

***NORTHWESTERN HAWAIIAN ISLANDS
CORAL REEF ECOSYSTEM RESERVE ADVISORY COUNCIL MEETING
Wednesday, June 20, 2007, 12:00-4:30 pm
Marriott Waikiki Beach Resort & Spa
Honolulu, Hawaii***

Meeting Minutes

ATTENDEES

Advisory Council Members: Bill Gilmartin (Research); Gail Grabowsky (Education); Louis “Buzzy” Agard (Native Hawaiian); Jessica Wooley (Conservation alternate for Paul Achitoff); Lloyd Lowry (Marine Mammal Commission); Tim Johns (State of Hawaii); Don Palawski (US, Fish and Wildlife Service); Mike Tosatto (National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries (NMFS)); Becky Hommon (U.S. Navy); ‘Aulani Wilhelm (Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (NWHI CRER)); Naomi McIntosh (Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS)); William Aila (Native Hawaiian); Julie Lealoha (Conservation alternate for Linda Paul); Rick Hoo (Recreational Fishing alternate for Rick Gaffney); Don Schug (Research)

Absent: Alexandra Curtis (U.S. Department of State); Philip Taylor (National Science Foundation); Linda Paul (Conservation); Laura Thompson (Conservation); Rick Gaffney (Recreational Fishing); Kem Lowry (Citizen-At-Large); LCDR Mark Young (U.S. Coast Guard); Kitty Simonds (Western Pacific Fishery Management Council (WPFMC))

Alternate Council Members (not representing voting members): William Worcester (Research); Tammy Harp (Native Hawaiian); Brian Bowen (Research)

[NWHI CRER Staff]: Sean Corson; Malia Chow; Hoku Johnson; Kaylene Keller; Randy Kosaki; Andy Collins; Stephanie Lachance; Moani Pai; Keeley Belva; Nai`a Watson; John Champagne; Allison Campbell; Kevin Grant; Kevin See; Kehau Souza; Linda Schubert;

[NMSP Staff]: Allen Tom; Michael Weiss; Karen Brubeck

[Members of the Public]: Takiora Ingram (NOAA, All-Islands Secretariat); Marti Townsend (KAHEA); Bill Henderson (Ocean Network), Sean James Leavey (UH Hilo Weekly), Ellen Tong (Audubon Society), Bryna Storch (KAHEA) Mrs. Storch (visitor), Melva Aila (public), Laura La France (UH Grad student), UH grad student, Stephanie Fried (Environmental Defense), Don May (KAHEA)

PURPOSES OF THE MEETING:

- 1) Provide updates on Monument operations.
- 2) Assess past accomplishments, challenges and current status of the RAC.

I. CALL TO ORDER (JOHNS)

Council Chair Tim Johns called the meeting to order and Council Secretary William Aila offered a pule to begin the meeting.

II. REVIEW AND APPROVAL OF AGENDA (JOHNS)

Mr. Johns reviewed the agenda and the Council agreed to a change in the order moving the “Future of the RAC” topic to the beginning of the agenda. The chair asked the attendees to introduce themselves.

