

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

**Wednesday, January 26, 2005, 1:00 p.m. – 4:30 p.m.**

**Thursday, January 27, 2005, 8:30 a.m. – 2:00 p.m.**

*Reserve Office Conference Room  
6600 Kalaniana'ole Highway, Suite 300  
Hawai'i, O'ahu*

Draft Notes  
Day One

ATTENDEES [Advisory Council Members]: Paul Achitoff (Conservation); Louis “Buzzy” Agard (Native Hawaiian); William Aila (Native Hawaiian); Rick Gaffney (Recreational Fishing); Bill Gilmartin (Research); Gail Grabowsky (Education); Cindy Hunter (Research); Tim Johns (State of Hawai'i); Kekuewa Kikiloi (Native Hawaiian); Michael Tosatto for Bill Robinson (NMFS Pacific Islands Regional Office); Kem Lowry (Citizen at Large); Lloyd Lowry (Marine Mammal Commission)(by phone); Doug Schug (Research); Kanekoa Shultz (Research); Jarad Makaiau for Kitty Simonds (Western Pacific Regional Fishery Management Council); Barbara Maxfield for Jerry Leinecke (U. S. Fish and Wildlife Service); Naomi McIntosh (Hawaiian Islands Humpback Whale National Marine Sanctuary); John Muraoka (Department of Defense); Linda Paul (Conservation); Laura Thompson (Conservation); Captain Fred Tucher for Cmdr. Dwight Mathers (U. S. Coast Guard); 'Aulani Wilhelm (NWHI Reserve); Birgit Winning (Ocean-Related Tourism). *Excused:* Bobby Gomes (Commercial Fishing). *Absent:* Ray Arnaudo (Department of State); Philip Taylor (National Science Foundation).

[Alternate Council Members (not representing voting members)]: Athline Clark; Isabella Aiona Abbott; Brian Bowen.

[NWHI CRER Staff]: Andy Collins; Emily Fielding; Kaliko Amona; Malia Chow; Moani Pai; Mokihana Oliveira; Naomi Sodetani; Hans Van Tilburg; R. C. Jones; Randy Kosaki; Sean Corson; Stephanie Lachance.

[NMSP Staff]: Ed Lindelof; Charles Alexander; Allen Tom.

[Members of the Public]: Isaac Harp ('Ilio'ulaokalani); Dave Raney (Sierra Club); Cha Smith (KAHEA); Stephanie Fried (Environmental Defense); Ellen Athas, David Dickson, Kris Balliet (The Ocean Conservancy); Gerard DiNardo, National Marine Fisheries Service (NMFS)/Pacific Island Fisheries Science Center (PIFSC); Hannah Gillelan (Marine Conservation Biology Institute); Paul Koberstein, Cascadia Times; Diana Leone, Honolulu Star Bulletin; Gary Dietrich; Irma Agard; Angela Pucci, Chelsea Konfel, John Chandler, Kimi Chikasawa (Chaminade University); Noe Rodriguez, University of Hawai'i.

PURPOSES OF THE MEETING: For the Reserve Advisory Council (RAC/Council) to discuss the management plan process for the proposed sanctuary and the 2005 RAC meeting schedule.

I. CALL TO ORDER

Chairperson Tim Johns called the meeting to order at 1:08 p.m. Buzzy Agard offered a pule calling for respect in discussions as the program progresses. This was followed by self-introductions by RAC members, alternates, staff and other members of the audience.

II. REVIEW AND APPROVAL OF MINUTES

Chair Johns called for comments on the draft minutes of the RAC briefing held on October 7, 2004. Attention was called to page 4, paragraph 3, line 3, regarding "...coral reef habitat is 30 fathoms...", that the word "fathoms" be replaced by the word "meters". The revision would read as follows:

*Courtney responded that according to the shallow water atlas the lobster habitat is 35 fathoms and the shallow water coral reef habitat is 30 meters.*

Chair Johns then called for comments on the draft minutes of the RAC meetings held on October 20-21, 2004. Doug Schug stated that his name should be included under "Attendees". It was so noted.

Chair Johns then called for a motion to approve minutes of both meetings. It was moved by Bill Gilmartin and seconded by Isabella Aiona that the draft minutes of the RAC briefing held on October 7, 2004, and the draft minutes of the RAC meetings held on October 20-21, 2004, be approved as corrected. Motion passed unanimously.

III. REVIEW AND APPROVAL OF AGENDA

The matter of travel reimbursement to RAC members who attend subcommittee meetings was introduced. It was noted by Chair Johns that this item would be placed on the following day's agenda for discussion. Johns then stated that a special notice on the Reserve Operations Plan (ROP) was received and asked Malia Chow for a report.

IV. UPDATE ON THE ROP

Chow reported that the ROP was cleared on January 24, 2005. She noted that there are no significant changes to strategies, but that there are minor technical edits in the introduction section and an update of the research table. Chow stated that copies of the changes to the ROP will be made available to the RAC at the following day's meeting.

