

**NORTHWESTERN HAWAIIAN ISLANDS  
CORAL REEF ECOSYSTEM RESERVE ADVISORY COUNCIL**

**Meeting May 8, 2015; 9:00 a.m. – 4:00 p.m.**

*NOAA/Inouye Regional Center, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI  
Ko'olau Haka Conference Room*

Meeting Minutes

ATTENDEES:

Voting Members: Tim Johns (State of Hawai'i, Chair); Linda Paul (Conservation, Vice-Chair); Jessica Wooley (Conservation); Pelika Andrade (Native Hawaiian); Richard Lee (Ocean-Related Tourism); Gail Grabowsky (Education); Louis "Buzzy" Agard (Native Hawaiian Elder); Cindy Hunter (Research). [On Phone—afternoon only]: Tammy Harp (Native Hawaiian).

Non-Voting Members: Judith Cucco (Conservation Alternate); Paul Wong (Office of National Marine Sanctuaries/Hawaiian Islands Humpback Whale National Marine Sanctuary [ONMS/HHWNMS]); Athline Clark (ONMS/Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve [ONMS/CRER]); Eric Roberts (U.S. Coast Guard); Matt Brown (U.S. Fish and Wildlife Service [FWS]); Brandon Jim On (Office of Law Enforcement [OLE]). [On Phone]: Joshua DeMello (Western Pacific Regional Fishery Management Council [WPFMC]).

Absent: Kem Lowry (Citizen-At-Large); Bobby Gomes (Commercial Fishing); Laura Thompson (Conservation); Rick Gaffney (Recreational Fishing); Bill Gilmartin (Research); Don Schug (Research); David Laist (Marine Mammal Commission); Michael Lesser (National Science Foundation); Janice Fukawa (U.S. Department of Defense).

Papahānaumokuākea Marine National Monument Staff: ONMS/CRER: David Swatland, Hoku Johnson, Tia Brown, Pua Borges-Smith, Alyssa Miller, Allison Ikeda; National Marine Fisheries Service: Hoku Rogers-Kaekuahiwi; Department of Land and Natural Resources: Maria Carnevale; Office of Hawaiian Affairs: Keola Lindsey

Members of the Public and Non-Agency Presenters: Annie Sawabini (ONMS)

PURPOSES OF THE MEETING:

1. Review of and update on previous action items
2. Receive ONMS and agency updates
3. Potential action item: Henderson Airfield

I. CALL TO ORDER (Johns)

Chair Tim Johns called the meeting to order. Introductions followed. Ms. Hoku Johnson announced that she will be on a four-month detail with National Marine Fisheries Service. Ms. Athline Clark recognized Ms. Johnson for her service as Reserve Advisory Council (RAC) coordinator and thanked her and Mr. David Swatland for their support.

II. REVIEW OF AGENDA AND APPROVAL OF MINUTES (Johns)

Mr. Johns noted that some discussions that might lead to action items could be moved up in the agenda. The minutes were reviewed. There were no objections.

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**III. REVIEW OF PREVIOUS ACTION ITEMS (Johnson)**

1. RAC Testimony to the State Legislature: At the previous meeting, the RAC took action to support the State Co-Manager position. Copies of testimony supporting House Bill 629 and Senate Bill 1165 were reviewed. Ms. Maria Carnevale, State Co-Manager of Papahānaumokuākea stated that both bills have only been deferred; they are not dead.
2. RAC Member Selection: Recruitment is ongoing for two Native Hawaiian positions, the alternates for Mr. Louis “Buzzy” Agard and Ms. Tammy Harp. Two people had applied, and the RAC requested another round of applicant solicitation. There are now four applicants: Luka Mossman, Kalani Quioco, Brian Villiarimo, and Lei Kihoi. Previously, the RAC had deferred to staff to select applicants; Ms. Johnson asked how the RAC wishes to proceed this time. It was decided that the Native Hawaiian representatives—Mr. Agard and Ms. Harp—would review the applications with Kekuewa Kikiloι of the Native Hawaiian working group and make the decision.

**IV. ONMS SUPERINTENDENT PRESENTATION (Clark)**

Ms. Clark presented a plan to focus on strategic partnering for Papahānaumokuākea. After the president’s proclamation, it took about five years for the member agencies to figure out how to be a jointly managed monument. Good partnerships are formed with people who have strong purpose and a passion for marine protected areas.

