

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

October 6, 2010, 9:00 am- 4pm
Office of National Marine Sanctuaries

Meeting Minutes

ATTENDEES

Advisory Council Members: Tim Johns (State of Hawai'i); Linda Paul (Conservation); Louis "Buzzy" Agard (Native Hawaiian); Rick Gaffney (Recreational Fishing); Gail Grabowsky (Education); Cindy Hunter (Research); Don Schug (Research); Laura Thompson (Conservation); Jessica Wooley (Conservation); Becky Hommon (U.S. Navy); Joshua DeMello (WESPAC for Kitty Simonds); Allen Tom (Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS)); Take Tomson (NOAA – OLE); 'Aulani Wilhelm (Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (NWHI CRER)); Lydia Munger-Little (NMFS for Mike Tosatto); Ray Born (US, Fish and Wildlife Service); Brian Bowen (Research for Bill Gilmartin); Danielle Carter (State of Hawai'i); teleconference: Tammy Harp (Native Hawaiian for Aila); teleconference: David Laist (Marine Mammal Commission);

Absent: William Aila (Native Hawaiian); Carlos Andrade (Native Hawaiian); Bill Gilmartin (Research); Bobby Gomes (Commercial Fishing); Kem Lowry (Citizen-At-Large); Kitty Simonds (Western Pacific Fishery Management Council (WPFMC)); Philip Taylor (National Science Foundation); Mike Tosatto (National Marine Fisheries (NMFS)); Matthew Zimmerman (Ocean-Related Tourism); Eric Roberts (US Coast Guard)

Alternate Council Members (representing voting members): Brian Bowen, Tammy Harp

[NWHI CRER Staff]: Wesley Byers; Andy Collins; Dan Dennison, David Swatland

[Hawaiian Island Humpback Whale National Marine Sanctuary Staff]: Malia Chow

[Members of the Public]: Jason Misaki (DLNR-DOFAW); Sean Harris (KAHEA); Barbara Mayer (Public); Amarisa Marie (DLNR-DOFAW); Judith Tarpley (Public); Maile Norman (USCG); Marti Townsend (KAHEA), Steve Spangler (contractor for Coast Guard), Jay Silberman (Coast Guard)

PURPOSE OF THE MEETING:

- 1) Receive updates on Monument efforts including field season and permit updates
- 2) Discuss Monument Alliance
- 3) NWHI CRER 10th Anniversary Celebration and World Heritage Inscription

I. CALL TO ORDER (JOHNS)

Council Chair Tim Johns called the meeting to order

Opening – **Nai'a Watson** – 'E Ho Mai

Mr. Johns reviewed the agenda for the meeting.

II. REVIEW AND APPROVAL OF MINUTES (JOHNS)

Tammy Harp (Native Hawaiian for Aila) requested the minutes be changed on page 13 to: Are you looking at contaminants in the species consumed by the monk seals? Have you done testing on the monk seals?

MOTION: A motion was made by Tim Johns to approve the minutes from the last meeting. Motion carried unanimously by voice vote.

III. TOPIC A: MONUMENT CO-TRUSTEE/MGT. AGENCY UPDATES (CARTER, BORN, WILHELM, TOMSON)

Dani Carter, State of Hawai'i: Shared slot with Steven Spangler and Jay Silberman for an update on removal of PCBs from Kure Atoll. DAR administrator position still vacant. Monument co-manager job offered to Dani Carter last week. Tom Eisen accepted the state co-manager job for HIHWNMS. Permit coordinator position rehiring. State permitting process hit a rough patch last spring. DAR and a couple of other divisions are still in the process of having their exemption lists approved or updated, impacting permits or activities in the main Hawaiian islands more than for us in the Northwesterns. The DAR staff gave a presentation to the land board.

Johns(question): Is OEQC meeting these days? **Carter**: No that is the delay. It can't be approved until they meet again. **Grabowski**: I was chair of the environmental council until July until my term was up. They met for the first time about a month ago and meeting again on Oct. 14th and they realize the urgency. **Johns**(question): Did the land board take any actions or make any recommendations that this council should take into account as we look at cumulative impacts? **Carter**: We were writing declarations of exemption memos after land board and they want them up front. Switch from when exemption memos are approved. Update on Kure Atoll-field camp folks went back in May, record # of brown booby and masked booby nests recorded. 10,000 lbs of marine debris removed and Grendel removed. Plant endemic to Kure, thought to be extinct was found, hadn't been seen since 1961 and last month found 1 or 2 individual plants. Will be a winter field camp, 5 people staying over and this should help keep a handle on conservation and summer restoration efforts as well as sea bird and monk seal monitoring.

Thompson(question): 26 acres of verbasina has been cleared, how many acres is Kure? **Carter**: About 200. **Spangler**: I'm a contractor working for the U.S. Coast Guard and will provide a brief update on research projects we have been doing on Kure Atoll. Two forms of attempts of remediation: 1. micro remediation 2. Soil washing. **Silberman**: Update on USCG Activities on Kure: Three old USCG buildings on Kure, salty air has corroded rebar. Looking at potential of rehabbing or building new ones. They are used primarily as bunkhouses to support winter field camp personnel. Looking at March-April timeframe to send out a buoy tender to dig fresh water seeps to help introduce laysan duck. Continue verbasina clearing. Helping DLNR fix cistern which is leaking pretty badly. We are looking at coating that might seal the leak that would be air dropped and then take the water out and dry it. As far as the PCB's there are 650 cubic yards of contaminated soil in the landfill. We've applied for funding to clean up in fiscal year 2011. We should know shortly whether we'll get the funding, if we don't get it we'll look at interim measures to cap the landfill for the short term. **Grabowski**(question): Is it the same patch of soil? **Silberman**: Yes, same patch, using different technologies to see what is effective. Other option

is to dig it up and send it back to the mainland for disposal. **Wooley**(question): What do you do with the waste product? **Spangler**: With soil washing you concentrate the PCB's. There would be a concentrated PCB sludge that you transport off the island to the mainland. **Paul**(question): Have any of the PCB gotten into the wildlife or inshore reef areas? **Silberman**: We did sampling around the landfill in the lagoon, and looked at a reference site on the north part of the island. 25% higher around the landfill than at the reference. Suffice to say PCBs are getting into the groundwater and into the lagoon. **Grabowski**(question): Is capping the favored plan? **Silberman**: Favored is to use the technology that works. If we don't get the technology in the interim we'd cap it until we get money for a full scale cleanup. Capping is a short-term answer if we don't get the funding.

Ray Born, USFWS: I'm the acting superintendent, next week Don Palawski will be taking over for me. Quick refresher: Native Hawaiian Culture Activities - Nihoa Camp Site consultation back in March. Pulled together a bunch of people to see what we can do to safely put people on Nihoa and do the work that needs to get done out there. It's an ongoing process with FWS. World Heritage Designation is a big feather in our cap for everybody. Midway historic officer's quarters remodeling underway. Airplane hanger: (30% design phase), 4-5 year project (4 million dollar budget). Historic gun battery restoration (stabilized, put in a hand rail). Battle of Midway commemoration: Three veterans from the battle visited. Biology side: increase in population of Laysan ducks. Botulism on Midway, 71% of the ducks treated have recovered, working on increasing survivability. Nihoa millerbird: next year will probably begin translocations. Ecological services: doing surveys at Laysan. Laysan Finch: 8300 birds is estimated population. Short-tailed albatross re-sited one on Laysan and a pair courting on East Island. Monk seal monitoring: conducted a monk seal disentanglement on Midway. Doing support activities for NMFS to support monk seal program. Sea Turtle Surveys: monitoring digging, nests and tags. 664 hatchlings released in FFS, mostly at Tern Island. Humpback whales: saw some in January. Banded 4036 terns, satellite tagging on Tern Island. Oldest albatross (banded in 1956) spotted on Midway. Laysan albatross satellite tagging: bird still transmitting from Hokkaido, Japan. Laysan Island: albatross banding, fledging success. Laysan palm: out planting 100 plants. We had a fungus show up, chenopodium fungus, it appears to be a secondary fungus. Probably won't be able to take any actions until next spring on Laysan. Midway: LIDAR surveys, mapping islands in detail. Marine Debris: after Grendel salvage, Navy ship came to Midway to pick up debris. Very successful in moving debris off, still a long ways to go. Tern Island: weekly collection of marine debris. Six species of alien ants on Laysan. Concern about bird nesting and plants. On Midway eradicating for verbasina. It's very tough to get rid of it. We put in for a grant to send a strike team out next year. 95% of Chinese Banyan have been removed from Midway. Emergency Response Chile tsunami response-pulled people off Tern. Safe shelters on Midway. Midway search and rescue operation in Feb. 2010, satellite pagers on all field camps to increase emergency communications. Midway visitors services plan: one visitor included Chris Jordan, midwayjourney.com, definitely increased our audience. He'll be back in December to document albatross coming back. Kahana: contract to transport fuel and supplies. Monk seal research: HIMB research at FFS, happy to work with NMFS to get that project accomplished. US Coast Guard Coordination: logistics coordination meetings, trying to use our limited resources to the best of our ability. Education and Outreach National Wildlife cover article (Oct/Nov) very good article. PAA program at Midway in June. Education trip to Nihoa and Mokumanamana. Anan Raymond was our lead on that and talked about archaeology.

Recruitment/personnel actions Superintendent Tom Edgerton reports on 11/7. Advertising for: Midway Manager, Tern Island Refuge Manager, Midway Visitor Services Manager. Have four Laysan biotechs and nine volunteers. Field Operations Midway AC in hotel rooms and fire suppression. Laysan replacement of photovoltaic cells. New water catchment system.

Paul(question): Do you have any idea of how long ants on Laysan have been there? **Born**: Last year. Populations are big enough we're going to have to do an eradication project (have one on Johnston) that we'll refine. **Gaffney**(question): How about shark culling project? **Born**: Last year took one galapagos shark and tagged several others. It was not very productive as far as the take issue. What they did observe, once they took the one shark, they had no further sightings for the rest of the summer. **Bowen**(question): Lessons learned from salvage of Grendel? (will be covered by Scott Godwin later).