III. MONUMENT PRESENTATIONS

1. National Marine Sanctuary Program Update—Michael Weiss, Deputy Director, NMSP, explained that he asked to come to this meeting in order to show appreciation for the Council’s hard work over the last six years and to thank them for their efforts that built the foundation for the Monument. He read a letter of appreciation on behalf of NOAA Administrator Vice-Admiral Conrad Lautenbacher, Jr. Mr. Weiss then presented a framed and signed copy of Presidential Proclamation 8031, which designated the Papahānaumokuākea Marine National Monument. Mr. Weiss further explained that the Council was established for two distinct purposes—to provide input on a Reserve Operations Plan and to provide input on the sanctuary designation process. He explained that since these objectives have been reached that it was time for the Council to transition to an end. However he added that the Council could meet for an additional time for the purpose of providing public comment, as one body, on the Monument Management Plan that is expected to be released to the public in early 2008. Mr. Johns asked if there were plans to have an advisory council for the Monument. Mr. Weiss explained that the Monument was looking at many options that would reach out to the communities and involve the public, but that since the Monument is not under the National Marine Sanctuaries Act (NMSA) an advisory body for the Monument would be subject to the Federal Advisory Committee Act (FACA). Tammy Harp commented that there is currently no place for Native Hawaiians to give advice on the Monument. NOAA’s Monument Superintendent `Aulani Wilhelm explained that there is not legal authority to have an advisory council under the Monument, but that the managers are undergoing an extensive process that would find ways to involve the public.
2. Monument Updates—The staff presented updates on Monument programs. Ms. Wilhelm discussed some of the staff changes at the Monument office. She highlighted some of the efforts and the accomplishments of the Advisory Council. She emphasized that it really was the RAC that began the efforts to preserve the Northwestern Hawaiian Islands. Malia Chow then presented on the Monument’s management plan efforts including that there is an action plan under development for constituency building. She and Sean Corson continued to outline some of the Monument’s international efforts. Mr. Corson continued to present field operations efforts. Ms. Chow then highlighted efforts relating to Monument permits and access, including that there is now one Monument permit that is signed by the three co-trustees. Council member Brian Bowen added that as someone who has applied for a permit, that the process is more user friendly. Randy Kosaki highlighted some of the research and information management efforts in the last year. Specific questions relating to monk seals were discussed.

Andy Collins added some comments to the information system overview. Then he and Linda Schubert provided an update on education and outreach efforts.

IV. PUBLIC COMMENT

- Stephanie Fried—Ms. Fried said that she was shocked at the presentations and that this is the first public comment opportunity since the establishment of the Monument. She urged that a public advisory council be established immediately. She was baffled at the need to establish a constituency, as she felt that one already existed. She thinks it's outrageous that there will be no comment period until after the draft management plan is released. She noted that the Northwestern Hawaiian Islands Hui submitted comments on the draft sanctuary management plan, which she had available. She asked that the RAC have a minimum of 3 meetings to discuss the Monument management plan and added that there is a lack of cumulative analysis on research conducted in the NWHI. She was also concerned that a 15-day comment period at the Board of Land and Natural Resources meetings is not enough. She added that strengths of the RAC were that non-federal scientists, educators, etc. were at the table, that there was an open public process that including working groups, that the RAC succeeded in developing a ROP, and developed the goals and objectives for the Reserve. She felt that the RAC meetings provided the only public venue to the management process, and that it was helpful to not have agency members vote. She added that there were concerns in a lack of openness over the years.
- Don May, KAHEA—Mr. May commented on public advisory bodies, he felt that the Refuges and organizations with advisory committees and active support groups had more funding. Additionally, he said that there was a need for education and outreach in addition to advisory councils. He said that not pursuing World Heritage designation is a mistake and without an advisory council we can find a loss of cultural perspectives and access.
- Marti Townsend, KAHEA—Ms. Townsend said she was here on behalf of Cha Smith. She felt that the time for the public to participate in the management process of the Monument has been limited. She asked that the RAC consider continuing to meet. She is disappointed that there was no effort to begin the FACA process. She wants the federal agencies to release the secret plans that were developed in a windowless submersible deep in the ocean. She asked that the Monument release the interim management plan and the draft research plan.
- Bryna Storch, KAHEA—Ms. Storch asked if there were emissions standards that are used for ships that go into the Monument and expressed concern about the waste that is emitted from the ships. She expressed that many organizations had vessel tracking systems that were fascinating and could be used as an outreach tool. She felt that there should be regular hearings and added that the Board of Land and Natural Resources meeting comment period is not adequate.
- Tammy Harp (as public)—Ms. Harp expressed concern about pursuing World Heritage status.

V. LESSONS LEARNED

Members of the RAC and the public had an opportunity to comment on lessons learned during their involvement and experience with the RAC. Questions on various topics were placed around the room and the group had an opportunity to respond. The comments are provided in attachment 1.

VI. ACTION ITEMS

The Council Chair asked if the group wanted to take further action on any of the earlier discussions during the meeting.

