. This Fall's Ocean Awareness training included new and exciting topics and guest speakers. Topics that were covered were: Hawaiian culture & sensitivity (Kuheia Paracuelles, Maui County Mayors Office and Timmy Bailey, Haleakela National State Park); Coral Reef Roles and

Relationships (Pauline Fiene, Mike Severns Diving & John Mitchell, Hawaii DLNR-DAR); Interpretation (Judy Edwards, Hawaii DOFAW & Liz Foote, Project S.E.A.-Link); Venomous Creatures & Ocean Safety (Kecia Joy, Maui Ocean Center & Archie Kalepa, Maui County Ocean Safety Division); Ocean Processes & Sea Birds (Donna Brown, MCC Marine Option Program & Greg Spencer, UPC Wind); and Open Ocean Dwellers: Marine Mammals & Manta Rays (Mark Deakos, Hawaii Association for Marine Education & Research).

Oahu Programs Coordinator Christine Brammer worked alongside Carey Morishige from NOAA's Marine Debris Program to provide an educational presentation on the sanctuary, humpback whales and marine debris to the Hawaii Visitors and Convention Bureau in Waikiki. The presentation was aimed at information the staff of the bureau about the upcoming whale season.

Maui staff and volunteers participated in Lana'i's annual "Turkey Give-Away". The sanctuary had an opportunity to interact with all the residents of the Island as they came down to the dock to receive their Thanksgiving turkeys.

The Oahu office partnered with over 50 off-season paddlers and leeward coast volunteers with the mission of restoring Poka'i Bay. The day began with a Native Hawaiian chant calling for the joining together of people for a single purpose. That purpose was to bring new life to Poka'i Bay. For hours the group cleaned the beach and bay area, and enjoyed learning about Native Hawaiian culture on cultural walks to Ku'iilioloa *heiau*. Once cleaned, *Keiki* walked the beach to provide families enjoying the beach litter bags, educational information on marine debris, posters, key chains and activity books. The day's effort was rewarded with food, games and prizes for *keiki* that learned about the harmful effects of marine debris and litter on the environment. Partners for this event were: Na Keiki O Ka Mo'i Canoe Club, Nani O Wai'anae, NOAA Hawaiian Islands Humpback Whale Sanctuary and NOAA Marine Debris Program, Hawaii Fishing News, Honolulu City and County's "E Malama I Ka Wai Ola", Hawai'i Family Services, Inc., and Makaha Valley Plantation.

Maui site hosted a lecture on invasive species in Hawaii put on by the Department of Land and Natural Resources. The lecture focused on snakes, lizards and birds, what is here, what impact they have and concerns about spreading from island to island.

Enhancing Student Learning Opportunities about Hawai'i's Oceans

The Maui site experienced another successful quarter doing the start of the school year. Visits from schools included:

One hundred students from Loki Lani Intermediate school spent a day at the Maui sanctuary site participating in Hawaiian Cultural activities. They had the opportunity to get in the fishpond to learn about and help with the reconstruction of the wall, participated in limu (seaweed) lesson and got to experience rides in traditional paddling canoes.

The Sanctuary, Maui Digital Bus and Kimokeo Kapahulehua from the Fishpond Association hosted 140 students from Wailuku Elementary School for over two days at the Maui site. Students learned about the fishpond, limu and other marine science topics.

In October, the Maui Sanctuary site sponsored three days of student monitoring projects in the fishpond adjacent to the sanctuary site. Students snorkeled and collected data on fish and invertebrates found in the pond. There has been an increase this year of requests by school groups for in-the-water monitoring projects. The education team is working on developing new opportunities for students.

The focus of education classes during the week of October 22nd at the Maui site was invasive limu (seaweed). Students from several different schools, helped collect, sort, and identify limu found in the shallow waters. The Sanctuary is working with the University of Hawaii to help conduct a study on where and what time of year the invasive limu is washing ashore.

The Maui sanctuary education team conducted a site visit in November to the middle school of Horizons Academy. The following day, the students visited the site for a field activity. Horizons Academy is a school that focuses on students with learning disabilities. The topics of humpbacks and turtles were covered culminating in a field activity focused on marine debris (6 students).

The NOAA Ship, Hi`ialakai, hosted 180 teachers and students in HIIHWNMS's fourth annual education cruise. Students from Oahu, Lanai and Kauai participated this year. Each day, a new group of students spent a full day (8:30am-2:30pm) at sea participating in marine biology research projects. Students have the opportunity to learn how and what marine biologists/oceanographers study while at sea. They participated in plankton tows, bottom/live rock studies, water quality tests, navigation lessons, learned about multibeam mapping of the ocean floor, and marine related career opportunities. It's a great opportunity for students to participate in "real-time" marine science activities. The crew of the Hi`ialakai has, over the years, become very involved with the student cruises. They offer a great support to the education program in sharing what the ship does, sharing with the students options for careers at sea and helping with the student activities. The HIIHWNMS will be supporting the education cruise in American Samoa early in 2008.

Kauai introduces new student workshop

A new student workshop known as "Science at the Beach" was unveiled at Kauai's Poipu Beach Park to a select group of Girl Scout cadets, their parent leaders, and high school students. The workshop, organized and conducted by Kauai Programs Coordinator Jean Souza, was intended as a demonstration project to gauge student interest and learning, evaluate staff and volunteer capacity, and identify resource needs. The feedback from all sectors has been overwhelmingly positive. The 3-hour workshop consisted the following segments, most of which were hands-on: "Sand, Sand, and More Sand" beach sand analysis; "Ocean Dangers" discussion with County water safety officer; "Each One, Teach One—Critters" opportunity to learn about critters from each other; "Who Eats Who" food web activity; "Ocean Etiquette" discussion on marine wildlife viewing guidelines and viewing Ziggy Livnat's public service announcement on Hawaii reef etiquette; and "Albatrosses and Marine Debris" investigation of Albatross boluses. "Science at the Beach" utilized some of the techniques demonstrated in the "Dive into Education Program", and benefited from the loan of personal equipment from staff at the Pacific Services Center and sanctuary, and the assistance of the County lifeguard program, US Fish and Wildlife Service, and sanctuary volunteers (including a joint HIIHWNMS and Channel Islands NMS volunteer).