Aulani Wilhelm, NOAA: Constituency Building and Outreach: opened Lost on a Reef Exhibit at Mokupapapa. Wayne Levin exhibit at First Hawaiian Bank Center. Levin will present with Randy Kosaki on Oct. 13th at Waikiki Aquarium. Gearing up to December 4th as 10 years. Will look back at the inspirational photos taken in the NWHI and the power of art and photography in conservation. World Heritage designation: will cover in detail later. Education: Store front refurbishment to try and better attract people at MDC. Expanded Navigating Change to Guam: Matt Limtiaco developed program to partner with Northern Marianas, so many startling similarities between there and Hawai'i. Using similar techniques used at Hilo and Maunaloa Bay. Research: We look forward to Randy Kosaki's presentation on deep coral discoveries. Brian do you want to talk about this for a minute? **Bowen**(comment): We are doing the genetics on it. It is unprecedented to find out that 90% of fish communities at that depth are endemic Hawaiians. **Wilhelm**(continue): Stay tuned, research is developing papers now, this is going to direct a new area of research. A week after last RAC meeting was a maritime heritage workshop, report coming from Kelly Gleason later. Strategic Initiatives: at last meeting we told you about agreement between the U.S. and France to provide exchange; it's led to lots of relationships including invitation to governance workshop in Moorea, Tahiti. Again so many similarities and challenges, potential synergies, conflicts between cultural preservation and engagement of local communities. It was really good governance training, one example of regional cooperation and how much more people want to learn from our experiences. Native Hawaiian Programs: Waimanalo Community Restoration Project, we've introduced you to Makani Greg an intern who developed a technique to have community members go out and do surveys to get in tune with what's going on in their bay. Project will continue and is something that is now nested in Waimanalo. Cultural Briefings: they continue to happen and we're even getting asked for repeats in addition to the film. Agency Coordination: talked about Interagency Climate Change. Adaptation task force meeting led by Assistant NOAA Administrator Dr. Larry Robinson reinforced that climate change is not a theory. Field Operations: Grendel photo-we'll talk more about that tomorrow. **Harp**(question): Was the palm tree in front of MDC removed? **Wilhelm**: I'll check, but don't think so.

Take Tomson, NOAA-OLE, Update on Enforcement Activities: I'm replacing Jeff Pollack and an agent with NOAA's Office of Law Enforcement. OLE sits on a law enforcement working group. Others on the working group include Coast Guard, DLNR/DOCARE, FWS, Office of General Counsel Enforcement Litigation. We have meetings and discuss enforcement related issues. A report by Eric Roberts from the USCG is in your packet and sums up Coast Guard

activities. Continue to do their routine C-130 patrols. Continue vessel patrols. One patrol cancelled due to being diverted to gulf spill. Checked with our General Counsel, no enforcement updates. We used to have a lot of notification cases in which fishing vessels go through without notification. We sent out a lot of violations last year. I guess everyone got the message because we have no outstanding violations. I'm not sure about FWS, I don't believe they have anything to report. **Born**(comment): No, nothing to report.

IV. TOPIC B: WORLD HERITAGE (WILHELM, GUTH)

Wilhelm: (Showed 'Aina Momona pre-inscription World Heritage film.) Marine World Heritage is starting to grow. The roles of cultures across the Pacific being part of the global definition of what World Heritage is. That connection between nature and culture, that's something that's really shifting in terms of the conversation of what is World Heritage and marine World Heritage in particular. Not everyone has agreed this is something we should pursue. This designation is one more designation that we are now a part of and we should never think that our work is done. We should continue to be watchful and mindful. We still need to move in the direction that's worthy of the place. I hope people don't think now we have this World Heritage designation and we're done. We continue to have a role. Heidi Guth and I will now talk about the experience leading up to the final stretch and the great deal of emotion and controversy that was going around and part of that a real powerful demonstration of support. I wrote a 14 page letter to the staff on the way back and I will read some excerpts from that. First want Heidi to share and the role OHA played which is really significant. **Guth:** This particular experience was very personal and emotional for me. My beneficiaries are native Hawaiians and some members of the cultural working group were not in favor of World Heritage because they were worried it might open it up for further impacts like tourism. We worked through this and we decided that if the nomination was going to go forward it had to not only include natural components, but also include culture. Drafts went out constantly for review, checks and balances. In May, after I thought everything was ready to go I started getting calls from a very prominent Native Hawaiian woman. They were not about World Heritage but about NH access to the NWHI and did not require any kind of western authority and also allowed for sustenance fishing. I was really torn, not only was this woman someone I needed to respect and listen to, she also spoke for a component of the NH community. NOAA provided with me with this amazing opportunity to see this place on the Holo I Moana cruise. It was right in the midst of this maelstrom. I went up there imaging what the first Hawaiians saw and to sail into this area and come upon a sharp rock in the middle of nowhere. Not only to come upon it, but to say we can live here, then to do so and have remains of that. To see that those Hawaiians not only made do but they made an enormous temple to something we don't even know about yet. No place else in Hawai'i has that magic, that aura, that level of intense spirit and reverence that is a sacred place. All of Papahānaumokuākea is a sacred place. I could not come back from there without wanting to protect it, without wanting to listen to the Hawaiian voices who wanted to protect it. The voices for two decades have been solid; to keep commercialism out, to maintain cultural access, to perpetuate Hawaiian culture. When I came back I was a lot stronger and I knew what I had to do. There was a petition from her and another party against World Heritage, using this petition to gain time to overturn the proclamation. This was an attempt to go against what every other NH community was telling me to do. I needed to make sure the Board of Trustees was aware of what was going on and to take a stand. The Board voted in support of the nomination. Letters were sent to UNESCO and the U.S. Ambassador for UNESCO. The real initiative to me was to go

back out to that native Hawaiian community and tap that pulse one more time. We drafted a petition and submitted it (in 4 days) to prominent and not so prominent (85 signatures, 42 e-mails) Native Hawaiians in support of World Heritage inscription. The petition was carried by our delegation to WH. I now have the backbone via the people of Hawai'i to move forward in a vigilant fashion and to make sure opponents understand that WH inscription is not fickle. It provides extra international attention. We don't believe tourism will be an issue. We have to be aware, this episode has taught me to listen hard and to pay more attention to people's actions more than what they say. I'll read a little of the Statement of Support from Indigenous Hawaiians for support of PMNM as a World Heritage (WH) site (Guth reads a portion of the petition).

Wilhelm: State of Hawai'i was involved in leading the development of the application along with OHA on the cultural side, DNLR the natural side. My team largely handled the evaluation mission and all the subsequent things, working with the State Department and the National Park Service to carry it forward to Brasilia. Heidi and I had these roles to play. When you listen to our communities, we can't just be officials in agencies. After this process, just as Heidi put herself out there, I'm going to do the same by sharing some of my personal reflections. What was this thing like (Wilhelm reads e-mail she wrote while waiting in the Atlanta airport, upon WH designation and on the way back to Hawai'i). **Johns**(question): Is there a decision document?

Wilhelm: Reports that both IUCN and ICOMOS puts forth statements of outstanding of universal value and will bring them tomorrow to distribute.

Johns: asks council members to think about potential action items. Review of three action items that we took over the last two meeting: 1. To create a mgt. plan review committee that was to help evaluate or review monument evaluation strategies. 2. To create a working group that would look over the charter for the alliance, specifically look at membership. 3. A letter to the state about concerns that the council had about the decline in the monk seal population, triggered by the discussion over shark culling. **Johns:** Think about what actions might come from the reports, public comments, discussions, gather thoughts so we can act appropriately.

V. PUBLIC COMMENT:

Marti Townsend, Kahea, (hands out written comments). We're particularly concerned about the Monument Alliance, hoping you will look at this and hope it will frame some of the RACs decisions. I think it's important that the RAC take actions. There are a lot of things that need to be addressed: monument management, monument advisory councils need to be established, lack of enforcement plan, lack of a science plan. RAC needs to write, document and push the staff and all the co-trustees to ensure that there is adequate public involvement. Kahea did not take a position on WH, but we did raise significant concerns about the inscription. One thing that I learned how important public support is. It's scary to think that one person could write something and it could scuttle something. The thing that saved it from the fire was all the public support and all the people who were emotionally invested came out of the woodwork. The lack of public involvement and the lack of a public advisory council for the entire monument has resulted in atrophy of public participation. We have to go for FACA exemption and have an actual advisory council established, that meets regularly, that takes action and advises all of the co-trustees. All of the people who have been serving on this advisory council for so long, it's going to be hard to continue the work when their gone. The best way and only way to honor the commitment is to ensure that an actual full monument advisory council is established. This is extremely important. I hope the RAC will take action at this meeting to direct staff to pursue

FACA exemption. We're also concerned over the permitting process. We appreciate the efforts the new state staff has made in improving compliance with state laws. There is no exemption for environmental review for ship operations unlike on the Federal side where you can exempt a ship from having to get EIS. On the state side you cannot do that. I'm concerned that all the ships that serve as the mother ships for all research need to be permitted. How are we going to permit them if we are not going to do an EIS? I've repeatedly brought up to you how the Monument Management Plan EIS does not cover ship operations. You have to do something to take care of that. Also concerned about the lack of an enforcement plan. The working group thing is not formal enough. I point to the Grendel as to the lack of procedures and they weren't followed. Part of it was this loose working group arrangement. It should be a staff priority. Lastly military activities: we really need transparency. I realize that some people interpret monument regulations allow the military to do anything they want. The military should only do activities that ensure that they avoid harm to monument resources. There should be some sort of structure of oversight, transparency for reporting, what activities are proposed and engaged in, reports of any harm and ways to mitigate. I'd like to see the harm of military activities; the cost is externalized. No one talks about the harm to the environment or the harm to natural resources. I do want to see there is some level of ensuring that military impacts take into consideration what if something goes wrong. I appreciate the straightforwardness of Becky, but we need something written down in case of worst case scenario. The RAC is in a position to push for and advise the staff to have these kinds of regulations actually enforced. **Johns**(question): So you are recommending six potential actions for the RAC to take? **Townsend**: Yes, one last thing, currently public comment is out for monk seal recovery plan. RAC would be a good position to provide comment on monk seal recovery actions. **Paul**: The bullet points on enforcement, Eric Roberts will be here tomorrow and can answer questions on these bullet points.