- Meeting to provide public comments from the RAC on the Monument Management Plan
 - The group discussed the process for providing comments including breaking into committees and working groups to address specific topics.
 - ACTION: Bill Gilmartin made a motion that the council should meet again to provide comments as a group on the Monument management plan. Buzzy Agard seconded the motion, which passed unanimously.
- Recommending that the Reserve managers advocate for a Monument advisory body
 - The Council discussed the specifics of this topic. Gail Grabowsky said that she felt the management of the PMNM has a good intent to protect the area, but she feels that it's very important to have a public process, she said that while public input might be a painful process, that it's an important part of the process. She added that it's important to have a formal group, not just general public comments. Bill Gilmartin added that much has come out of the meetings over the years. Lloyd Lowry said that the Marine Mammal Commission plans to provide comment on the Monument Management Plan and that he felt having a public body makes things go further.
 - ACTION: Buzzy Agard made a motion that the RAC recommends that the Reserve to continue to support public input into the process and recommend that the monument have an advisory body. Bill Gilmartin seconded the motion, which passed unanimously.

ADJOURNMENT

Mr. Johns adjourned the meeting and Michael Weiss, Allen Tom, and Sean Corson thanked the Council for their hard work and presented the members with lei.

ATTACHMENTS:

Attachment 1

Reserve Advisory Council Lessons Learned

Comments from Council Members and Public Participants

- 1) DO YOU FEEL THE MAKE UP OF THE RAC ADEQUATELY REPRESENTED ALL OF THE STAKEHOLDERS AND/OR CONSTITUENCIES THAT SHOULD HAVE BEEN REPRESENTED?**

- Total responses: 13
- Positive/Agree: 2
- Negative/Disagree: 3
- Mixed or Other: 8
- *Summary: Overall effective and balanced mix. Need more non-government representation. Constituencies mentioned to address specifically: fisherman, general public and researchers.*
- *Note: From question no.7–there was a comment about making sure that a mechanism is put in place to make sure that each specific meeting has representatives from each constituency group.*
 - a. **AC:** “Generally yes, the overall balance of research, Native Hawaiian, Conservation, etc. was good and worked. **There was a problem with research reps having to be non-federal and with direct experience in the NWHI.** This limited the pool too much and prevented good people from being able to serve on the RAC.”
 - b. **AC:** “I’m not sure. I think the conservation, Native Hawaiian and non-government research seats were critical to the RAC. The fishing eats, at the time, were also important and are likely to continue to be important.”
 - c. **AC:** “NO. Too much representation by Govt. & Special interest.”
 - d. **AC:** “I think the RAC adequately represented stakeholders and constituencies.”
 - e. **AC:** As a research alternate it seems I feel that the RAC is an important cog in the NWHI & represents the best parts of the various parties & thereby should not be dissolved.”
 - f. **AC:** “I thought is WAS a GREAT attempt to get balance of public input from most of the stakeholder groups. I also think that agencies need to be persuaded (continuously) to appoint people who might not always be agreeable... i.e., the people appointed need to be able to argue their stakeholders viewpoints, however much that makes meetings longer!”
 - g. **AC:** “Somewhat. Key stakeholders and/or constituents were not accepted back into the RAC for reasons unknown.”
 - h. **AC:** “Yes, public comment is valuable but no substitute for professional expertise.”
 - i. **AC:** “With the exception of commercial fisherman. They had a seat but not consistent quality input.”
 - j. **AC:** “Based on “public comments” received and concerns expressed probably not all of “constituency” represented.”
 - k. **AC:** “To a degree.”
 - l. **AC:** “RAC needed more general public members. Current make up heavily weighted towards agency officials, environmentalists and resource professionals.”
 - m. **PUBLIC:** “Yes. For the most part. Filmmaking was often discussed at RAC meetings as the test example of permissible commercial fishing activity in NWHI. But we never spoke directly to anyone in the industry, much less a representative. Maybe a BBC/Cousteau type film person.”

2) PLEASE PROVIDE US WITH YOUR THOUGHTS ON THE MIX OF VOTING AND NON-VOTING MEMBERS AND WAS THE USE OF ALTERNATE MEMBERS EFFECTIVE?