There are several upcoming events that provide opportunities to engage other agencies:

1. 2015 – The five-year anniversary of the mixed world heritage site and the 15-year anniversary of the establishment of the NWHI CRER; a one-day event will be held on December 15 with the theme “Partnering for Protection.”
2. June 2016 – The ten-year anniversary of the monument designation
3. July 2016 – International Coral Reef Symposium
4. September 2016 – IUCN World Conservation Congress
5. June 2017 – 75<sup>th</sup> anniversary of the Battle of Midway

There are a number of agencies with which Papahānaumokuākea can partner to keep Midway Atoll on people’s minds, including the Pacific Aviation Museum, the National Park Service, and the Naval History and Heritage Commission. Down the road there might be an opportunity to open a multi-agency discovery center on Kauai. There is also a possibility of collaborating with others to expand the Mokuāpapa Discovery Center.

Ms. Clark also noted that although Mr. Dan Basta, Director of ONMS, is on administrative leave, Mr. John Armor is acting and there is no change in the processes or direction of ONMS.

**IV. MONUMENT CO-TRUSTEE/MANAGEMENT AGENCY UPDATES (Member Agencies)**

1. State of Hawai‘i (DLNR): Ms. Carnevale updated the RAC on matters relevant to Papahānaumokuākea. Suzanne Case has been confirmed as DLNR Chair and Kekoa Kaluhiwa as Deputy. Ms. Carnevale has met with both and they are open to learning more about

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Papahānaumokuākea. A proposed reorganization of the DLNR Division of Aquatic Resources (DAR) that changes the purposes for its three agencies to move them to ecosystem-based management has moved through the legislature. Ms. Carnevale will provide a more concrete description of the changes at the next RAC meeting.

Ms. Carnevale noted that since the two bills to provide funding for her position have been deferred, there is no funding from July 1 of this year. Ms. Clark stated that ONMS has two initiatives in the queue to provide funding, one from July 1 (currently under review with NOAA) and one beyond that (currently under review by the State). Mr. Richard Lee asked how the State provides support for Papahānaumokuākea. Ms. Carnevale responded that the State provides in-kind support of staff and resources. Mr. Johns asked what the State's position on the Hawaiian Islands Humpback Whale management plan draft proposal is. Ms. Carnevale replied that it is a NOAA process, and the State is reviewing.

Ms. Carnevale reported that recovery and restoration work on Kure Atoll is going well. There are high counts for albatross over winter. All 28 relocated Laysan ducks now have been re-sighted. Mr. Eric Roberts noted that there are 18 new ducks on Kure in addition to the relocated ones. Big-headed ant eradication efforts seem to be a success although the initiative took double the staff time of what was originally slated.

2. U.S. Fish and Wildlife Service (FWS): Mr. Matt Brown informed the RAC that the Laysan and Black-footed albatross have had a record year. They believe that their efforts to eliminate the invasive plant *Verbesina encelioides* helped, but that is not certain. Greg Schubert, who used to spray *Verbesina*, has moved on and is no longer on Midway. The field stations on Tern and Laysan are not fully operational; they run on back-up generators, which restrict operations. There is a big barge up there now for seawall and runway work.

Mr. Brown also presented on Henderson Airfield. Henderson is a Part 139/ETOPS runway. Part 139 means that it is a certified runway with everything done to the same level as the big commercial airports, including having a weather station, firetruck, etc. The ETOPS (Extended-range Twin-engine Operational Performance Standards) designation for planes means that they cannot fly any place more than 180 minutes from a landing strip. An ETOPS location has to be open 24/7 to provide emergency services to planes. Because of Midway's location, dozens of planes use Henderson every day in their flight planning. It takes a lot of resources to maintain Henderson, and funding is limited. It is a drain on overall resources for FWS and the main reason that stations on other northwestern Hawaiian islands have no funding. Commercial airlines only pay a user fee if they land. Ms. Wooley suggested requesting funds from the State barrel tax, but Mr. Brown responded that it would be a difficult move because Midway technically is not a part of the state. Ms. Linda Paul noted that the RAC can lobby for support if they know what the "ask" is. Mr. Brown offered to present to the RAC at the next meeting some numbers in a proposition made to the Friends of Midway Atoll group to re-open Midway to the public. He can also present on the legislative history of funding for Midway.