VI. TOPIC C: ONMS: PACIFIC REGION (TOM)

Tom: Update on where ONMS is going with advisory councils nationally. Reviewed 2010 SAC Summit: Linda and Dan represented RAC at the Olympic Coast SAC meeting. Next year meeting in GA. 2012 meeting request for Hawai'i. What can advisory councils do now: fund educational projects, executive committee of chairs, regional coordination meeting, host meetings for individual constituent representatives, recreational fishing. Ideas on how we can better coordinate. **Paul**(question): How do you see us fit into this into the future? **Tom**: I'm hoping the Alliance is still involved in this on all levels. **Grabowsky**(question): In terms of the next steps for us, in terms of money, is there a budgeting process for next step? **Tom**: Yes, part of the budgeting process. **Tom**: HIHWNMS is currently in a scoping period. We have 500 comments and still receiving comments. We're looking at everything from possible boundary expansion to adding new species. As you can imagine it's quite controversial. If you want to submit comments Oct. 16th is the deadline and we are at the very beginning of this long process. **Hommon**: RAC members should provide comments as individuals not as the RAC. **Tom**(continues): Marine protected area creation is a long process, draft EIS in 2014 and then goes to the governor for further decision. In the meantime we had scoping meetings, we'll bin comments, respond to them, have alternatives, more statewide meetings and then finally have something at the end of the day. (Tom shows a seven stage management plan review schedule, beginning in 2009 and wrapping in 2014 with a final plan sometime after). Twelve main issues are in the bins currently (i.e.; enforcement, regulations, education/outreach, research, water quality, management effectiveness, boundary expansion, threats/impacts, NH culture, fishing,

restoration, partnerships). **Paul**(question): About adding species as being in one of the bins? **Tom**: That might be covered by boundary expansion. Preferred NOAA alternative during creation of boundary was all the state waters surrounding around all the islands. **Tom**: RAC members consider HIHWNMS SAC membership (nine open including seats from Molo Ka'i and Lana'i). Superintendent for HIHWNMS closed and is going to reopen within two months. **Grabowsky**(question): Have whale boundaries (concentration of where the whales are) changed? **Tom**: That's something they will have to look at the data again. Fagatele Bay report: looking at adding five new sites in American Samoa. They look at the Monument and what's happening. In the last days of the Bush administration he created three new monuments. The Governor of American Samoa has been very active in pushing for additional designations. Hoping to have draft EIS on the street next spring and to the Governor in a year or so. Doing biogeographical work right now of proposed sites. Describes how sanctuary designation can allow for fishing for indigenous peoples and people are more interested because of that and have actually approached us. Bringing hyperbaric chamber to American Samoa to be installed at the hospital. Fagatele Bay has new boat, and the NMS visitor center in Pago Pago is under development. Mentions NOAA response to the 2009 tsunami in American Samoa. Other regional topics: CNMI/DLNR Visitor Center and Sanctuary Scoping (what has happened here has bled over to other places). Consolidated Facility on Kauai. Lahaina Visitor Center: old Lahaina court house, first floor will continue to be about Lahaina, upstairs will be natural history and marine environment. Bottom floor has theatre including films on a loop. 600,000 people visit each year. Blue Ocean Festival (off years is Blue on Tour and next year it is in Hawai'i). Waikiki Aquarium hoping to open an exhibit on the NWHI in March or April. Marine debris conference here March 20-25th. Have a workshop to develop Lucas Springs, fish pond on Laura Thompson's property.

VII. TOPIC D: MARINE SANCTUARIES REAUTHORIZATION (SWATLAND, PAUL)

Swatland: ONMS is pursuing two tracks. One is the Capps bill and the other is ONMS is pushing a bill through the administration, no luck yet. The Capps bill is hoping to be introduced before this congress before they adjourn for the year. They would like to build momentum for the 112th congress in the spring. The RAC is able to write letters in support of this. We will give you an example of a letter written by Olympic Coast NMS to Dan Basta. We are hoping to have the same protections and capabilities that come to marine sanctuaries, enforcement, advisory committee that is exempt from FACA requirements and includes monuments as well. Hopefully reauthorization will include new Pacific Island monuments. Hopefully have an extension of the language that is already in there since some of the monuments do have some different characteristics from marine sanctuaries. **Paul**: SAC chairs were invited to be on a conference call with Capp's staff. I read through the bill and had four outstanding issues. As a body we cannot comment on a specific piece of legislation. What we can do is send a statement to Wilhelm and talk about our position on certain policy issues.

1. Review of Management Plans: should take input from fisheries management councils, States and Indian tribes. It's really intended to say something like semi-autonomous organizations of indigenous peoples and other citizen councils and alliances so other people can weigh in. I think we should consider drafting a letter to document this. It all goes along with our view there should be citizen input, not just special interest input.
2. One thing seemed to be omitted from things that can and cannot happen in sanctuaries and monuments was aquaculture operations. We should discuss our feelings on that one.

3. Fishing regulations: Language on Capps bill in my taste is too pro-fishing. I'd suggested if Secretary determines traditionally fishing activities are compatible with primary purpose of the sanctuary, things along that line. Require all fishing activities to have a permit, to have them not be transferable, use it or lose it, expire if they are not used.
4. General prohibition against fishing vessels using bottom trawls or monofilament nets, basically not using destructive fishing practices.

Johns: Please circulate letter that OCNMS sent to everyone and we should consider taking actions tomorrow. Does the Sanctuary Act have any language about monuments? **Swatland:** Yes, the administration version does. **Paul:** Yes the Capp's version does. **Wilhelm:** Watch the language carefully. Different versions of the bill say different things and it's a matter of tracking it, so it doesn't change. **Schug:** Seems like we need to look at that pretty carefully. **Swatland:** Hope Capps bill will be introduced sometime soon for action in the spring. Administration bill locked up somewhere in the review process. **Tom:** I don't think reauthorization is a priority for NOAA.

VIII. LUNCH: HE WA'A HE MOKU, HE MOKU HE WA'A VIDEO (COLLINS)

Collins: We have an education program, Navigating Change. Matt Limtiaco leads this program. It has been active for around 10 years. Matt put together a video focused on the principals that we try to focus on within Navigating Change such as malama (shows video).

IX. TOPIC E: WEBSITE FACELIFT (DENNISON, MEW)

Dennison: We did a major facelift to the website just prior to World Heritage designation. Put a lot of information up about World Heritage. The days following World Heritage inscription we got increased number of viewers. Major reason behind this to have a one monument website. Previous one, very much a NOAA looking website. Please take a look at it and suggest content and design features. Agencies if you have material, please let us know. **Mew:** I'm the web and graphics designer for the monument. Some of the newer material represents the 10th Anniversary. Debut some elements today before launch next week. Briefly go over the images, slide show carousel, revolving series of images. We are looking forward to expanding on the content. In the coming weeks, leading up to the 10th anniversary, we will be posting more content videos and photos.

X. TOPIC F: PACIFIC EXCHANGE (WILHELM)

Wilhelm: At the previous RAC meeting we talked about our Pacific Exchange, relationship with the French marine protected area with a focus on Polynesia. One of the first tangible aspects was an exchange. Bringing a group of people from French Polynesia, both the Society Islands archipelago as well as the Marquesas up here to learn about what we are doing. The exchange took place this past summer for three weeks in June & July. We engaged many different organizations in the visit. Two people went on Holo I Moana cruise, which brought traditional knowledge, education and contemporary science together. Week two, largely focused on digging into the archives at Bishop Museum. Week three there were a lot of site visits to meet a lot of communities that are engaged including meeting with voyaging community. They were impressed with our management, especially the cultural integration. How we have linked culture and nature together. They are designing their first research trip that will take place for over three months, scheduled for 2011 at the end of August to November. They learned from our information management systems. We took them over to Mokupapapa. They went away with

wanting more. They also wanted to talk about enforcement. We went to a meeting last month there and we are looking for an exchange in December 2011. We are also looking at how the framework for our database could be exported to help manage their data.

XI. TOPIC G: MARINE PROTECTED AREA ADVISORY COMMITTEE (GAFFNEY)

Gaffney: I'm a member of the Marine Protected Area Advisory Committee and will start by providing background on National System (see PowerPoint). William Aila and I both are both representatives. We look to other members of this group to become members of the MPA Federal Advisory Committee. It is a very stimulating and diverse group. Our first step was to inventory all of the MPAs of America. Roughly 1600 MPAs in U.S. waters. There is a need for coordination. Second step to establish policy and general implementation framework. This was done in 2008. System goal diverse representation of all the different kinds of MPAs that exist in America. Next step to incorporate some of the existing sites and build and improve on a functioning system. Recently been dealing with conservation gaps. What parts of the nation's marine cultural and natural heritage is not included in the system and how do we get those in? National system of MPAs is science based, completely inclusive, state, federal, territorial and tribal. Goals of national system, include natural heritage, cultural heritage and very importantly, sustainable production. Very inclusive of the fishery management councils. For the record, not all of Hawai'i is marine protected areas. Primarily they have to have two things: one is they have a regular group like this one who meets and considers the issues that are relevant to that MPA, two they have a plan and a scientific objective. There are better ways to manage your MPA and need to involve citizenry better and do regular benchmarks to consider how successful you have been with your growth. Future vision, additional partnerships, training, capacity building, help with gap analysis, MPA Federal Advisory Committee spent a long time talking about how to create resilience through marine protected areas. Now looking at creating resilient coastal communities, adjacent to and part of MPA. Starting to look at land, sea interface as an issue. Look at how our coastal communities are affected negatively and positively by MPA. How we can contribute to that process. Connectivity being an important part, particularly with climate change. Some areas that are currently protected could move with climate change as waters get warmer. **Harp**(question): How does this play into National Ocean Policy? **Gaffney:** Very good question. Can't answer it. At this point it doesn't. We don't know where it is going for sure. **Wilhelm:** Another listening session in December. Good thing for those of you involved to give comment. **Gaffney:** Details have not been released yet. **Grabowsky**(question): What is the paper trail or electronic trail when the advisory body makes recommendations? **Gaffney:** We basically make recommendations to department of commerce and department of the interior. Very inclusive of a number of government agencies. **Tomson**(question): Not all of Hawai'i's areas are included, is that because they are not managed? **Gaffney:** Classic one would be Molokini. No advisory group. No long term scientific monitoring analysis. Basically create a site, call it a Marine Life Conservation District (MLCD). Walk away from it. Essentially what the state has done for a lot of MLCDs which is a primary form of MPA. **Paul**(question): What is your total global definition of an MPA? **Gaffney:** Any area that is protected by any agency at any level of government in the ocean for any purpose. **Paul**(question): For oil and gas development? **Gaffney:** Yes, but we don't have any of those sites in the system. Has to be considered and approved. **Wooley**(question): Any funding or enforcement aspects for MPAs? **Gaffney:** No, MPA's center is not about creating new MPAs and not about managing current MPAs. It's about coordinating between the MPAs. To be sure cultural and natural resources are protected and

sustainable resources are protected. **Paul**(question): White house effort for marine spatial planning, how does that fit in? **Gaffney**: Marine spatial planning is a growing concept. We have had presentations about it so we understand what it is, MSP is still a concept which is evolving. We need really good maps. When the coastal mapping process is further along we should have a presentation here. Really useful planning tool. MPA federal advisory is planning to meet in Hawai'i in fall 2011. Looking to Wilhelm and several people to make presentations.