The Sanctuary staff on Oahu assisted the Pacific Islands Maritime Heritage Program staff Hans Van Tilburg and Kelly Gleason with a special teacher workshop by providing a presentation on the sanctuary and humpback whales.

Patty Miller participated at Mauna Loa Observatory's (MLO) NOAA 200th event in Hilo on Saturday, November 10. MLO sponsored a science day for kids. The highlight of the sanctuary's booth was the "Are You Smarter Than a 5th Grade Whale" game and the blubber glove experiment.

Approximately 1/3 of the 550 unionized public school teachers on Kauai visited the NOAA education booth at their annual meeting recently and availed themselves of the NOAA education materials. Jean Souza distributed materials of interest to teachers, particularly NOAA 200 educational DVDs and activity books. Nearly 700 pieces were distributed directly to classroom teachers and school librarians; the sanctuary mail list for Kauai educators was increased by 100%. An article with photos of Jean and a sanctuary volunteer was on the front page of The Garden Island newspaper, October 12 issue.

The Sanctuary education team partnered with the Malama Kai Foundation and the Digital Bus, two non-profit environmental education organizations, to run a REEF fish count and check water quality with a group of 30 junior and seniors from Kamehameha School. The activities took place at west Maui's Kapalua Bay.

Maui Education specialist Alastair Hebard assisted in a teachers' workshop at the Maui Coastal Land Trust field site to prep teachers interested in future field excursions.

Maui Education staff participated with several other non-profit organizations to host 150 intermediate students from Kalama Intermediate School for two mornings at Waihee Beach. Students participated in water quality experiments, plankton studies, sand studies and beach monitoring and a beach clean up. This event was very successful because of the partnership organizations.

Naomi McIntosh and Patty Miller met with Pacific America Foundation, a Hawaiian environmental group that has developed "Project Aloha Aina", a curriculum that gets students out exploring the watershed. The sanctuary is working on developing a partnership with them to deliver field experiences that take the students from the mountains down to the sea.

Promoting Ocean Stewardship

Humpback Whale staff worked with Hanauma Bay to present a day of activities for Girl Scouts on Oahu. Girls were earning their "Hawaiian Water's" Badge. They participated in activities to learn about sand composition, human impacts on a reserve such as Hanauma Bay, corals, turtles and whales. The Sanctuary is developing a "Humpback Whale" badge to be released in January.

The Sanctuary and partner agency staff were taped for a 1-hour television program set for heavy rotation on Hawaii's public access television system (OLELO). The show was devoted to improving public understanding of the value of humpback whales, the role of the sanctuary, and measures ocean users can take to reduce vessel-whale collisions. Sanctuary superintendent, Naomi McIntosh, represented the sanctuary. Ed Lyman, sanctuary response manager, served as the collision avoidance expert, and Jeff Walters, sanctuary co-manager, served as the show's moderator. NOAA's Fisheries Service and other state staff also participated on the panel.

The Maui site hosted a native planting/sand dune restoration project on Saturday, November 3rd. Sand dunes provide important functions, such as shoreline protection, stabilization, and habitat for native Hawaiian plants. Twenty five volunteers from the Kihei Canoe Club, the Ao`ao O Na Loko I`a O Maui Fishpond Association, Boy Scout Troop 22 and folks from the community helped to restore this important ecosystem to its natural state by planting native naupaka, pahuihui, `aki`aki and milo trees.

Statewide boater workshops conducted by Sanctuary state co-manager Jeff Walters and sanctuary marine mammal response manager Ed Lyman to provide information to boaters on how to safely and legally operate vessels in Hawaiian waters during humpback whale season. A newly revised brochure (Humpback Whales: A Boating and Ocean Use Guide for Safety and Conservation) and the sanctuary's Hawaii handbook for ocean users were distributed. The boater workshops are part of a larger program on Ocean Etiquette, to minimize collisions with humpback whales.

Maui site hosted a "Reef Check" training. Participants learned how to identify the different fish, and how to officially record the information. Participants will be taking part in a "Reef Check" monitoring session this Saturday, led by Emily Carlson.

Sanctuary Volunteers

The sanctuary's volunteer program for 2007 involved 1,524 volunteers who contributed 14,534 hours. The volunteer program is managed by 5 staff on 4 islands.

The HIHWNMS is working on updating their Volunteer Training Manual on Maui and is working with the Channel Islands National Marine Sanctuary Volunteer & Outreach Coordinator to adapt program information, protocols, standardized volunteer hour time keeping in addition to revising and updating volunteer training procedures.

Six of Maui's volunteers spent 4 days last week on the remote island of Kaho'olawe volunteering for the sanctuary program in a re-vegetation project. This was an amazing opportunity to not only visit the island of Kahoolawe, but to also learn about its history and help protect its future by planting native plants and stabilizing the soils to prevent against erosion. This will be a great opportunity to not only make a positive difference in Kaho'olawe but also to spend time with fellow volunteers.