V. STAFF REPORTS/OLD BUSINESS

A. Reserve Updates.

1. Update on 120-day Extension. Ed Lindelof reported that the Western Pacific Fishery Management Council (WPFMC) requested and was granted an extension to the 120-day 304(a)(5) process deadline to prepare fishing regulations. The deadline for this extension is April 4, 2005.
2. Enforcement Report. Chow requested a deferral on this report as Tom Friel was on a work assignment. Deferral was granted.

3. Expiration of RAC Seats/Selection of Alternates to Research Seats. Moani Pai explained the recruitment process which began with email notices to members whose terms were expiring to placing newspaper ads to request applications by the deadline of January 31, 2005. Pai then introduced Brian Bowen and Kanekoa Shultz, the newly selected research alternates to the RAC. Discussion focused on those RAC members whose terms were not expiring to serve on a selection panel of remaining RAC members and alternates. As a result, a resolution detailing the selection panel would be prepared for action on the following day of the meeting.
4. Fifth Annual Sanctuary Chairs/Coordinators Meeting. Pai announced that the meeting is scheduled from February 7-11, 2005, at the Gulf of the Farrallones National Marine Sanctuary (NMS) in San Francisco, and at the Cordell Bank NMS in Olema, California. Pai explained that each site presents a case study of action worked on throughout the preceding year and that the RAC's case study will be on fishing regulations. Staff worked with the RAC leadership to develop the RAC's case study for presentation at this meeting.
5. Native Hawaiian Workshop Report. Kekuewa Kikilo'i reported that the NWHI workshop was held on August 7-8, 2004, at the University of Hawai'i (UH) Center for Hawaiian Studies, with an attendance of approximately 40 people. The process and mechanism of the workshop were described, including clarity of purpose and intent; that there be no commercial fishing; that there be an instilling of Hawaiian practices, and that activities be respectful of the spiritualness of the place. It was noted that a liaison Native Hawaiian Coordinator position, which was brought up at the workshop, will be located within the reserve office.
6. Pilot Hull Inspection Report. R. C. Jones reported that the Hi'ialaka'i would depart on February 12 and arrive in Honolulu on March 6, 2005, if all repairs go well. Scott Godwin, Department of Natural Science, Bishop Museum then presented a report entitled, "Marine Activities as a Mechanism for Introducing Marine Invasive Species: Emphasis on Hull Fouling." Entertaining questions from the floor regarding the effects of invasive species, Godwin noted that it is better to minimize introductions from the onset rather than eradicate at a later time when it is difficult to predict effects. The immunization process for the Missouri three hours after its arrival at Pearl Harbor was fairly effective. Godwin stated that while designs on cruise ships differ, they do discharge ballast water and have hull fouling so that any maritime activity cannot be discounted. He noted that even with Australia's stringent ballast water regulations for the Great Barrier Reef it has dealt with much ecological damage.
7. State of Hawai'i Report. Reporting on personnel changes at the Division of Aquatic Resources, Athline Clark stated that Francis Oishi is currently serving as the division chief following the retirement of former chief William Devick. The division is also recruiting to fill a vacancy created by the departure of Troy Antonelis. The position will be a NOAA Policy Analyst. Clark then reported on the State of Hawai'i's

administrative rules to establish a marine refuge in the NWHI, stating that nearly 24,000 comments were received during public process on the draft rules. A graduate student has been hired to assist in the review, which is currently underway. Clark stated that the goal is to transmit the rules to the Attorney General and then to the Board of Land and Natural Resources by the end of February 2005.

Chair Johns then called for public comment. Staff reports would continue following public comment.

## VI. PUBLIC COMMENT

Chair Johns recognized Dave Raney (Sierra Club), Stephanie Fried (Environmental Defense) and Isaac Harp ('Ilio'ulaokalani). Raney stated that he considers the release of the ROP a major milestone to be celebrated appropriately. He then called attention to a resolution, which he submitted to the RAC for its consideration. The resolution recommends that the RAC request the National Ocean Service (NOS) to incorporate that the mission and capabilities of the Hi'ialaka'i be expanded to include surveillance and enforcement in the NWHI, which would include an enforcement officer as part of the crew.

Fried thanked the management plan subcommittee (MPSC) for having public input in its workshop and noted that the release of the ROP is a crucial step in underscoring NOS commitment. Fried then noted that the film shown following the subcommittee meeting, "Hawai'i Goes Fishing", featuring Nihoa, is a first depiction of the current management regime, implications of which the RAC may want to consider. Fried suggested that there are questions the RAC may want to pose to the state as the RAC builds its sanctuary management plan, as the state seems to think there are no illegalities occurring in state waters. Fried rhetorically asked if the new state refuge is designed to allow or disallow this kind of activity (as depicted in the film), as that would show what kind of refuge it would be.

Harp expressed thanks to NOS for releasing the ROP before the end of the five-year review, and thanked the Chair for including the public in the management plan review.