XII. TOPIC H: DATA DISCOVERY ONLINE PERMITTING TOOL (GRAHAM)

Graham: I'm the Program Manager for the Data Integration Group. We are working on data discovery tools. Very soon will have a meta data manager. We are working on data sharing. For example all the species that we have in our species list for the monument have been uploaded to the global index. We are working on life science identifiers for all managed data elements within the monument. As far as the permitting tools we are working on, Dr. Keller will talk about performance evaluation and tracking. All monument managers will be able to access online to see real time updates to management plans, tasks, and activities and all the performance and evaluation metrics. Very soon we will be releasing a permit application tool. We are testing it right now. It will manage applications, their permitting activities, and reports. Then the permitting will be able to come in approved, denied or ask more questions. It will not replace the paper application. Also, go in and update past applications, enter new ones, copy old ones into the new application, and see their entire history all in one place, and manage their account as well. We are testing internally right now. By the end of this month will be in the hands of end users. **Bowen**(question): For on-line permits, will there be on-line reporting functions? **Graham**: Yes. We have not defined what an end user reporting function will look like. We are building the internal management reporting function. Basic stats on the types of applications and also stats on locations and collections that have been applied for and have been approved. If you have needs that you are aware of please contact me. Summary reports will be on-line, you can apply on-line, respond to questions, upload documents, post-activity performance reports. All tied into the same data object. You won't have to mess with Excel spread sheets that can be challenging. **Wooley**(question): How much of the information will be public? **Graham**: Still conversations going on about the classified information, personally identifiable information will be protected. Most of the information in these applications are public. **Hoku Johnson**(comments): I'm one of the permit people for Papahānaumokuākea. The permit applications will still go on-line at a minimum for 40 days; that will not change with this. Things that we redact for example are: cultural and shipwreck sites, contact information, proprietary information. **Graham**: An applicant can request that information be kept private and that is evaluated on a case-by-case basis, except for the PII, Personally Identifiable Information.

XIII. TOPIC I: EVALUATION STRATEGY (KELLER)

Johns(question): Before you begin, has the committee met? **Keller**: Yes, we met once after the committee was formed. **Paul**(question): Who sits on the committee? **Johns**: Linda Paul, Kem Lowry(chair), Gail Grabowsky, Don Schug, Bill Gilmartin, Cindy Hunter. **Keller**: Quick reminder of the evaluation action plans goals (which are in our management plan): We are looking at trying to determine the degree in which management actions are achieving our vision, mission and goals. The part of the action plan that is currently being worked on is preparing the comprehensive monument evaluation strategy which includes two components: 1. tracking system 2. actual evaluation process itself. We are making progress on the tracking system and

having an online system that each of the agencies can access. Right now we are in a review process. The management board needs to take a look at it make sure we have captured everything they were looking for in this kind of a tracking system. In 2010 we were using the results chain method to determine what was going to work for a large component of the management plan. We looked at different threats, such as marine debris, to see what we are doing, how it is affecting management. We are looking at invasive species, and protected species. What are the issues? How are management actions going to affect that? We started marine debris work in 2009. We are looking at how our management fit within the larger archipelago's view of marine debris and the actions that more than just our group is taking. We met with the cultural working group to discuss potential methods. Next steps: finalize draft results chains, need subcommittee to participate in review, test indicators, finalize results chain, finalize tracking system, conduct comprehensive evaluation. **Johns**(question): When will subcommittee be inserted next? **Wilhelm**: Unfortunately, Kaylene is returning to her family in California and I don't think we can fairly answer that question.

XIV. TOPIC J: RESEARCH (GODWIN)

Godwin: This presentation will include: the most recent data from NWHI, recent assessment monitoring trip, some reasons for forecasting the potential bleaching, brief overview of the new bleaching response plan. This year was forecasted to be moderate to low risk for bleaching. As we all remember we had mass coral bleaching event in 2002, 2003 and 2004. Luckily we did not have a widespread event this year. Bleaching was reported at Kure Atoll, 27% bleaching among vulnerable corals. Don't get the idea that over a ¼ of the entire reef was bleached. In essence it was pretty low. At Pearl and Hermes it was 19% presence, primarily in the SW lagoon. We were forecasted this year as a bleaching year. Information comes from NOAA's Coral Reef Watch satellite data. The bleaching response plan was put into place this year: seasonal forecast, policy briefings, public notification, and then if we determine if there is a widespread event then monitoring. The point of the communication is to disseminate information as broadly as possible to management and to the community through bleaching forecast reports. In the early part of the season these reports show forecasts such as moderate, low or high or sort of simplified scales. A lot of the information that was being sent back during our trip was from real time data. Request from the monument for this data to be evaluated and looked at here by people in the management community and not just by us on the ship. We were lucky this year to avoid a widespread bleaching event. As far as the communication, there is a communication chain. This is how the information is essentially disseminated which includes the MMB, RAC and the listserve. The point is to get it out as far reaching to the community as possible. Just a refresher on bleaching, when we say bleached it doesn't mean dead, it means bleached. **Carter**(comment): I was in Maine last week I saw it in a small newspaper about coral bleaching. **Godwin**: Problem is newspapers tend to round up and 27% becomes 30% and it is a huge difference. **Paul**: It does call into the use of terminology. What are you to do when there is a watch or a warning? The downside of doing this is they may get calloused to it. Maybe we need to think about how we do PR for this. **Godwin**: Bleaching forecasts do come out across the world. Part of the job is deciding what is released.

XV. TOPIC K: PERMITS (JOHNSON)

Johnson: Recent permit deadline September 1st. Permit cycle has not closed yet. 2010 applications: 56 to date (32 research, 8 special ocean use, 7 conservation and management, 7

education, 1 Native Hawaiian practices, 1 recreation), 45 permits issued (22 renewals, 26 in NWHI State Marine Refuge, 2 amendments issued, 3 withdrawn). Pretty typical year for us. Education permit type was a bit of a bump due to college groups visiting Midway, Holo I Moana interdisciplinary cruise. Zero recreation permits issued this year. 2011 permit applications summary: 11 applications to date, most dealing with land based activities in the early part of the year. All currently under review and will be posted I think next week. 2010 permit summary: 24 research permits, 8 special permits issued (all at Midway), 6 conservation and management, 6 education, 1 Native Hawaiian, close to being finalized, culture practitioners to Midway to restore kahili by collect sea bird feathers. One Recreation Application (withdrawn). Outreach activities: 2009 activities report online, permit requirements brochure available and the online permit application system. **Bowen**(question): What's this hold up with DLNR for permits in state waters? **Carter**(comment): Mostly it's the exemption list. **Bowen**(question): Is it holding up permits for the Monument at all? **Carter**(comment): No not so far.

XVI. PUBLIC COMMENT: No public comment

XVII. FURTHER DISCUSSION AND POTENTIAL RAC ACTIONS RELATED TO THE DAY'S AGENDA (JOHNS)

Johns: We are into discussion on any potential comments on what we have heard thus far or actions that we might want to take. We could look at recommendations from Kahea. We could pick-up on actions that we have taken in the past. Letter about monk seal decline has gone out already. Letter on reauthorization, there is an example of a letter that another SAC sent about two weeks ago. **Schug**(question): What is the status of the science plan? **Johns**: That is one of the recommendations by Kahea as well. **Wilhelm**: Largely Cori has been taking the lead on that. **Johns**(question): Do we have a committee, is it the research committee? **Schug**: Yes, we submitted a bunch of comments. **Johns**: So the research committee hasn't reviewed any kind of revised draft. **Gaffney**: I think we should weigh-in on the National Marine Sanctuary Act. **Johns**(question): Has everyone been able to look at the example letter? Should we draft something like that? Have we sent anything in the past? **Schug**: Wondering if we should wait on this to after our alliance discussion. **Johns**: Okay. After tomorrow we could formulate a better idea of the outline. The sense is that RAC wants to weigh-in and say something about reauthorization. Staff please find out what the ground rules are for that and we can weigh-in tomorrow. **Paul**: I can just read off the bullet points: 1. Should all activities in National Marine Monuments/ be expressly prohibited unless expressly permitted as policy matter? 2. Should input from citizen advisory councils and groups be solicited then developed and implemented into management plans? 3. Should offshore aquaculture activities be allowed in sanctuary & monument waters? 4. Should fishing activities be limited to traditional fishing activities compatible with the primary purpose of the sanctuaries and monuments? 5. Should all fishing activities in monuments and sanctuaries require a permits? 6. Should fishing vessels be allowed to use bottom trawls, monofilament nets and other non-sustainable fishing gear? **Schug**: I'm more interested in furthering the Alliance through this vehicle rather than any specific sanctuary policies. **Paul**: The alliance is left out of here. They are ignoring SACs as in they don't exist. The only advisory councils are regional fisheries management councils and tribes. **Johns**(question): Haven't we sent a letter in the past stressing the citizen advisory input mechanism? Important to continue the position that we feel it's important to continue with RACs, SACs, MACs as part of the NMSA. **Wilhelm**: Two letters have been sent encouraging continuation of citizen advisory