Emily Carlson, the sanctuary's volunteer coordinator held a volunteer mentor meeting to discuss upcoming trainings and what content, protocols, etiquette guidelines need to be addressed. The 12-member group helps design the volunteer program and works as mentors to the new volunteers coming on board.

Volunteers assisted Maui Ocean Center with their holiday shopping extravaganza event. Over 100 vendors participated in the Christmas shopping event. Volunteers assisted with kids activities making Santa's, Christmas cards and other fun kid activities while parents shopped.

The Maui site held it's annual Volunteer Training last week. This year nearly 50 Maui volunteers participated in the Sanctuary's three day training which was comprised of two evenings and one all day Saturday field day. Volunteers received training on topics that covered national programs, program organization, marine policy, Maui site programs, volunteer position descriptions, how to deal with hot topics, whale biology, disentanglement, marine mammals, reefs and turtles, and Maui research (SPLASH, breath collection, D-tagging etc.). Volunteers at the Maui site were required to participate in the training in order to volunteer in the Education center, with school groups, the whale watching interpretation program with the Prince Kuhio, Action Ahihi Program, general outreach and other volunteer positions.

Science and Rescue

Sharing humpback whale research expertise in the NMSP Pacific Islands Region

David Mattila completed a fifth annual humpback whale survey of American Samoa. The research surveys are sponsored by Fagatele Bay NMS, with support from HIHWNMS, in collaboration with the Division of Marine and Wildlife Resources (DMWR) of American Samoa and the Provincetown Center for Coastal Studies. This year the team documented the first sightings of humpback whales actually in the Bay, including a mother and calf that apparently spent the night in the Bay. This was the most successful effort to date, as the team got out on 13 days between September 24 and October 13, and identified more individual humpback whales (44) than any previous season. Two species not previously seen were also documented (spotted dolphins and pilot whales), along with the more common rough-toothed and spinner dolphins. Results will be shared with NOAA Fisheries, the South Pacific Whale Research Consortium, the Secretariat of the South Pacific Regional Environmental Programme and the International Whaling Commission, as well as inform local management by Fagatele Bay NMS and DMWR.

Maintaining Response Network Capacity

Several staff from Maui office participated in joint drill with USCG in preparation for disentanglement efforts this upcoming whale season. The USCG has been instrumental in many of the Sanctuary's disentanglement efforts in the past several years by taking calls, and transporting crew and equipment, maintaining a safe perimeter, and most importantly standing by during rescue efforts. The practice drill not only provided an overview of disentanglement protocols, but included a practice run aboard the CG's 47-footer to transport gear, launch and retrieve the rescue inflatable, and cover standby protocol.

A large whale disentanglement training was conducted on November 9 by sanctuary marine mammal response manager Ed Lyman for the U.S. Coast Guard Station Kauai and some of the other Kauai disentanglement network on November 9. The training involved a multi-media presentation and hands-on practice with the disentanglement gear.

Update on SPLASH

HIHWNMS Science Coordinator, David Mattila recently attended the annual meeting of the steering committee of the SPLASH project. The presentation of preliminary results of: migratory movement, genetic structure, entanglement scarring, toxicology, movement between Mexican breeding grounds...etc. for the December Biennial Conference of the Society for Marine Mammalogy was reviewed. This also included overview information requested by Admiral Lautenbacher for the presentation he will give there describing NOAA's international work pertinent to marine mammals. More polished results should be available later, within the year, and the group discussed holding a humpback whale "Symposium" focusing on SPLASH, perhaps hosted by a Sanctuary site (e.g. Hawaii, West Coast).

Sanctuary's Researchers present at 17th Biennial Conference

David Mattila, HIHWNMS Science Coordinator, and Ed Lyman, HIHWNMS Marine Mammal Response Manager, both returned from the 17th Biennial Conference of the Marine Mammal Society. Ed and David each gave one oral presentation and one poster presentation at this, the first meeting of the Society held in the Southern Hemisphere, and only the second held outside of North America. As just one senior authorship per person was allowed, Ed and David stood in for first authors of the poster presentations who could not attend this meeting in Cape Town, South Africa. HIHWNMS was well represented as co-authors on 13 different submissions to the conference. In addition, VADM Lautenbacher highlighted the SPLASH project as an excellent example of international scientific cooperation, in his plenary talk on the last day. Also, the conference provided the venue for the "official" announcement of the first global conference on marine mammal protected areas, which will be hosted by HIHWNMS and its NOAA partners in Hawaii in March of 2009. The announcement was met with a very positive response by the participants from around the world. Finally, this conference represented the first official unveiling of some of the preliminary results from the SPLASH project, and HIHWNMS was able to arrange and host a social get together for approximately 100 research participants in the project, from around the North Pacific, who were able to attend the conference

Attachment 3

January 7, 2008

MEMORANDUM

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

From: Jeff Walters, Sanctuary Co-Manager, Hawaii Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR)

Subject: HIHWNMS state office update for the period of August 29, 2007 through January 7, 2008 (Prepared for the January 9-10, 2008, Council meeting).

Ocean Etiquette Campaign – Promoting safe, lawful, and respectful boating during whale season.

Boater Workshops

Six workshops were held across the state throughout the month of November with the participation of 80+ vessel operators and ocean users. Sanctuary marine mammal response manager, Ed Lyman, and co-manager, Jeff Walters, led the workshops where a power-point presentation was provided with a lot of input and discussion with workshop participants. Workshop topics included basic whale biology and behavior, regulatory and non-regulatory conservation approaches, vessel-whale collision avoidance and response guidelines, and entanglement response guidelines. As a “new and improved” feature of this year’s workshops, Ed provided detailed information and tips on spotting whales, many of which were new to even the most experienced mariners in attendance. Jean Souza, Kauai programs coordinator, facilitated two workshops on Kauai (Waimea and Lihue). Jeff Walters, Christine Brammer, Oahu programs coordinator, and Paul Wong, sanctuary operations coordinator, facilitated two workshops on Oahu (Hawaii Kai and Kapolei), Nancy Daschbach, Kihei facilities manager, and Emily Carlson, volunteer program coordinator, facilitated the workshop at the Maui Ocean Center in Maalaea. And Justin Viezbicke, Hawaii Island programs coordinator, facilitated the Big Island meeting at the Outrigger Resort in Keauhou.