- Total responses: 12
- Positive/Agree: 8
- Negative/Disagree: 0
- Mixed or Other: 4
- *Summary: Mix of voting and non-voting was fine. Keep the Government agencies NON-voting. Alternates are a good idea but they should attend meetings (all meetings if possible) or keep abreast of all RAC activities so that continuity is maintained. Specific points to look into: Low attendance of “agency” reps, alternates not being well versed enough on issues, and alternates being able to vote.*
 - a. **AC:** “Yes.”
 - b. **AC:** “Use of alternate members was productive and increased participation. Relegating government agencies to non-voting roles leveled the playing field.”
 - c. **AC:** “Yes, I think alternates were effective and the voting/non-voting arrangement was fine.”
 - d. **AC:** “As an alternate I feel that I adequately kept abreast of all RAC activities and alternates should be at all meetings, even if not voting members.”
 - e. **AC:** “The mix of voting and non-voting members was effective, especially with the emphasis of voting members being non-government agency members. The use of the alternate members was problematic at times due to lack of continuity.”
 - f. **AC:** “I felt to mix the groups allowed non-voters to lobby their views, at times, counter productive to moving forward.”
 - g. **AC:** “Alternates should vote.”
 - h. **AC:** “Yes, alternates worked out well. Disappointed in attendance and low levels of participation of ‘Agency’ reps.”
 - i. **AC:** “Voting and non-voting members had a positive impact from the public. Alternates were informed and they relied heavily on their voting member to do the right thing.”
 - j. **AC:** “I served as a non-voting member and I think that worked fine for me and my organization (MMC). Although I mostly listened I was allowed to speak when I wanted. Also in subcommittees and WG’s it was easy to have full input although I was officially non-voting on the RAC. Effectiveness of alternate members was variable, the alternates were sometimes not up to speed.”
 - k. **AC:** “The use of alternates seemed a good idea, generally. It seems like alternates in attendance should sit on the Advisory Council table. I found the reappointment process unusual and occasionally unclear.”
 - l. **PUBLIC:** “Crucial to the RAC’s success is the stringent conflict of interest requirements for voting members. This gave people confidence in the decisions of the body. These rules should continue. And trustee representatives should continue to be non-voting members of the RAC. Their insight and perspective is

important to inform RAC decisions but this is not the agencies' forum for decisions making—so they should not be voting.”

3) HOW SUCCESSFUL DO YOU FEEL THE SUBCOMMITTEE PROCESS WAS? PLEASE OFFER YOUR SUGGESTIONS FOR IMPROVEMENT.

- Total responses: 8
- Positive/Agree: 5
- Negative/Disagree: 0
- Mixed or Other: 3
- *Summary: Subcommittee process absolutely necessary for RAC. Specific points to look into: Alternates being involved in process, outer-island members being flown in, reinstating “working” groups.*
 - a. **AC:** “Not sure. Native Hawaiian subcommittee appeared to be successful.”
 - b. **AC:** As an alternate, I was not involved in subcommittees and cannot comment.”
 - c. **AC:** “The subcommittee processes was effective in processing “work” between meetings. The subcommittee process worked best when combined with the working group process to allow [for] broader input.”
 - d. **AC:** “Subcommittee process was helpful. Working group process provided more flexibility. Working group preferred.”
 - e. **AC:** “yes. Have more.”
 - f. **AC:** “I think subcommittees were where a lot more of the important RAC work was done and we could not have done much to help with, e.g. the RMP development, without them. There needs to be a better way to provide support for neighbor island RAC members to attend SC meetings.”
 - g. **AC:** “Some subcommittee meetings were successful but have not really seen the final draft initiated within the final draft.”
 - h. **AC:** “Very necessary to work out many problems in SC. Would have taken too much RAC time.”

4) AS A COUNCIL MEMBER, HOW DO YOU FEEL YOUR COMMENTS AND ADVICE WERE RECEIVED? DO YOU FEEL THE COUNCIL’S COLLECTIVE INPUT CARRIED WEIGHT AND MADE AN IMPACT?