councils. **Johns**(question): What else are we in a unique position to highlight beyond a general urging to move forward with NMSA? Anything else? **Gaffney**(question): Do we need to say anything about unique Hawaiian culture because it is not recognized as a tribe? **Johns**(question): What happens if the Monument gets incorporated into the sanctuary program? What happens to all the underlying legislative history? Do we need to raise it? **Paul**: What we could do is recommend that everywhere “tribes” appears, we put in indigenous peoples. **Harp**: I would go with aboriginal inhabitants. **Johns**: I would use what’s in the EOs. So we should make sure Monuments are included in NMSA. They could administratively put us into National Marine Sanctuaries program. **Hommon**(question): Could we limit our comments to this particular monument? **Paul**(question): How about the ones in the Pacific that don’t have a voice? Harp: Agrees. **Johns**: We are talking about what we know, which is this RAC and this monument. **Harp**: Other Pacific Islands are looking toward us. **Johns**: I don’t think we know enough about those other Pacific Island sites to weigh in. **Harp**: They can track from our examples. **Johns**: I think we should be a strong model, but I don’t know that I can comment today. When we were trying to become a sanctuary, how were we different than others at that time? We’d want to make sure those issues are addressed. **Wilhelm**: That’s where Linda’s first point does apply. One main difference, all activities are prohibited unless expressly authorized. There were draft regulations. **Johns**(question): What else was in there that would make us different? One is monument, everything prohibited and native Hawaiian component. **Paul**: We weighed in heavily on fishing regulations. In the Capps bill were not even asked about fishing. **Grabowsky**(question): What about co-trusteeship? **Johns**(question): Are other monument’s in the same boat? **Gaffney**: Other MPAs are similar, have state/federal, tribal/state, etc. **Schug**: Bringing the place to the people was one of our keystones. **Johns**(question): In management plan review, did we assign budget priorities, you guys kind of resisted that? **Wilhelm**: It wasn’t something we were able to do with varying priorities and cycles between agencies. **Johns**(question): Is there any way to insert management principals to make it different and insert that into our discussion of NMSA? **Paul**: We have an opportunity to put our mission, goals and objectives from the MMP into the NMSA. **Wilhelm**: The other sites don’t have it in, but they put in their introduction/preamble to the regulations. **Johns**: That’s their organic starting point, until then we have the EO and MMP. **Wilhelm**: It’s more aspirational rather than legal. **Paul**: What’s in this act is purposes and policies, 13 of them and they’re in there. **Wilhelm**: If you want to make amendments to those that’s fine. Every site does not add them in, they’re overall for the whole program. **Paul**: Other places in the Capps bill mention Monuments throughout. **Wilhelm**(question): Are you going to recommend just for PMNM? **Schug**: There are things in this letter (Olympic Coast) that are specific to that place. **Johns**: It’s worth a shot. **Paul**: I’ll do a draft, bullet point stuff that could go under purposes and policies for monuments. **Johns**: This is how we were created and it’s important to us. **Gaffney**: I think it’s important for this letter too; we need to tell them how we got here, because there’s a lesson in that. **Johns**(question): What other issues? What about this environmental review process or enforcement? Tomorrow Eric is going to come and address these issues. **Schug**: I am interested in how co-trustees are going to be involved in the marine debris conference how it will be used as a forum for MDP. **Wilhelm**: We are a cosponsor and we will be doing presentations. **Gaffney**: In the NMSA letter we need to talk about World Heritage inscription. **Johns**(question): Does WH inscription change “Bringing the place to the people? Kahea’s point was WH opens up places to greater visitation. **Thompson**: That issue was originally brought up when we first talked about WH. **Paul**: I just came back from Punapei and a site owned by the village. At anytime the village can say you can’t go. Just

because you're a site does not mean the world owns the community. **Johns**(question): Have visitation guidelines changed or been modified by inscription? **Wilhelm and Born**: Nothing has changed. **Johns**: As long as we still exist, we should continue to closely monitor it. **Grabowsky**: Some kind of letter after our Alliance discussion to move it along and why we feel it's important to move it along. **Johns**: It's been a long time since we were meeting and concerns over how active our committees are. **Schug**: I think it will be clear why our subcommittee on the charter did not evolve and why science research committee has not moved forward. **Johns**: What might be helpful is the staff providing us that kind of update in the list at each meeting. You guys have these committees and here's the status. As far as this body's governance we shouldn't have to lay it out. I just want to be kept up to speed as to which committees are out there. **Wilhelm**: Is it possible to pull that out for discussion by tomorrow morning? **Byers**: Yes. **Johns**: It's important to help us and we're all volunteers. **Gaffney**: There's a lot of new technology that helps you meet very easily from your home office. A lot of work can get done in an hour and a half using the internet. I think we can get more work done if we all don't have to fly here.

***NORTHWESTERN HAWAIIAN ISLANDS
CORAL REEF ECOSYSTEM RESERVE ADVISORY COUNCIL WORKSHOP
October 7, 2010, 9:00 am- 12pm
Office of National Marine Sanctuaries***

Meeting Minutes

ATTENDEES

Advisory Council Members: Tim Johns (State of Hawai'i); Linda Paul (Conservation); Louis "Buzzy" Agard (Native Hawaiian); Rick Gaffney (Recreational Fishing); Gail Grabowsky (Education); Cindy Hunter (Research); Don Schug (Research); Laura Thompson (Conservation); Jessica Wooley (Conservation); Becky Hommon (U.S. Navy); Joshua DeMello (WESPAC for Kitty Simonds); Take Tomson (NOAA – OLE); 'Aulani Wilhelm (Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (NWHI CRER)); Lydia Munger-Little (NMFS for Mike Tosatto); Brian Bowen (Research for Bill Gilmartin); Danielle Carter (State of Hawai'i); Barbara Maxfield (USFWS for Ray Born); Christine Brammer (HIHWNMS for Allen Tom); Eric Roberts (US Coast Guard); teleconference: Tammy Harp (Native Hawaiian for Aila);

Absent: William Aila (Native Hawaiian); Carlos Andrade (Native Hawaiian); Bill Gilmartin (Research); Bobby Gomes (Commercial Fishing); Kem Lowry (Citizen-At-Large); Kitty Simonds Western Pacific Fishery Management Council (WPFMC); Philip Taylor (National Science Foundation); Mike Tosatto (National Marine Fisheries (NMFS)); Matthew Zimmerman (Ocean-Related Tourism); David Laist (Marine Mammal Commission); Allen Tom (Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS)); Ray Born (US, Fish and Wildlife Service);

Alternate Council Members (representing voting members): Brian Bowen, Tammy Harp

[NWHI CRER Staff]: Wesley Byers; Andy Collins; Dan Dennison, David Swatland

[Members of the Public]: Barbara Mayer (Public); Amarisa Marie (DLNR-DOFAW); Judith Tarpley (Public); Maile Norman (USCG); Marti Townsend (KAHEA),

XVIII. OPENING AND WELCOME (JOHNS)

Council Chair Tim Johns called the meeting to order.

XIX. TOPIC L: MONUMENT ALLIANCE DEVELOPMENT (COLLINS & SWATLAND)

Collins: We do have good news. Over the last few months we have been working with our attorneys on what the composition of this body will be, how it will work and how to structure the body and whether to use FACA or non-FACA. Essentially, we are going to look at a non-consensus body at first. The structure of the body will be the same structure as we discussed earlier with the same seats: 3 native Hawaiian seats, 3 conservation, 3 science, battle of midway, education, outreach, special use, 2 at-large and 2 youth seats. The composition is exactly as we discussed at the last RAC meeting. The difference would be as a non-consensus meeting it would be run by the Monument Management Board individuals. It would not have a chair or co-chair. Basically provide individual advice to the MMB. That advice would be recorded in meeting minutes which would be taken by the MMB individuals then published within two weeks of each meeting. That would be how the input would get to the MMB individuals. Similar structure to the way RAC meets quarterly, with public comment as is designed under FACA and as designed under the sanctuary advisory committee groups. It is a similar structure as the RAC and other SACs around the country. **Swatland:** We are in a much better place now than we have been in a couple of years. The NOS lawyer and the DOC lawyer are both working together and focused on this. The DOC lawyer has also connected in the DOI lawyer. The DOC lawyer is supposedly one of the foremost FACA experts working for commerce. FACA exemption is a non-starter for us for a number of reasons, one of which is we are not covered by the NMSA Act like all the other sanctuaries. We either operate under FACA or operate like this for awhile. **Collins:** Some of the details and challenges is that the Federal Advisory Committee Act applies to the federal agencies, but the state also has their own equivalency of FACA. In order to seat a body, we may be able to get FACA through the federal process relatively quickly, but then not sure how it will work with the state. We haven't broached the subject yet of how this body would advise the state through their own equivalency of FACA. That is part of the reason why we think that this would be the most expedient path to get a body seated and start to be able provide that input to all the monument managers. **Johns**(question): How would this change if the reauthorization act treated the monuments like sanctuaries? **Swatland:** We still have the issue of the state to work through. It would make us like the other sanctuaries. We could theoretically get a FACA exemption, but we still have to figure out how to provide input to the state. **Wilhem:** We wouldn't be just like the others. It sets up monument advisory bodies that would advise the respective federal co-trustees. It would be the one body that is setup to advise both DOI and DOC via NOAA and that federal action cannot dictate what the state does. The state would have to voluntarily accept that body and receive that advice which is easier from what we understand on the state side to do than it is on the fed side. We also explored could the state convene and the feds accept that advice. That is a non-starter as well from a FACA perspective. There is more flexibility under state law to be able to accept that advice and set it up concurrent if they choose to. **Johns:** At least the advice would be given to two federal agencies as opposed to one right now. **Wilhem:** That would be the difference. The vetting would go through two federal agencies. So what would normally take three months within NOAA, could take three months concurrent. If there were