OHA TV Show - Hooulu Lahui Aloha

With the support of Jerry Norris, the Council’s OHA representative, an episode of OHA’s weekly television show, *Hooulu Lahui Aloha*, was devoted to vessel-whale collision, entanglement response and other aspects of safe, legal, and culturally respectful vessel operation during whale season. Ed Lyman provided a version of the boater workshop presentation discussed above during the show. The show also featured Naomi McIntosh, sanctuary superintendent, representing the National Marine Sanctuary Program (NMSP); David Schofield, regional marine mammal response network coordinator, representing the National Marine Fisheries Service (NMFS); Kaponō`ai Molitau, a Native Hawaiian cultural practitioner, representing Hawaiian cultural aspects; and sanctuary co-manager, Jeff Walters, representing the state Department of Land and Natural Resources (DLNR). The one-hour show was taped on October 12, and aired several times in November. The show was also recorded as a DVD and will be distributed to the Council at the January meeting or soon thereafter. *Hooulu Lahui Aloha* is a series of one-hour roundtable discussion shows, produced by OHA staff at Olelo community

television. *Hooulu Lahui Aloha* airs on Oahu on NATV Channel 53 every Thursday night at 7 p.m., and is also broadcast on several community-access channels on the neighbor islands and U.S. continent.

News Media Coverage

The January issue of *Hawaii Fishing News* featured a 1-page article on vessel-whale collision avoidance and response written by the Jeff Walters and Ed Lyman (copy to be provided at the January meeting). The *HFN* issue also featured a free public service “ad” prepared by Paul Wong and other sanctuary staff explaining the 100-yard approach rule, and a two-page story on marine debris, written by Carey Morishige, NOAA’s marine debris outreach coordinator, and the sanctuary’s Christine Brammer. In November, the above-referenced boater workshops were featured on KGMB TV news, and stories about the workshops and other humpback conservation issues were printed in the *Maui News*, *Honolulu Advertiser*, *Star Bulletin*, and the *Kauai Garden Island News*. A story about vessel-whale collisions was published in the *Star Bulletin* in December, featuring quotes from Naomi McInstosh and Chris Yates, assistant regional administrator for protected resources at NMFS, PIRO.

Printed Material

A new version of the “boater brochure” was produced featured revised guidelines regarding safe vessel speed and approach procedure for whale watch vessels. A total of 5,000 brochures were distributed to all sanctuary offices across the state. A 2007-2008 edition of the product previously known as the “Ocean User’s Guide,” and now sometimes referred to as “Hawaii’s Marine Protected Species Handbook,” was revised by Chris Brammer and other staff, and printed and distributed to all sanctuary offices. Current stock of other OE campaign products, including the collision reporting sticker and wheelhouse flyers for entanglement and stranding reporting, are in fairly good supply, and additional printing may or may not occur this year pending funding.

Targeted Mail-Outs and Fax-Outs

Oahu sanctuary staff, Dam Midyett and Christine Brammer, conducted two targeted mail-outs and one fax-out. A selection of sanctuary publications, including those listed in the products section above, and a cover letter, were sent to over 180 ocean tour businesses and other ocean-related businesses and organizations included on the sanctuary’s mailing list database. In a separate mailing, a “media packet,” featuring information about sanctuary photographs, ads, and other print media-friendly products were sent to over 20 newspapers and magazines across the state - these ads have been already published free of charge by the *Kauai Garden Island News* and *Hawaii Fishing News* thus far. Oahu staff also did a “fax-out” to numerous TV and radio stations highlighting the ocean etiquette messages and directing them to the sanctuary web page where pre-recorded radio spots could be downloaded

Web Site

Ocean Etiquette Campaign products and info were updated for this season on the sanctuary’s web site by Webmaster Christine Brammer at:
http://hawaiihumpbackwhale.noaa.gov/safe_boating.html

Harbor Signage

Signs advising boaters of the vessel-whale collision risk and 100-yard approach rule are being re-installed for the season at 11 small boat harbors and ramps across the state. The state’s operations coordinator, David Nichols, is managing this project with support from various neighbor island staff.

Other Education and Outreach

In addition to the Hawaiian monk seal education and outreach activities discussed below, Big Island coordinator, Justin Viezbicke, conducted the following E&O efforts regarding humpback whales:

- Volunteers are currently doing 2 hours a week at Outrigger Keauhou Beach Resort where we do an educational whale watch from 9-11 am every Thursday thru March 31st
- Currently scheduling educational whale watches for Puukohola National Historical Site and Kaloko-Honokohau National Park
- On September 28th, staff and volunteers attended Kealakehe Career Day where we met with over 150 3rd, 4th, and 5th graders
- Currently working with volunteers to get the prepared for upcoming whale season and education in the local schools

State Research Permits

Eight state (DLNR) research permits for humpback whale research have been issued thus far to the following organizations: CETOS Research Collective, The Dolphin Institute, Hawaii Whale Research Foundation, West Coast Whale Research Foundation, HIHWNMS, Marine Mammal Consortium, Center for Whale Studies, and California State University. More information on these research efforts is presented in a separate memo to the Council from David Nichols.