- Total responses: 10
- Positive/Agree: 6
- Negative/Disagree: 1
- Mixed or Other: 3
- *Summary: Overall, the feedback was positive but it was clear that members felt a clear difference between acceptance of recommendations at the meeting, and/or by NOS staff versus the leadership of the various agencies involved, as well as leaders at the federal level. Specific points to look into: Voice of alternates versus main and/or voting members, and having an ofical report when RAC recommendations were not accepted.*

- a. **AC:** “My comments and advice within the council were always respected. There may have been differences of opinion but appropriate discussion was the end product almost always. I believe the council had an impact, a substantial one in retrospect. However, it seemed like there was resistance, stress and tension from government representatives, on occasion.”
- b. **AC:** “As an alternate, it was difficult for me to get to the RAC meetings from off-island. However, e-mail comments were included into documents, questions were answered quickly. As for being an effective alternate, I found it difficult.”
- c. **AC:** “As an alternate I was not actively involved but collective input certainly carries weight and has had an input. It looks to me as the federal government is taking too much control now from the soon to be dissolved RAC and the public!”
- d. **AC:** “I believe that the RAC was listened to by NOS & NOAA. I feel everyone had the reserves best interests at heart. Of course, the RAC would like 100% acceptance of their recommendations but that cannot always happen. The Reserve staff (NOS) needs to keep the process transparent—explain process for decisions especially if they are counter to RAC recommendations. This was done pretty well in the past.”
- e. **AC:** “I believe RAC’s collective input carried weight and made an impact. Keeping this in mind that we were an advisory body to give advice and recommendations to a federal agency.
- f. **AC:** “Most of the time RAC comments were incorporated into management decisions and carried weight. In a few occasions it appeared that forces in D.C. overruled reasonable positions put forward by RAC.”
- g. **AC:** “I feel our input was received as luke-warm and really made no impact to the final direction.”
- h. **AC:** “Yes, helped process.”
- i. **AC:** “The Council should be proud of themselves both past and present members.”
- j. **AC:** “Generally they were well received at RAC meetings but seemed to be less well received as things moved up through the system. One improvement might be to get a formal written response and explanation when a RAC recommendation was not accepted.”

5) As a RAC how successful do you feel you were in being a conduit for constituent engagement in the management process?

- Total responses: 11
- Positive/Agree: 4
- Negative/Disagree: 1
- Mixed or Other: 6
- *Summary: The feelings here on the positive side but they were tending to head into the “not so effective” or “problematic” arena. When there was a positive comment, there seemed to be a caveat added on. Specific points to look into: the perception that staff and or government agencies were not interested in the feelings of constituents, that the one*

positive comment was from a government agency representative and the role of alternates.

- a. **AC:** “Fairly successful.”
- b. **AC:** “RAC was effective conduit for public input. Bring a RAC member was challenging because of sometime conflicting views within my perceived constituency.”
- c. **AC:** “As an alternate I was barely involved in any managerial process.”
- d. **AC:** “I feel I was a fairly good conduit for education stakeholders since I got out with teachers, education professors, students, volunteers organizations all the time. I imagine some would like more access to the Reserve/monument but as a RAC member I feel I was to adhere to the EO and Goals and Objectives so in this way some stakeholders were not represented but the reserves purpose was.”
- e. **AC:** “As the state of Hawaii rep. I believe I was an effective conduit for the State’s engagement in the management process. Other RAC members may have more complex constituencies to represent and engage.”
- f. **AC:** “As a non-voting member my success at this was actually pretty good. I had no problem getting the concerns of the agency I represented considered in the management process.
- g. **AC:** “Interjection [of] constituent views were not received well.”
- h. **AC:** “Effective conduit.”
- i. **AC:** “Marginally successful! I don’t think the staff was truly interested in our recommendations.”
- j. **AC:** “95 percent of the time, I think the RAC was a good conduit for the various constituencies. RAC members serve the public’s interest but know how to work with government officials. It seemed to work, though constituencies occasionally found themselves disappointed with the RAC (and even more disappointed with some government agencies).
- k. **PUBLIC:** “Very Effective.”

6) How effective were RAC meetings in providing a venue for public comment?

- Total responses:
- Positive/Agree:
- Negative/Disagree:
- Mixed or Other:
- *Summary:*

a. **AC:** “Not sure. Native Hawaiian subcommittee appeared to be successful.”

7) *Open category—please offer us your comments on any issue, process or aspect of being on the RAC that you feel is an important message for you to communicate.*