disagreements, who knows how long it would take. So that is the downside of FACA or even FACA exemption. The way the federal processes work is you go through this vetting process and each agency does it a bit differently. DOI probably delegates it more closely to home. We've never been the ones to vet and select the advisory council. We will have to watch the reauthorization language, if NMSA even goes forward. Until then, this was the hope that we have the various constituencies represented and bring them together. Because it is not consensus there is no need for a chair, vice-chair or a recorder. There is nothing to record except individual advice because it is directed to government. The attorneys are saying that we need government representatives to run the meetings. Our thought was we would have the same leadership that runs MMB meetings, which changes every year, also run these. It is almost a concurrent MMB/Alliance meeting. The MMB agencies would be here, talking with you, listening to individual advice. Aside from the seven MMB members, the Alliance wouldn't include other government agencies. Obviously all the eight people around the table and others who we have come periodically would be invited to these meetings. We kept going back and forth on how big is too big. Seven + seventeen is already big. We still hope to foster that interagency relationship through the new body which is in the management plan through the interagency coordinating committee. When we started listing all the government agencies then the body got to be about thirty-four. Maybe it is not a big deal since it is not managing a group anymore. **Johns**: Are the people that are the representatives, are they representing constituencies? You said they are giving individual advice, without votes or motions. Basically like a special public hearing. You just note down what people say and you decide what you want to do with that. **Collins**: The fundamental core principal that we discussed earlier is that we went through an extensive process to work out what the job descriptions are for these individuals as well as what the application criteria. We're not going to do the application process because that would trigger the whole Paperwork Reduction Act aspect. What we are going to request from these individuals is still going to be the same, how they communicate with their groups and that there is two way communication. When we solicit for these seats those same criteria are going to be in there. When they apply they include a resume, statement of intent and cover letter. **Johns**(question): How will they be judged by who they represent? **Swatland**: As an individual you would represent your constituency and that is how it would be recorded in the minutes. **Johns**: So constituencies would be reviewing the minutes instead of reviewing actions to see what you said that day. **Swatland**: We would be following FACA procedures posting meeting announcements publicly, publicly posting the agenda, allowing public participation, public comment and also posting the minutes after the meeting is over. **Hunter**: We just were looking at the last set of minutes and how they were recorded and the attribution. What we need to think about as a large group is recording, reporting and response of the agencies as well. How do the managers see the importance or the relevance? The constituency is unclear. **Wilhelm**: This is the interim thing that we are trying to create. Really there are no good options right now. We could continue as a RAC, but it is not ideal because it doesn't bring other managing agencies closer into having this be our collective body. There is whole set of complications when you go that more formal route. We don't know how quickly the two agencies will agree. It really won't be at this level, it will be largely between the FACA attorneys. We should be used to having to figure this out ourselves. Maybe this gets us a little closer. **Johns**(question): What about the accountability running upwards to the agencies? The Alliance would not be represented in any kind of larger SAC coordinators or SAC chair meetings. We would basically be a public body that meets periodically and we are assigned particular representation. We are an advisory body now and we have a different stature within

NOAA. The council needs to think about: Do you want to be talking to all three agencies or continue to have that somewhat special status as a RAC that is only talking to the Department of Commerce? **Wilhelm**: That advice you would give to me. I would take it to the MMB for their consideration at whether they agree or if they would like to still proceed. This body would advise me of what to bring to the table. The seven will ultimately decide what we are doing, not me alone. **Paul**: As a practical matter, even though it seems to me that we are advising you, Barbara is here, the state is here. They are hearing all this discussion and there are minutes that reflect what everybody says. They are getting that input right now. Even though they don't take it back to their agencies in a form a recommendation, it seems to me it is pretty much the same for them. **Johns**: It is a little different because they will be one of the conveners of the Alliance meeting. **Wilhelm**: So right now Dan Polhemus is the chair, I'm the vice chair, Heidi is the recorder. Heidi keeps the notes, Dan is responsible for the agenda and I would facilitate the meeting. That is who is involved who is setting the agenda. It wouldn't be just one agency setting the agenda. That is a deliberative discussion beyond just ONMS. **Johns**(question): Is the agency to be more likely to take the advice out of that or this? Which way would have the most influence on the agencies? **Wilhelm**: It is not going to be different for ONMS. **Johns**: That is a question for us to think about. **Grabowsky**: Is there any road that is a consensus that gives advice to all three agencies? **Collins**: This is a step toward that. Basically we want to get a body seated as soon as possible that can advise all the different agencies. At some point in time it will probably be a FACA body, so that it is providing consensus advice. That is what we have in the management plan and the original intention of this all along. We tried to figure out how to get this individual advice body seated and this is what we have come up with for now. **Grabowsky**(question): Is it more likely to get there this way? **Swatland**: This doesn't change the odds either way. Two ways this could end up: 1. we could get FACA exemption through the reauthorization that specifically says we will be able to advise whatever number of federal agencies that are managing that monument. Still doesn't take care of the state component. 2. Or we operate under FACA, which involves voluminous paperwork and administrative procedures to apply for the Paperwork Reduction Act, and also all the members have to go through a vetting process, security clearance type of thing. **Wooley**(question): Could you explain more about the non-consensus body? **Collins**: The non-consensus body would be able to be seated more quickly than the process required for getting a FACA body composed. **Johns**(question): Could you explain why it was important to have the Alliance seated as quickly as possible? **Collins**: This body solely advises the NWH CRER and does not advise any of the other co-trustees of the monument or any of the other monument management board entities. It only covers a subset of what is Papahānaumokuākea MNM. We weren't satisfied with that being one monument. We wanted a body that could provide advice to all the co-trustees of Papahānaumokuākea. That's the driver for going from this body to an Alliance. **Swatland**: If you have consensus body that is not exempted under FACA or doesn't comply with FACA then you can be sued. Whatever that project was that you were providing advice on can be halted until the suit is over and you can be forced to go back and undo everything that was done on that project up to that point. **Johns**(question): Even from advisory bodies? We really only write letters to advise an agency to do something. **Swatland**: I believe if you provide consensus advice and the body that it comes from does not comply with FACA, you could be sued. **Collins**: That case might have a special constraints. The body was a FACA body not a FACA exempt body. **Johns**(question): Do you feel like it is better that the public have the opportunity to advise all three trustees at once as opposed to what we do now which is advise one trustee with other trustees observing? Then

having our one trustee taking our advice to the other trustees in a different setting. If this is going to replace the RAC, why do you want to do this as opposed to keeping the RAC until something else changes us like legislation? **Collins**: Being involved in discussion with all the agencies and RAC and development of the composition of this body and the concern about whether individuals are actually representing their communities. A lot of thought went into what these seats mean and what we expect the duties of these seats and how we expect them to communicate with those communities. That process between all the agencies is where we gelled on this description of what these different seats are. We think there is more accountability. **Johns**: The consensus and non-consensus part is different. The member's job descriptions are also different. **Wilhelm**: There are cons for sure. Not having the ability to take consensus action is a con. There has been discussion and feeling like there is not enough understanding of what is going on across the MMB. There are co-trustees in the proclamation. The way it actually functions is there are seven monument management board members. Right now there are only four, not all seven are seated at the table in those dialogues. I was hoping that if it was structured in this way, that it would reduce the mystery. It would be convened by government agencies, then the number of people sitting around the table could expand. Also there is still public comment time. I don't know if that erases the negative of not being able to write those formal pieces of paper. That's a decision that has to be made. **Johns**(question): Does it move toward a consensus body and then giving advice to either the co-trustees or the MMB? **Wilhelm**: This is an interim. Either through FACA or by exemption through FACA we would get there again. Which limbo do we want to live in? **Wooley**(question): I'm not sure why the consensus based model is not on the table? **Wilhelm**: It is not legal, unless you go under the Federal Advisory Committee Act. Federal agencies cannot engage with bodies developing consensus advice. You need to follow FACA or get a legal exemption to FACA. NMSA actually doesn't exempt you from FACA it gives you a different authorization to have an advisory body. **Paul**(question): Is the ONMS version of the Capps bill or reauthorization bill does it include a model similar to NMSA? **Wilhelm**: Not to my satisfaction yet. Doesn't have the language that really drills down to make sure the DOI component is in there. **Schug**: Just wanted to reiterate our main priority is how to influence the co-trustees either directly or indirectly. See the consensus model as being so much more powerful than individuals. Beauty of the consensus is that we debate it until we reach something that we thought was the best recommendation. Not going to be that motive for this. **Johns**(question): Do you want us to act in a consensus way on this? **Paul**(question): Do we have the ability now to amend our charter? **Wilhelm**: Not if it changes what's in the executive order. You can probably add to things. You cannot remove or change representation. **Paul**(question): Does it limit the number of seats? **Wilhelm**: Yes. **Wilhelm**: According to our attorneys that they do not want to muck around with the EO. **Harp**: The monument was added to the reserve. I don't see any problem with the RAC still continuing. **Hommon**: I thought we got to this because there was this fear that this body was going out of business. If there isn't a threat of us going out of business. The monument manager is also CRER manager and you're comfortable continuing to budget for something authorized as CRER. Do we still have this concern about going out of business? Should we just leave things alone to save you the time to trying to create a new entity? **Wilhelm**: When we made a decision as a monument body to put in the management plan to do this interim thing. Our other partners did not want this. It was a big milestone to get over that. **Johns**: Our idea of sitting at the table with some semblance of teeth versus this idea where we sit at the table with absolutely no teeth. **Wilhelm**: For almost two years we have said that we need an interim before we get to the final. This shouldn't be a surprise. **Grabowsky**: One thing I and I

think the rest of the council keep going back to is losing the concurrence. We are the public and our job is to protect that since we think it is a good thing. I was always thinking that the matrix was necessarily coupled to an Alliance. An Alliance is close to a friend's group that to me is close to something that you don't have to listen to. But at least now we have paperwork that says here is what we really think. I appreciate that you would like us to speak to everybody.

Personally I am really worried about losing the consensus with this body and not getting it back. It sounds like a lot of paperwork why do it now and somehow deal with the FACA exemption.

Wilhelm: The FACA attorneys are very motivated to move FACA forward. This is something that they will only agree to if it is interim. If in that process NMSA gets reauthorized than we can pull that paperwork. It at least moves us forward. You guys can deliberate on it and decide what you want to do as far as advice to me. **Hunter:** It has been 10 years of confusion. I love to have

the world heritage site spotlight on process of this group. There has been an understanding in this group it would be neat to shake-up constraints of the EO and move forward to something more meaningful. The power of this group is that the co-managers are mostly here. The agencies are really individuals. **Gaffney:** We don't always come to consensus. We strive for consensus.

Agency involvement is really about the individual and how much they care. State Department is generally not there. It is critical to management of fisheries in the Pacific that their there and they are not. The agencies that are involved contribute a lot. On the MPA FAC the EPA sits at the table. This is a very engaged, high level EPA official who takes input from individuals and goes back to his agency and brings results back. If get more government people at the table, maybe that is a good thing, maybe it is not. **Johns**(question): Is this an action item? **Wilhelm:** If this was convened by the MMB there would be seven here. It is a change of mindset. To answer Tim's question. No, we were giving an update. This is pretty much the end of the road for the interim option. If you want to take action expressing one way or the other that you like it or don't like it, I will take that back and it will be a deliberation at the next MMB meeting.

Johns(question): When is the next MMB meeting? **Wilhelm:** November 10th. **Johns**(question): Will this issue be taken up? **Wilhelm:** It will now probably be a deliberative action.