Hawaiian Monk Seal Conservation – conducted with funding and oversight from NMFS PIRO PRD

Kauai Seal Conservation

Kauai monk seal response network coordinator, Mimi Olry, DVM, provided the following summary of activities over the reporting period.

Kauai seal haul-out responses

- Total of approximately 425 responses by coordinator and volunteers
- Managed multiple seals with volunteer assistance and lifeguards at Poipu Beach Park for several days
- Molting seals at Poipu (seals stay on the beach day and night for 2-3 weeks)
- Molting female K35 “in season?” attracting battling males, TT40, K03 and H40. Volunteers had to be scheduled to help manage the public, as these seals pose a threat to curious swimmers. Often these events were at Waiohai, out of the jurisdiction of the lifeguards, or sometimes in the county park, but the lifeguards would not manage the human safety aspect
- Experienced great difficulty protecting seals from beach goers as high winds and surf kicked up with Hurricane Flossie...amazing visitors still on beach!

Kauai unusual seal responses

- Response to several calls from NOAA emergency hotline about entangled seal at several locations. Each response resulted in finding K30, the large female seal with entanglement scars around her neck that look like a rope embedded in her skin
- “Seal of health concern”, acting strangely at Kukui’ula Harbor, floating “logging” for one week. Necessary to manage swimmers, loose dogs, public and boaters around her
- Spoke multiple times with dog owners at Kukui’ula harbor to keep their dogs on leash, and not swim dog while seal was floating nearby

- Collaborated with DoFAW to control loose dogs also killing endangered sea birds near the harbor. Posted several signs and flyers were made and distributed in the neighborhood to educate and inform people of the problem and laws. Humane society and DoCARE officers were summoned to assist with enforcement
- Same seal, Temp 355, was later matched as with unknown new female that hauled out several times at Waiohai with TT40, and later molted at Poipu County Beach Park
- Several response calls regarding large, pregnant female, this seal also, K30
- Assisted NOAA PIFSC scientists studying foraging ecology to locate, capture, tag, collect biological samples, and deploy tracking devices on three seals. Volunteers assisted also to locate the seals and with crowd control and outreach
- Recruited and trained volunteers to participate in the second semi-annual seal count on October 20 (10 days after the pup was born at Maha'ulepu)

Kauai seal volunteer updates

- Trained and worked with contracted associates (via Hawaii Wildlife Fund), Nina Monasevitch and Jennifer Todice to help develop network of volunteers that assist with seal responses, collecting scientific data, education and outreach, and marine mammal stranding responses
- Nina presently working with Mimi to develop brochure regarding monk seal conservation on Kaua'i that will fit in business racks
- Nina and Jennifer scheduled and trained new volunteer recruits for Pup events.
- In November, Jennifer Todice was hired as a NOAA contractor to recruit and manage volunteers as haul-out responders and lead training sessions
- Set up new office space in DAR/DLNR State Building and presently using new conference space to work with volunteers
- Selection and set up of necropsy supplies to make laboratory at the base yard
- Put together Newsletter and regular email updates with Jen and Nina to keep volunteers informed
- Updated monk seal haul-out responders list
- Worked with Nina to develop outreach/education program that volunteers will deliver regularly to hotels, resorts and condos
- Jennifer is developing a phone tree with seasoned "primary contact" volunteers who will assist with phoning volunteers in the event of a stranding, to update all active volunteers, to keep volunteers motivated and involved, and to improve communications between coordinator, contractors and volunteers

Kauai seal education and outreach

- Pup event training done by trained volunteers to orient new recruits, both formally in meetings and informally on the beach
- Kapa'a Neighborhood Center's Summer Fun Program- conducted by volunteers for 50+ children to teach about seal conservation with hands on activities
- Attended Bike Path Committee meetings (for 23 mile bike path that is being developed along the east coast) to advise for monk seal conservation and marine habitat protection
- Agreed to help develop the Bike Path Ambassador (volunteer) Program. Developed education framework and content for wildlife conservation (these volunteers will also assist with monk seal monitoring and protection as well as public outreach and education).

- Attended the NOAA Main Hawaiian Monk Seal Symposium in Honolulu and delivered presentations: Seal Updates for Kaua'i and Volunteer Program
- Delivered education/training module specifically for Bike Path Ambassadors and Conservation Rangers
- Worked with DOFAW, USFWS to put together endangered/protected sea birds and monk seals DLNR news release re: Loose dogs and wildlife

Kauai seal pups

- Four female pups born in 2007, first one at remote North Larsons. This pup event was managed successfully with just a few volunteers
- Coordinated Na Pali Kayak guides, and Captain Tara and her charter boat tours to monitor mom and second pup at remote Miloli'i beach through the nursing period and to tag the weaned pup
- Third pup rejected by new female mother seal, possibly because of campers getting too close just after its birth. Attempted for 5 days to reunite pup with mother seal, but unsuccessful. Pup euthanized due to rejection and developing pneumonia
- Necropsied pup with Dr. Wendy McIlroy, DVM, who is training to assist NMFS with veterinary responses as a volunteer
- Pup born unexpectedly October 10 at semi-remote Maha'ulepu. Event required recruitment of new volunteers, as ones previously scheduled three months earlier unavailable, or unable to drive rough roads and work in rugged conditions - the pupping site was managed by staff and volunteers during most daylight hours for the next 6 weeks
- Unable to relocate pup to more remote location where beach-goers and loose dogs threatened pup, because no suitable site available
- Pup attacked by loose dog December 21. Volunteers present videoed attack, investigation by state and federal agencies presently underway
- Pup not observed since attack, though volunteers have assisted with search in spite of stormy weather

Hawaii Island Seal Conservation

Hawaii Island sanctuary programs coordinator, Justin Viezbicke, provided the following summary of his program's activities over the reporting period.