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3. Office of Hawaiian Affairs (OHA): Mr. Keola Lindsey reported that OHA leadership had a meeting with Dan Basta in April, which included people from ONMS headquarters, Papahānaumokuākea, HIIWNMS, and the Pacific Islands Regional Office. Summer is one of OHA's busiest times. Mr. Brad Wong of OHA will go with FWS to Nihoa; Dr. Pualani Kanahele will go to Mokumanamana; and Mr. Lindsey and Mr. Kekuewa Kikiloi will go to both islands. At the Hawaii Conservation Congress (HCC) in Hilo, OHA will sponsor a specific session on Papahānaumokuākea. Their sponsorship means that this particular session will be open to the public for free, without having to register for the whole conference. OHA is going through its annual budgeting process now and they are tightening their belt. Mr. Johns asked Mr. Lindsey if OHA has weighed in yet on the HIIHW National Marine Sanctuary proposal. Mr. Lindsey replied that OHA still is reviewing it but will provide comment by the June 19 deadline.

4. NOAA Report: Mr. Swatland reported on ONMS activities from February 5, 2015 through May 8, 2015. Papahānaumokuākea Marine National Monument (PMNM) joined with Liquid Robotics on a demonstration mission using their Wave Glider autonomous marine platform with ONMS' Puma unmanned aircraft to locate and track suspect vessels. As part of UNESCO's 70-year anniversary celebration, PMNM held events in multiple locations on a single weekend in April. A new marine debris bus poster was released to raise awareness of the problem. The monument received a \$50,000 grant for research on mesophotic corals, and part of the research effort will include the use of the NOAA ship Okeanos Explorer. PMNM has had some staff additions, including a Navigating Change coordinator and a Native Hawaiian Program coordinator who will start on June 1<sup>st</sup>. On June 27<sup>th</sup>, "Get into Your Sanctuaries" Day, PMNM and HIIHW will co-host an event at the Waikiki Aquarium.

Ms. Paul asked about PMNM's involvement in the 2016 World Conservation Conference (WCC). Ms. Carnevale responded that she has flagged PMNM with Suzanne Case and Kekoa Kaluhiwa but will discuss further with DLNR and report back to the RAC. Mr. Swatland stated that involvement in the WCC is being handled at the ONMS level. Mr. Johns concurred that the WCC host committee has met with Mr. Basta and will now coordinate with Mr. Armor. Mr. Johns offered to have the host committee brief the RAC in September; the RAC agreed.

5. Office of Law Enforcement (OLE): Mr. Brandon Jim On presented on two recent cases involving law enforcement. In one, a commercial long-liner likely will be fined. In the second, which is ongoing, the fishing in the monument was probably accidental and OLE might issue a notice of violation. OLE hired three new officers. Mr. Keola Lindsey enquired about OLE's coverage in the Pacific. Mr. Jim On explained that most officers (8) are here in Hawai'i, but there also is an agent in Guam and one in American Samoa. Ms. Paul noted that if the monument expands its boundary to go beyond 50 nm, it first needs to know how much fishing occurs in the 50 – 100 nm area. Ms. Paul asked if OLE is able to track vessels 50 – 100 nm out, and Mr. Jim On answered in the affirmative. Ms. Gail Grabowsky questioned if, through looking at the

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Vessel Monitoring System (VMS) tracks, it is clear what long-liners are doing, and Mr. Jim On responded that OLE can determine if a vessel is fishing by looking at the VMS.

6. U.S. Coast Guard (USCG): Mr. Roberts informed the RAC that there no longer will be a local environmental programs representative for the Coast Guard. Their office will now be operating out of Oakland, California. If the RAC would like to continue to have representation for the Kure project at its meetings, it can put in a special request. USCG brought three monk seals from Kona to Midway, using 10.6 resource hours, at an expense of \$270,000. Their west coast high endurance cutter spent for to four-and-a-half days in the monument. During their patrol, they spotted two vessels that had not done the voluntary notifications. This used 96 resource hours, amounting to \$1.5 million.

**V. PRESENTATION ON SANCTUARY NOMINATION PROCESS (Sawabini)**

Ms. Annie Sawabini of ONMS headquarters presented the history and current procedures of sanctuary nomination. After the initial period of great activity between 1972 and 1995, the sanctuary nomination/designation process was deactivated. Between 1995 and 2014, no sanctuaries were designated, only expanded. In 2014, ONMS released information on a new nomination process based on (a) national significance criteria such as natural resources, maritime heritage, economic support, and publicly-derived benefits; and (b) management considerations including research opportunities, education opportunities, adverse impacts from current and future uses, unique conservation value, current regulatory authorities, partnership opportunities, and broad community support.