Wooley(question): Is it an option in the interim until we get to that final place? **Wilhelm:** It is a possibility. Whether all the agencies support it, I don't know. **Johns**(question): This was intended to replace the RAC not supplement the RAC? **Wilhelm:** Just exactly as the

management has said for two years. **Johns**(question): All the working groups and committees disappear under this new body? **Wilhelm:** The topics get discussed. If there was a need to have further discussion on a topic then a meeting would get publicly noticed for that topic. It wouldn't be like an ongoing working group. **Paul:** What will be the status of the native Hawaiian Working

Group that OHA has taken under their wing? **Wilhelm:** OHA will continue to convene that group. They are serving both functions. Heidi brings it to the MMB. **Johns**(question): The working group is actually a part of OHA not RAC? **Wilhelm:** In the case of RAC going away, OHA would bring that advice separately. **Harp**(question): What about the fisheries sector have they paid any monies to OHA? **Little:** Commercial fisheries have closed in NWHI.

Hommon(question): Can I make a motion? Motion to continue the RAC until a consensus advisory body to advise the three monument co-trustees can be lawfully formed. **Gaffney:**

Second. **Johns:** We are in discussion. So, the possibility that the RAC could no longer meet that hurdle has been overcome. Which way are the winds blowing now in terms of interpretation? **Wilhelm:** The winds were blowing to support creating this. The attorneys are ready to roll.

Grabowsky: I'm a little scared because when we are told that this is a stepping stone that the next step might not happen. **Paul:** With regard to new blood most of are sitting here illegally.

Wilhelm: It has been extended to point of getting to here. All of your terms are up and it is starting from new with staggered terms again like the first time. Or it's doing this starting new. We have been on shaky ground and I think that this is the 5th year that you folks have been extended. It's going to be a pile of work either way. **Collins:** We don't know that people may not be coming to these meetings because they realize that you are just advising the reserve advisory council as opposed to the whole monument. If the body that does provide individual advice to Papahānaumokuākea we might get broader participation. **Schug:** I really want to hear from public comment. **Gaffney**(question): What's the reality of NMSA being reauthorized?

Swatland: There is a lot of space between the two different bills. Even if the Capps bill gets to a certain point, it is so different from the one sitting in NOAA right now. I see it still being slow. **Gaffney**(question): So counting on the NMSA is probably foolish? **Swatland:** David would say yes. **Wilhelm:** That's why we want to pull the trigger on going through FACA. Our attorneys are ready to do the interim thing and get rolling. If the MMB says fine, keep the RAC. The attorneys will be surprised. I can't predict what they will advise. **Maxfield:** I think the MMB will be surprised as well. It took a lot for us all to agree. We want to go forth together as one monument. **Wooley**(question): Can you provide us with the non-consensus language so we can understand that for this discussion? **Johns:** I think the RAC is on thin ice in terms of its continued existence. If you look at what the EO said, we were formed to provide advice and recommendations on the reserve operations plan and designation and management committee sanctuary. We are now providing advice to the DOC on a monument. SAC charters normally talk about re-designation every five years and they have a continuing charter. Our charter was specific to a specific purpose because it was always contemplated that we would beyond a reserve. **Carter**(question): What would have worked for you, a consensus body with opinions feeding into through the MMB or a non-consensus body speaking directly to the state? **Johns:** The best would be a consensus body talking to all three or all seven. **Wilhelm:** That is what we are moving towards. That is what it says here (reading from the monument management plan: CBO-3.5). We have attorneys ready to put in the paperwork to move forward. **Johns:** I think this process does move us in that direction. I think that from the state's perspective we would support this.

Gaffney(question): What if we sent a letter signed by all of us as individuals? Isn't it the equivalent from a board member's view as consensus without being consensus? Wouldn't it have roughly the same strength? **Johns:** It could but there is a certain strength to the formality of organized debates and votes. **Wilhelm:** Barbara reminded me of a key point. Once we came to this point we weren't going to have two groups. **Paul**(question): Could you put 3.5 back up? This does not outline a two step process. We know that FWS will not agree to a FACA body. **Wilhelm:** That's not true. **Paul:** Are you ready to go down the FACA right now. **Wilhelm:** Yes. **Paul**(question): Will it be an advisory body? **Wilhelm:** Yes. **Paul**(question): Why are we setting up a body that's just a bunch of opinions? Two years have passed. Why haven't we done it in two years? **Gaffney:** This is the government. **Paul**(question): I'll ask Barbara that question? **Maxfield:** It is true that DOI does not favor going the FACA route if we don't have to. However we have many FACA committees within the DOI. It takes a long time to work through our solicitors who have a lot of other issues to deal with. I'll be honest the gulf oil spill took everybody's time in the Interior Department. **Wilhelm:** Which is why we took the lead. **DeMello**(question): When the Alliance is chartered as the new advisory committee, does the composition of the Alliance change? Does it include the coast guard? **Wilhelm:** As of now it wouldn't, unless that recommendation changes. It could grow to over thirty and gets really unwieldy. It has become a functional issue. **Johns**(question): We've supported the management

plan? **Wilhelm**: You did do a resolution that has thanked us for it. **Grabowsky**(question): Would the people that are put on the Alliance will they be able to move forward? **Wilhelm**: We won't know until we move forward. **Agard**(question): The discussion is that RAC has already matured. We have to work with something like this. Is that true? So what you have done is put together an alternative? **Wilhelm**: No one says that it is perfect. The policy decision is in this management plan. The policy decision among all the agencies was that we want to run just one body. **Johns**: We should have public comment on this issue and defer acting on Becky's motion until the end. **Wilhelm**: We could defer any of the topics to the January meeting. **Johns**: Take a ten minute break and revise the agenda.

XX. TOPIC M: INTERDISCIPLINARY EXPEDITION, HOLI I MOANA (COLLINS)

Collins: First time we took this approach to an educational expedition, having research, culture, archeology, educators, marine managers, cultural practitioners, and a whole suite of different people. All together on the vessel rotating through three primary focus areas: archeology, cultural investigations as well as apex predator tagging. Everybody rotated through different groups from both western scientific perspectives and traditional knowledge perspectives. Primary purpose of this voyage was to expand the pool of people that have individual experience and knowledge of NWHI. We were also able to conduct resource monitoring surveys. Some of the accomplishments: deployed and recovered two shark monitoring devices.

Thompson(question): What did you learn? **Collins**: It showed high resolution information on how the shark conserved energy and moved through the water. And where the sharks go in the day and night cycle. **Collins**: We had sixteen participants participate in intertidal surveys. We learned that opihi are healthier in the NWHI than in the main Hawaiian islands. One of primary functions is to have people come back and work with researchers here to establish these types of monitoring experiments in the main Hawaiian islands. Also extensive cross-training across many disciplines and to have the opportunity for that dialogue. We paid a lot of attention to safety. We had three days of training here in Oahu. Follow-up is on-going and keep them connected with the researchers as well as each other. We are looking at social networking tools. **Bowen**: The scientific community at UH is going to be enjoying the benefits of this for a long time to come. One of the most satisfying comments from cultural practitioners: you guys work really hard under difficult conditions to do really cool stuff. One of the most satisfying comments I heard from the scientists was: I've been working in intertidal community for ten years and those guys saw stuff I never saw, those guys found stuff that I just missed. It was really good interaction.

Collins: I heard a lot of that on the cruise. Particularly before summer solstice there was fascinating discussion on traditional navigation methods.

XXI. TOPIC N: PRESENTATION ON FIELD EDUCATION PROGRAM PA'A (COLLINS)

Collins: Ten day program on Midway, work closely with FWS and the state. We do an experiential learning program on Midway do things such as out planting grasses, weeding verbasina, and go out on the reefs observe corals, bird counts and do some resource management activities. We had 63 applications and selected 12 individuals (highlights individuals who participated). We track the projects that individuals have done once they return.

XXII. TOPIC O: GRENDDEL SALVAGE REPORT (GODWIN)

Godwin: Resource Protection Specialist, Salvage Operation of the *Grendel*. The owner left Fiji and was lost at sea. It ended up in the lagoon at Kure Atoll. Coast Guard did the initial

investigation on the wreck and removed diesel fuel, but not their job to remove the vessel. Covers timeline: June 2007 discovery of *Grendel*, ownership passed to the state, looked into private sector salvage, Department of Defense option to use as a training operation, 2008 attempt cancelled, 2009 spent the year doing follow-up, 2010 permit processed for the summer. We removed the vessel in July and brought it back for recycling. Covers operational assets: Department of Defense and private sector, US Navy provided the *Salvor*, US Navy Mobile Diving and Salvage Unit, 17 person company, US Air Force and Naval Air Logistic Office provided C130 transport. We wanted to remove the *Grendel* because of direct physical impacts and abrasion as well as other entanglement hazards. Big worry was secondary damage to the coral reefs and the effects on the protected species by our operations there. Remediation for this was local knowledge to provide to the Navy and oversight and control. Another issue was alien species and arranged for a vessel inspection and cleaning of the *Salvor* in Guam. Dive gear transport: I instituted our disinfection protocol with dive command and ran everything through disinfection before they left Pearl Harbor. Covers operations: route for towing, concerns, and dive salvage plan. Additional activities: removed one acre of verbasina, took on construction supplies, removed 6000 lbs of derelict net. Overall accomplishments: salvaged the *Grendel* (10 tons of metal off the reef, 6,000 lbs of derelict fishing gear, removed 4 tons of scrap metal from Midway, delivered 600 lbs of concrete aggregate for construction, repaired outboard motors, and removed 1 acre of alien weeds and brought all back and recycled at Schnitzer Steel. So zero footprint as far as that part goes. Special thanks to Hoku Johnson.

XXIII. 10TH ANNIVERSARY CELEBRATION, WORLD HERITAGE SITE INSCRIPTION, MARINE WORLD HERITAGE MANAGERS MEETING (WILHELM)

Wilhelm: Hands out Statements of Universal Values from IUCN and ICOMOS. 10th Anniversary celebration on December 3rd at the Hawai'i convention center, 5:30-9pm, all RAC members, alternates and alumni are going to get an invitation. Going to be a dual event: 10 year honoring and the inscription ceremony. Also the 43 marine world heritage site managers will meet here from December 1-3. Please put it on your calendar.