Hawaii Island seal haul-out response

Over the past 6 months, we have had an average of about 2 haul-out responses per week. Responses mostly occurred on East side of island, where seals haul out on public beaches frequented by locals/visitors. Haul-out response has seen a big improvement here on the Big Island as we continue to expand our partnership with the University of Hawaii at Hilo, under the leadership of marine biology professor, Jason Baker, Ph.D., and graduate student, Melissa Netze. Almost all of reported sightings were investigated and documented resulting in a much higher number of confirmed seal sightings and identifications.

Hawaii Island seal pup

Waimanu pup - On August 6th our resident mother seal RO15 gave birth to her 5th pup in the last 5 years, in Waimanu valley, which is a very remote valley on the north side of the island that is accessible by 5 hour hike, boat or helicopter. The six week nursing and weaning period required quite a bit of time and effort from both staff and volunteers as we had to coordinate a large group of people over a long period of time that had to get back and forth from

a very remote location in addition to actually monitoring the mom and pup during the very critical nursing time. Not only did this event allow for us to work with and develop a good working relationship with the Big Island staff of the DLNR Division of Forestry and Wildlife (DOFAW), it also gave volunteers rare opportunities to see remote parts of the island while lending a helping hand. The event concluded on Oct. 8th, about one week after the mom weaned the pup, when we were able to tag the pup with flipper tags and get basic measurements.

Hawaii Island unusual seal responses

The female, RO42, was born on July 20, 2006, at Papiakou, just north of Hilo. She weaned on September 7, 2006, and was relocated shortly thereafter because of heavy beach use, the potential for human disturbance, and the concern of toxins and pollutants from the freshwater stream that runs through this beach. The seal was relocated to the “Lighthouse” beach area of the Hamakua coast. She then swam to Kapanāia, where again she was found close to beach users and within a potentially polluted stream. The seal was relocated a second time to Lapakahi State Park in east Kohala in September 2006. From September 2006 - April 2007, few sightings of the seal were reported. Images received showed her to be thriving. During April – August 2007, numerous accounts of this pup interacting with humans were reported and documented. RO42 appeared to be in good bodily condition in May 2007, when investigations began. The seal was known to routinely haul out on this rocky area at the old cane mill sea wall at Mahukona Pier. There are many activities occurring at the pier, including snorkeling, SCUBA diving, and jumping from the top of the boat launch davit. The area is a high use area with steps for swimmers to enter the water as well as a winch for boat launch. The seal would swim up and down the edge of the pier and look up at the people. Many people had been informed to not make eye contact with the seal and to remove the positive influence from the seal by stepping away. On several occasions, NMFS PIRO, NMFS PIFSC, and the state DLNR, DAR, HIHWNMS met to discuss the scenario as well as the need for relocation of the seal. It was evident that there were two primary issues driving the decision for relocation: public and animal safety. Following an aggressive public education plan, it was agreed that the best decision was to move the seal to a place with a lower level of human use and the opportunity for the seal to socialize with other seals. Off-island options (such as Kaulapa, Molokai, and Lehua Rock) were considered, but it was decided that for this and future efforts, it would be most appropriate to keep seals on their island of origin. The area of Keahou Point of Volcanoes National Park Service (NPS) was chosen because of its remote location, low level of human use, periodic reports of other seals and NPS researchers who routinely survey the area. After her release in Volcanoes National Park, O42 continues to move around the island seeking out human interactions in different locations along the way. She currently is located near Milolii village and we are again trying to educate folks to her presence and her bad habits in hopes that we can minimize these interactions and help her get back to being wild.

Hawaii Island seal education and outreach

Most of education over the past six months has been monk seal education and outreach all around the island following our little problem girl O42 - see above.

Hawaii Island seal volunteer program development activities

Big Island volunteer network continues to grow and develop, highlights include:

- UH Hilo- good working relationship with UH Staff and students
- Monthly meetings to keep students interested and involved on both east and west sides of island

Oahu Seal Conservation

ESA Section 10 Incidental Take Permit and ESA Section 6 Grant

Recruiting is under way for the DLNR incidental take permit (ITP) coordinator position – the closing date is January 11, 2007. The ITP coordinator will oversee revision and submission of the state’s application to NMFS for an (ITP) for the take of sea turtles and Hawaiian monk seals incidental to fishing activities managed under state authority. The sanctuary’s state office also continued administration of the grant from NMFS under Section 6 of the ESA to support monk seal conservation on Kauai and provide initial funding for the ITP efforts.

Other Marine Mammal and Sea Turtle Standing Response (conducted with oversight from NMFS PIRO Protected Resources Division and NMFS PIFSC Marine Turtle Research Program)

Kauai

- Whale tissue retrieved from Polihale, samples collected for NOAA and disposed of December 9
- Turtle response at Kukui’ula harbor Dec. 2 and Ahukini harbor December 29, until Don Heacock and DoCARE arrived

Hawaii Island

- Unidentified small cetacean stranding in October, retrieved off the beach in the Ka’u area by the students/volunteers from UH Hilo

Maui

- Several Maui sanctuary staff supported the response to a stranded Risso’s dolphin on December 27. The dolphin was swimming on its side and appeared to be in distress. After several hours of in-water support from staff and volunteers, the dolphin became agitated and swam back into deep water, possibly in response to a shark spotted near by. The dolphin was not re-sighted. Maui’s marine mammal response coordinator, Nicole Davis, oversaw the response. Nicole was recently hired under contract to NMFS, PIRO, to serve as the marine mammal response coordinator for Maui County. Nicole is using office space provided by the sanctuary at the Kihei site.