So far, five nominations have been submitted. Of those, Mallows Bay and Lake Michigan initially have been accepted. Northeast Florida, Aleutian Islands, and Chumash have been declined. For all three nominations that were declined, the primary factor was a lack of broad community support. A few nongovernmental organizations (NGOs) coordinated to submit an application but other communities and/or local government agencies were uninterested in or against sanctuary designation.

Once areas have been accepted in the *nomination* process, they then need to go through the *designation* process. The designation process involves (1) public scoping, (2) draft designation documents, (3) public comments, and (4) final documents. The result of this designation process can be very different from what was submitted in the nomination stage.

Ms. Paul asked if the executive order that designated the monument, which stated that the monument would later go through a sanctuary designation, trumps the ONMS nomination process. Ms. Sawabini responded that if a community group nominated the monument to become a sanctuary, it would go through the same nomination and designation process. Mr. Lindsey asked if there had been support among the First Nations people in the case of Aleutian Islands, and Ms. Sawabini replied that there was no support for it among them. Ms. Grabowsky asked how NOAA weighs the input of distant communities in circumstances like the NWHI. Ms.

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Sawabini explained that there is flexibility in the definition of “community,” which can describe users and people interested in conserving the area, not necessarily geographically identified communities. Ms. Grabowsky followed up by asking if fishers could be considered a community, and Ms. Sawabini indicated it is possible, but ONMS does not define what counts in its assessment of “broad” community support. Mr. Swatland pointed out that users’ suggestions could not take away any existing protections. Mr. Joshua DeMello asked if this is the case only within the existing 50-mile boundary and Mr. Swatland affirmed.

**VI. UPDATE ON HIHW MANAGEMENT PLAN REVIEW (Johnson)**

Ms. Johnson stated that at the previous meeting, the RAC had asked her to look through the HIHW Draft Environmental Impact Statement (DEIS) to see if anything in there affects the NWHI. Upon review, it seems that the only points of “effect” are a few statements that the SAC, RAC, and American Samoa advisory council will collaborate more in the future. Ms. Johnson noted that there had been a joint RAC/SAC meeting in March and invited RAC members who were present at that meeting to share their insights. Mr. Paul Wong of HIHW suggested that he provide a review of the public hearings to date and Ms. Johnson assented.

Mr. Wong stated that there have been 11 hearings so far, and there will be one more at Mokupāpapa. Approximately 850 people have attended, with some meetings having greater attendance than others. More than 700 of those attendees were on Kaua‘i. The opposition on Kaua‘i was organized and primarily concerned about fishing rights. There have also been a few comments about humpback whales being delisted. Mr. Johns asked why the delisting announcement was made during the public comment period. Mr. Wong responded that it was a NOAA decision and added that there was very low attendance at the delisting meeting.

Ms. Paul raised the concern that the proposed new name, Hawaiian Islands National Marine Sanctuary – Na Kai ‘Ewalu, implies that it includes the entire archipelago and asked if the sanctuary would be willing to change the name. Mr. Wong explained that the name is the result of the “Naming” working group, and their reasoning for it is available on the sanctuary’s website. Ms. Johnson noted that the working group document Mr. Wong referred to only lists Hawaiian names that were suggested, such as Na Kai ‘Ewalu National Marine Sanctuary, and none of the alternatives include “Hawaiian Islands.” Mr. Wong explained that there was a later decision to add “Hawaiian Islands” to what was suggested by the working group.

Mr. Lindsey noted that at the SAC/RAC meeting, one of the most significant concerns raised was the overlay of federal rule, and this concern is coming out at the hearings also. Mr. Johns asked what happens after June 19. Mr. Wong explained that the public comments are collated, and then they will work with partner agencies including the State to make changes.

**VII. PUBLIC COMMENT**

There was no public comment.