XXIV. PUBLIC COMMENT

Townsend: My suggestion for the RAC is to ask staff for a report back on the assessment of damage done to coral from the grounding of the *Grendel*. I'm also quite concerned about the interim process of the RAC. We have been stretching it for several years now. I'm wondering if the MMB has missed the opportunity to establish an interim Alliance. Instead it would be more efficient and more beneficial for public involvement to continue the RAC as is, while the FACA process is pursued. I'm concerned that the FACA process wasn't pursued during this whole time. I'm very concerned that if the RAC lets go of the ability to make consensus based decisions we may never get it back. FACA approval does not ensure that there will be consensus based decision making. We should hang on to it for as long as possible. I don't think the RAC is under threat and you should push staff to pursue either FACA approval or FACA exemption. If you do pursue an interim Alliance, I'm concerned about budget. If you are not recognized as the RAC and recognized as something else, will you still be funded? There are so many unknowns.

Marie: I'd like to thank all of you. Especially the *Grendel* salvage and we can see how much interagency and community partnership is involved and all the hours of dedication. Important to see that there is something in place, a body representing the people on the ground, and the activities up there. We need winter camp, year around effort on this. I'd like to apologize that

appropriate routes were not taken to advise everyone that the winter camp was actually occurring. I embrace the co-trustee arrangement so everyone knows what is going on and able to give input. We need to know that there is support in place. We are stepping out on a limb, many cases like Kure Atoll, with the state, we don't have the funds, yet we are pushing it through and we're making it happen. My mom, Cynthia Vanderlip, she's making it happen, she'll make it happen. I've been involved in most of the activities of the NW islands. It is nice to know that we have some kind of support in place. Let's say five years into it, for these projects there is not a lack in consistency. My primary concern is that I don't want to lose having an efficient and effective council. The monument is supposed to be a cohesive thing. I wish all the co-trustees would be here to be advised. I'm concerned with invasive species, and more people up there. It would be better if we had a quarantine facility.

XXV. FURTHER ACTION AND POTENTIAL RAC ACTIONS RELATED TO THE DAY'S AGENDA (JOHNS)

Johns: There is a draft letter that's been circulated by Linda that addresses action from the RAC to encourage national marine sanctuaries office to push on the reauthorization of NMSA. It also includes additional language that is taken from documents or purposes and policies that are particular to our monument. **Gaffney:** In the first paragraph you use the word prioritize the reauthorization. The national marine sanctuaries office is not just letting this thing lie fallow. I'm assuming that they are pursuing this thing actively. **Johns:** It should say we encourage NOAA and the DOC. **Johns:** The third paragraph. Is this intended to apply to our monument? You can just add to the monument as it pertains to the monument. Otherwise you're asking our purposes and policies be applied to everything covered by the Act. **Paul:** I'll put that in there. I don't think it is an issue. At least in the Capps bill they describe a system that includes sanctuaries and monuments. **Johns**(question): Are you intending this to cover the entire system or just our monument? **Paul:** Just our monument. I didn't describe any other monuments. **Hommon:** I think the Navy is going to have to stay out of this. I'm going to recuse the Navy. **Gaffney:** I want a stronger word than prioritize. **Paul**(question): Expedite the passage? **Gaffney:** Expedite the reauthorization. **Wilhelm:** Making some sort of statement about inclusion of the monument under NMSA is critical as well as more effective management of the marine areas. We need it to have better enhancement of management in the marine areas. And then to also weave in there to make sure any monument advisory body, in the case of Papahānaumokuākea, also include the ability to advise DOI. **Johns**(question): Second paragraph is sufficient to say the action applies to the monument? Right now the current law doesn't? **Paul:** I need to say it.

MOTION: A motion was carried by Tim Johns to have the RAC approve the letter, subject to it being circulated amongst all the RAC members, get your comments back to Linda, she will finalize it and circulate final by email, I will sign it and send it to 'Aulani.
Motion carried unanimously by voice vote.

Johns: Second action. We need to act on Becky's motion. Your suggestion would be to replace the interim Monument Alliance with the RAC until the FACA or FACA exempt Alliance is in place? **Hommon:** Yes. **Johns:** An alternative would be to urge the MMB to implement section CBO-3.5 as soon as possible. Also asking the MMB to implement CBO-3.4.2 which is the enforcement question you raised. **Hunter**(question): Is this the time to add language to what Becky's suggesting about how we feel about consensus versus individual input?

Johns(question): What do we do in the interim? Do we stay as a RAC or follow what the management plan proposed which is a non-consensus based monument Alliance? **Grabowsky**: I like the second option if we add in there: that when the Alliance exists that the MMB has to record and respond to the Alliance, the RAC continues to be viable, the RAC is still involved and the last piece is to expedite FACA. **Johns**: 3.8 is intended that the RAC will go away once the monument Alliance is established. **Wilhelm**: You can encourage an interpretation one way or the other. **Hunter**(question): It takes a long time to vet each seat of the Alliance? **Wilhelm**: It will take longer to vet the RAC than the Alliance. **Johns**(question): The permanent Alliance will go through a similar vetting? **Wilhelm**: The permanent Alliance would be vetted through at least two agencies. **Thompson**(question): Just want to know that Becky's motion that 'Aulani, Barbara and Dani can live with? **Maxfield**: It's not my role to say that. **Johns**(question): What about 'Aulani and Dani? **Wilhelm**: What Gail just said about in an interim having a report back function would be a good thing. MMB have some sort of response to individual feedback is reasonable. The other thing is to interpret 3.8. You can seat an interim body. The RAC doesn't necessarily go away and if you need that letter, you can have a RAC meeting. Doesn't have to be an either or. **Paul**(question): Are you going to be doing this twice in terms of choosing people for the interim and the final. **Wilhelm**: Once you trigger FACA it triggers a whole number of levels. It probably would be an application going through the Paperwork Reduction Act. Probably wouldn't have an application. Here is what we are looking for under this seat. Tell us how you fit that. Probably be much quicker. Once it goes through FACA it will be more complex and longer. **Paul**: Concerned, if you get a nice interim body seated quickly it removes the incentive to push this stuff along. **Wilhelm**: Attorneys want to move this along quickly and having an interim body in place for very long. **Johns**(question): Does the deal include the RAC going away? **Schug**: I think that we have to take a chance. **Johns**: Reading of 3.5 and 3.8 could read to say that we didn't want to take a chance. We wanted to have a consensus body in place all the entire time. Then we could ask, what is the use of the interim Alliance? **Schug**: This is the first time the co-trustees have bought into something. Do we want to mess that up? **Johns**: I would want to support the monument Alliance approach especially if it led to a consensus. **Paul**: I'm with Marti on this one. I think that kind of missed the boat on the interim. **Grabowsky**: We very much value the consensus thing, but we respect the need for the Alliance. **Paul**: I think we need the Alliance too, but the one that fits into the part II part not the interim part. **Johns**: Who are the voting members, please raise your hands? How can a non-voting member, Becky, make a motion? **Johns**: We need a new motion.

MOTION: A motion was carried by Jessica Wooley to expedite and support CBO-3.5, 3.8 with a report back. **Bowen**(opposed): We could have just left it.
Motion carried by majority voice vote.

Johns: Do we want to take action on the enforcement issue? Eric, do you want to respond to the three items outlined in Activity 3.4.2. **Roberts**: We have been working towards addressing these three items within our law enforcement working group. EN-1: As to increasing law enforcement capacity, FWS now has a full-time officer out there. We went from no law enforcement presence in the monument to having a FT enforcement officer there. EN-2: Coast Guard did participate alongside with NOAA-OLE and FWS-OLE in the surveys and provide data on historical cases and outcomes. EN-3: That was something Jeff Pollack NOAA-OLE and Charlie Quitugua FWS-OLE, were directly involved with creating several initiatives, one related to field inspections. I

don't think Take is up to speed on where that stands. I can certainly liaison with Jeff and Charlie to see where that stands. The other key piece was to incorporate an enforcement module as part of the training for the permittees that go up there on an annual basis. **Swatland:** ONMS came out with a forward looking strategy on how to deal with law enforcement issues at each of the sanctuaries. All of the options listed additional costs beyond what we are funded right now. Two other documents: a surveillance plan that was contracted and paid for by ONMS for the monument and the other a review of enforcement options. Another review of options was done by Marine Conservation Biology International. All three have great ideas and cost additional money. There is not a whole lot of stuff going on up there. There is a lot of stuff about enforcement, we need to look at the big picture. It is going to cost a lot of money to do what it says to do in the monument plan.

XXVI. ANNOUNCEMENT & ADJOURN (JOHNS)

Johns: We'd like to ask the staff for the next RAC meeting to give a more detailed prioritized enforcement report, provide a report from the staff on where our committees are, and a status report on the science plan. **Schug:** Request for a presentation about the marine debris conference, and the evaluation strategy that has been developed with that action plan in mind, and how the co-trustees think the conference can help pursue the strategies and activities of the marine action plan. **Johns:** And another report on the evaluation strategy. The next meetings scheduled for January 20th and April 14th. Circulate a short status report to the entire RAC over the next two weeks. **Harp**(question): Are there four more cutters scheduled for the Pacific? **Roberts:** I'm not aware of that. **Harp**(question): How about DOI enforcement on Midway? **Roberts:** They do have a full-time enforcement officer on Midway. **Maxfield:** Yes, but he doesn't have aircraft or boats. **Harp:** We still need a base and a cutter up there. Because of the presence of the military up there I would like to have the Coast Guard up there.

XXVII. SPECIAL PRESENTATION (WILHELM)

Wilhelm: The Reserve Advisory Council, you all sitting at the table, has dedicated countless hours of your time to ensure Papahānaumokuākea is managed and protected in a way that is pono. As a council, and as individuals, you have a long list of accomplishments over the last ten years... As individuals you have continuously served as tireless advocates for Papahānaumokuākea, including visiting Capital Hill, and individually advocating for activities in front of the Hawai'i State Land Board (list individual accomplishments). And the list goes on... Today we would like to honor everyone for their hard work, dedication, perseverance and passion in working with us over this – 10 years of ocean protection – to ensure that Papahānaumokuākea is protected for future generations... We would also like to recognize all of you as well as those on the phone with lei and some small gifts. For you kokua, mana'o and aloha – even when it was tough aloha, that has shaped and will continue to shape the way we care for Papahānaumokuākea into the future. Before we do, please allow me to read the reflection piece I started yesterday. It is about us (reads reflection piece). Please come to the front to be recognized when I call your name (singing Ke lei Maila and all staff give lei). We would like to thank you for your continued dedication to Papahānaumokuākea. We are truly honored to have you work with us (Oli Mahalo).