Hawaii Superferry

HSF re-commenced Honolulu-Kahului operations on December 13, 2007. A second trip to Maui was also recently announced. Thus far, several whales have been sighted on each trip, but no close approaches (100 yards or less) have been reported. The conditions of the Governor’s Executive Order 11.4.7 regarding whale protection went into effect as of January 1 and will remain in effect through the end of April. The EO can be view at: <http://www.hawaii.gov/gov/news/executive-orders/HawaiiSuperferryConditions.11.4.07.pdf>

State Sanctuary Staff Position Re-descriptions

Three of the four staff positions in the state sanctuary program were re-described during the reporting period. The marine conservation specialist position, held by David Nichols, was re-described as state sanctuary operations coordinator to reflect the position’s enhanced responsibilities in program administration, procurement, state permit coordination, logistical management, research program administration, and marine mammal incident response. The

marine conservation coordinator positions on Kauai and Hawaii Island, held by Mimi Olry and Justin Viezbicke, respectively, were re-described as Kauai and Hawaii Island sanctuary programs coordinators, to reflect enhanced responsibilities in protected species conservation, marine mammal incident response, volunteer network coordination, field research coordination, and educational program development and implementation. As re-described the duties and responsibilities of these state positions now correspond closely with similarly named federal (NOAA NOS) sanctuary positions. However, the Kauai position will use a working title of Kauai monk seal response coordinator to reflect Dr. Olry's special emphasis on monk seal conservation, which will represent the vast majority of her efforts for the foreseeable future. The federal Kauai sanctuary programs coordinator, Jean Souza, will continue to serve as the sanctuary's overall coordinator for all sanctuary program efforts on Kauai. Pending future federal funding availability, the Kauai position will continue to be funded by NOAA NMFS via an ESA Section 6 grant, while the three other state sanctuary positions will continue to be funded by NOAA NOS NMSP via a federal services contract.

Other Activities, Meetings, Etc.

- Sept 5 – Walters joined McIntosh and other sanctuary staff at Kihei sanctuary site in meeting with Rep. Joe Bertram and *Pump Don't Dump* member, Mike Moran, regarding community concerns over vessel wastewater discharge in the sanctuary.
- Sept 19 – Walters met with Special Agent, George Phocas, to discuss coordination with USFWS and take possession of whale bones donated by USFWS to the sanctuary for education purposes.
- Oct 3 – Walters attended evening meeting of the Kaneohe Bay Regional Council as DAR representative.
- Oct 5 – Walters gave luncheon presentation regarding vessel-whale collisions to the Rotary Club, Pearl City Chapter.
- Oct 10 – Nichols and Walters joined other sanctuary and NMFS staff in “pre-season meeting,” discussing inter-agency coordination on incident response, media relations, education, etc.
- Nov 26 – Walters met with Keiko Bonk and other staff of the Marine Conservation Biology Institute regarding Hawaiian monk seal conservation issues, coordination with NGO's, etc.

cc: Laura H. Thielen, DLNR Chairperson
Ken C. Kawahara, First Deputy, DLNR
Dan Polhemus, DLNR-DAR Administrator
Allen Tom, NMSP Pacific Islands Regional Coordinator
Naomi McIntosh, HIHWNMS Sanctuary Superintendent

Attachment 4

Hawaiian Islands Humpback Whale National Marine Sanctuary Maui County Report to the Sanctuary Advisory Council

January 9, 2008

Events Attended:

September 1 – The NOAA sponsored exhibition *Archipelago* opened at the Maui Arts and Cultural Center, featuring images of endemic species in the NWHI by Susan Middleton and David Liittschwager.

October 11 – Attended public meeting of the Governor's Maui Advisory Group with new DLNR Chair Laura Thielen.

October 24, November 7 & January 3 – First three meetings of the newly organized Maui Nui Marine Resources Council were held. The council's development is being facilitated by the West Hawaii Fisheries Council and shares a similar mission to provide local input on critical resource management issues affecting health and sustainability of near shore waters to the relevant state agencies. My participation on this council was requested as a member of the SAC.

November 15 – Participated in the HTA's Natural Resources Advisory Committee site inspection of Maui, including Ahihi Kinau where a marine education station is staffed and Makena State Park.

December 14 – Mayor Tavares proclaimed Maui County's celebration in the *International Year of the Reef 2008* (IYOR), which will feature special outreach and awareness activities planned by marine organizations including the Sanctuary.

January 3 – Participated in the SAC Conservation Committee conference call.

Other Activities:

Funding news: NMS has been awarded support in two matching programs funded through the Hawaii Tourism Authority. The new Kihei Facility will receive \$25,000 towards an upgraded AV system and a guest lecture series commencing in 2008. This contract is pending receipt of a tax clearance from the NMSF. The Sanctuary's outreach and education programs will also receive \$21,750 through the HTA's Natural Resources Program in 2008.

Ma'alaea Harbor Interim Pump Program – The current program to provide pump truck services to recreational vessels at the harbor as an alternative to dumping waste in the ocean/sanctuary has funds to last until April 2008. The County OED is working with Tri Isle RC & D Council to renew funds to support this effort, given that the state has indicated that a permanent pump station will not be on line until 2010. At this time County and HTA support for ongoing services is likely, and there is an opportunity for NOAA and DLNR to also add funds toward the program costs over the next two years, as they have done previously.