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VIII. LUNCH

IX. SANCTUARY NOMINATION PROCESS (Paul/All)

Ms. Paul foregrounded the two items about the sanctuary nomination process that should be discussed: timing and the proposed sanctuary's name. In terms of timing, Ms. Paul recommended that since HIHW is going through its review process, it would be better to postpone the nomination to avoid complicating things. The RAC should continue working on a nomination proposal, just not submit it until the time is right. The RAC agreed. In the discussion about the proposed name for the sanctuary, three alternatives were suggested:

1. Northwestern Hawaiian Islands National Marine Sanctuary - Ms. Paul explained that the difference between the monument and the reserve is like a stool with three legs, in which the reserve, along with the other two co-trustee legs, are the basis of the whole stool, which is Papahānaumokuākea. The sanctuary nomination is for the NWHI Coral Reef Ecosystem Reserve (CRER or Reserve) leg to be replaced by a sanctuary, not for the whole Papahānaumokuākea stool to be replaced by the sanctuary. Since it is the CRER that is being replaced, the name should replace just that portion and be NWHI National Marine Sanctuary.

2. Papahānaumokuākea National Marine Sanctuary - Ms. Pelika Andrade stated that Papahānaumokuākea is a place name, a geographic name describing the NWHI. Whether it is Papahānaumokuākea Marine National Monument or Papahānaumokuākea National Marine Sanctuary, they both relate to the same area. Mr. Richard Lee also stated that Papahānaumokuākea has been in existence long enough and has reached the public and other agencies enough now that there is name recognition.

3. A Hawaiian name, yet undetermined but not Papahānaumokuākea - Ms. Grabowsky agreed with Ms. Paul that because there are different areas and different authorities between the CRER and Papahānaumokuākea, if it is only the Reserve leg that is replaced by a sanctuary designation, its name should not be Papahānaumokuākea, as this easily could cause confusion. However, the new name should be a Hawaiian name, not Northwestern Hawaiian Islands NMS. A Hawaiian name would be more dignified and meaningful.

The RAC questioned whether the sanctuary designation is replacing just the CRER or the whole Papahānaumokuākea. Ms. Paul explained that the proposal, as it has been drafted, is for the sanctuary to replace only the CRER, for several reasons. The primary reason is that the CRER replacement would be far more likely to get the "broad community support" necessary for a nomination to succeed. There would be strong opposition if the whole Papahānaumokuākea, the umbrella under which other non-ONMS agencies operate, were replaced. However, there should be no opposition to replacing just the one ONMS element of the Papahānaumokuākea structure with a different ONMS element.

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Ms. Clark noted that although the proposal as drafted replaces only the CRER, it is possible for the sanctuary to replace the entire Papahānaumokuākea. There are regulatory benefits to being a sanctuary. If only the CRER is replaced, those benefits exist only in CRER waters; if the whole monument is replaced, those benefits exist throughout Papahānaumokuākea. Ms. Johnson pointed out that in the case of the sailing vessel Grendel that ran Aground at Kure Atoll, because it happened in State waters, Natural Resource Damage Assessment (NRDA) funding could not be accessed. If only the Reserve had been a sanctuary, NRDA still could not be accessed because it happened outside of sanctuary waters. If the whole monument had been a sanctuary, NRDA could have been accessed.

Mr. Johns added as a point of consideration that whether the CRER or the whole monument is replaced also affects the potential for boundary changes. The monument, established by executive order, cannot change its boundaries. A sanctuary has more flexibility. It is still possible to replace the CRER with a sanctuary, then have just the sanctuary's (not the whole monument's) boundaries changed, but there would be a strange "bulge" of waters covered by the sanctuary but not by the monument of which it is a part.

The RAC decided that the first step is to read the proposal as it is drafted, then determine whether the CRER or Papahānaumokuākea should be replaced by a sanctuary, then establish the best name. The issue will be discussed further at the next meeting.

#### X. ACTION ITEMS

1. The RAC agreed to formally suggest that HIHWNMS change its proposed name, dropping the "Hawaiian Islands" part and only having a distinct Hawaiian name.
2. The RAC requested that Mr. Roberts arrange for someone to provide a briefing on the Kure Atoll remediation project at the next meeting.
3. The RAC asked Mr. Brown to provide a legislative history of funding for Midway Atoll and the information he provided to the Friends of Midway Atoll at the next meeting.
4. The RAC resolved in the meantime to authorize the executive leadership to reach out to the Friends group directly to discuss possible options of support.
5. The RAC resolved to draft a letter to honor Greg Schubert and his work on Midway, to be presented to him with a schwag bag.
6. Mr. Johns offered to have someone from the WCC host committee speak to the RAC.