The current cover story of *Maui Weekly* for January 3-9, 2008 features an interview with Pump Don't Dump activist Mike Moran on the need to continue the interim service. The story mentions that Hawaii's Senate and House passed a concurrent resolution (HCR58) requesting the federal government to prohibit dumping of vessel sewage in the sanctuary waters. However, the PDD

members received notice that “the governor’s office bypassed the resolution, sending it back to sanctuary administrators, who lacked the funds necessary to make any of the changes outlined in the original resolution.”

A copy of a letter from Mr. Moran published by the *Maui News* on December 31, 2007 was forwarded to the Sanctuary Manager for review and possible comment. Titled “Superferry official is chairman of the sanctuary advisory board,” the letter takes issue with the ferry’s 44 mph speed limit when the sanctuary recommends speeds under 13 mph in whale territory, and incorrectly identifies Terry O’Halloran as current chair of the SAC.

Informal discussions on NOAA’s *Blue Seas, Green Communities Initiative* were held with Nancy Daschbach and Kihei community leaders Bob and Lis Richardson to receive feedback on an idea for a model xeriscape garden in a coastal park setting. The intent would be to design a beautiful interpreted garden featuring native plants as well as other adaptive species that flourish in the coastal climate, to educate the community and public on sustainable landscape alternatives to water-intensive plants.

Conservation Committee Report for SAC meeting 1/9/2008

Responses and Recommendations
Conservation Committee

Submitted by Lou Herman, Conservation Chair 1/7/2008

1. Ed Lyman made a comprehensive and informative PowerPoint presentation during the Conservation Committee conference call on January 3rd, 2008. The presentation dealt with activities within the Hawaiian Islands Sanctuary as well as outside the Sanctuary, such as conducting entanglement workshops in Alaska and elsewhere. Ed Lyman and David Matilla have the primary role for disentanglement in the Hawaiian Islands Disentanglement Network and will respond to entangled whales in Hawaiian waters regardless of sanctuary boundaries. Ed addressed Lou Herman's questions about advances in gear modification on the US east coast and how these methods could be applied in the N. Pacific.
2. The Sanctuary wishes to restructure the Conservation Committee (as well as the Research Committee) to create more active communication and direction from Sanctuary personnel. In particular, Ed Lyman and Justin Viezbicke will act as the principal liaisons for the Conservation Committee, while Dave Mattila serves in that capacity for the Research Committee. On behalf of the conservation committee, Lou Herman supports the idea of having staff support for the conservation committee. Such communication and collaboration are obviously welcome and important.
3. In the general discussion at the end of the subsequent Research Committee meeting, Lou Herman expressed concern, as did Mark Lammers, chair of the Research Committee, that the agenda of the Sanctuary program was much broader and wide ranging (i.e., including activities outside of the Hawaiian Sanctuary boundaries) than has been the focus and concern of these SAC committees in the past. It was argued that the SAC should in fact remain most concerned with local issues, in keeping with its responsibilities to the constituencies it represents, and has in fact acted in that manner historically. For example, issues of local concern addressed by one or both of the SAC committees have included siting and potential effects of existing or proposed aquaculture projects in Sanctuary waters, pump-out facilities, ship strikes, SuperFerry whale avoidance plans, inclusion of other species of concern within the Sanctuary's mandate (e.g., monk seals, turtles, spinner dolphins), as well as drafting letters of support for Sanctuary activities or responses to citizens expressing concerns to the SAC. Herman and Lammers emphasized that the SAC should continue to focus on issues of local concern, rather than take on the other types of extra-mural activities that are being handled efficiently and admirably by the Sanctuary office. In addition, Herman and Lammers agreed that another important function of the Conservation and Research Committees has been to help brief and inform the SAC at large about the latest findings on humpback whales as well as petition to bring in expert speakers to address the SAC on other issues of relevance, such as the prospects for expansion of aquaculture activities, monk sea biology and status, and proper research techniques for assessing impacts of activities within the Sanctuary (such as before and after studies to assess impacts of new aquaculture projects).

4. With the forgoing philosophy in mind, the following local issues are proposed as priorities for 2008:
 - a. Inclusion of multiple species within the Sanctuary's mission
 - b. Monitoring of existing aquaculture projects for impacts on whales or other species of concern, including petitioning for reliable measures of impact.
 - c. Monitoring of ship strikes and any correlations between strikes and type of vessel, speed, activity, etc. The SuperFerry would be included in this assessment.
 - d. Continued petitioning for more adequate pump-out facilities
 - e. Effects of dolphin watching on local spinner dolphin populations, and consideration of measures to mitigate any negative effects
 - f. Encouragement of efforts to gauge entanglement rates in the local population and encouragement of efforts to make the public aware of how to report entanglements, and what assistance they may offer (such as standing by).
 - g. Continuation of efforts to brief the SAC on latest developments and findings on Hawaiian humpback whales, as well as promotion of efforts to brief the committee on other issues of local concern.
 - h. Continuation of support to the Sanctuary office through drafting of letters in support of Sanctuary operations or responses to constituents.
 - i. Consider potential and implications of delisting N. Pacific humpback whales from their status as endangered in light of the true number of humpback whale kills from historical whaling.

5. Other business: The following events that are related to conservation issues took place in sanctuary waters since the previous meeting of the SAC.
 - a. The Hawaii SuperFerry commenced operations between Oahu and Kauai and between Oahu and Maui. These trips were suspended for a period due to harbor security concerns and litigation. The transit between Oahu and Maui recommenced on December 14, 2007. The SuperFerry recently announced that it would be adding a second trip between Oahu and Maui to its schedule beginning January 16, 2008.
 - b. Ed Lyman reported of an entanglement of a humpback whale on December 9, 2007. The whale, a subadult, was entangled in monofilament line off Lahaina, Maui.