Chair Johns called for a break at 2:20 p.m. The meeting resumed at 2:36 p.m. with a continuation of staff reports.

## VII. STAFF REPORTS/NWHI RESEARCH UPDATE (Cont'd.)

8. Update on Reserve's Research Program. Kosaki reported that two cruises are planned for May and June of 2005, the first on coral biology and coral reef research, for a period of 25 days. This would include studies on coral bleaching and disease, stable carbon isotope studies, maritime archaeology, mapping, and education/outreach. The second cruise, the NWHI Ramp Cruise, will be for a period of 35 days. Partners on the cruise will be representatives of NOAA, National Marine Fisheries Service (NMFS), National Marine Sanctuaries Program (NMSP), State of

Hawai'i (SOH); University of Hawai'i (UH); U. S. Fish and Wildlife Service (USFWS); Non-Governmental Organizations (NGOs); Bishop Museum, and the Hawai'i Institute of Marine Biology (HIMB). HIMB's role would be to assist with resources and staff in the research priority needs of the reserve. Topping the list of research is connectivity; describing population structures using molecular techniques; mechanisms of dispersal; identification markers for early detection of invasive and alien species; dockside inspection protocols; developing tools for ecosystem-level management, and monitoring protocols. Regarding the NWHI Scientific Symposium, Kosaki noted that research is accelerating and that an information workshop is needed.

9. Proposed Activities for a Six-Month Detail with the Reserve. Charly Alexander commented on his background, which included managing the technical support group at Headquarters (HQ) in Silver Springs with a staff of approximately 25. He served as the principal architect of the information needs workshop that was held on Oahu in May of 2003. Alexander added that while at the reserve he will assist Chow and Kosaki in building a solid science foundation for the environmental impact statement (EIS) and assist in the development of a Pacific regional science research plan.

Alexander stated that Dr. Gerard DiNardo of the Pacific Island Fisheries Science Center (PIFSC) will be at the reserve office two days a week for the next six months to begin work on the development of a regional science research plan. DiNardo noted that there is a need to develop a multi-agency scientific board and announced that a symposium on ecosystem management and how it may be applied to the NWHI would be held in April, 2005 with an expert panel. In responding to questions from the floor, DiNardo noted that effort would be made to involve scientists who are not with governmental agencies on the steering committee. Alexander stated that the symposium would provide high quality information especially for use in the management plan and EIS.

10. Update on Research Permits. Chow presented a report on permits that were issued during the last two years. Five permits were issued in 2003 for ocean exploration cruise activities in the NWHI, some of which included extractions. In 2004, two special managers permits were issued, one of which was issued for the recent Hi'ialaka'i cruise.

Discussion from the floor followed. Johns stated that he would like to see a written report on permits at every RAC meeting. Procedurally, requests are received by the reserve coordinator and reviewed by appropriate staff. 'Aulani Wilhelm stated that in the past, persons were unaware of the need for a permit so the reserve would have had to track them down, noting that educational outreach and coordinating formal and informal requests need to be done. Wilhelm informed the RAC that the permitting system had been discussed in the past with John Amor at HQ. Jarad Makaiau stated that education is the best mechanism and asked if there were a set number of permits. Pai noted that each program issued its own and that there were none for 2005.

Linda Paul inquired on lobster permits given to NMFS. Chow stated that NMFS was given a permit but that certain constraints were added. Rick Gaffney asked if there were permits issued for activities besides science research. Wilhelm stated that basically they are for projects otherwise prohibited, which applied to every agency and that, not too much work has been going on. Laura Thompson suggested that staff request reports from permittees when their research is done. Cindy Hunter asked if USFWS issued similar permits and Barbara Maxfield said that they did.

11. Presentation on NWHI Lobster Research. DiNardo presented a report consisting of slides and a three-minute video of the lobster research activities undertaken by PIFSC focusing on biology and ecology, population monitoring and population modeling. DiNardo explained the lobster tagging program, including background, methods, and tag and recovery history. He noted that two chartered vessels were used at Necker Island and Maro Reef, in 1998-2002, when ribbon tags were used; from 2003 to the present a small microchip called the Passive Integrated Transponder (PIT) have been in use for tagging lobsters. (Samples of both were passed to the assembly for viewing.) DiNardo stated that an expert panel would be formed in May, 2005, with panelists from the University of Hawai'i, fishermen and scientists to get an idea of the substrates.

#### VIII. PUBLIC COMMENT

Chair Johns recognized Cha Smith (KAHEA) and Stephanie Fried (Environmental Defense). C. Smith briefly commented that in the initial process of the science symposium several persons in the NGO hui were invited to join the steering committee, but that NOAA was sparse in following up. She stated that they are interested in having continued participation in the development of the science symposium and that there are scientists that would qualify for participation.

Fried asked if it was necessary to catch lobsters in order to do population assessments. DiNardo stated that a key input parameter for stock assessments is a measure of abundance, and catch per unit effort (CPUE) is that measure for lobsters. He added that another method to measure abundance would be to visually survey and count lobsters however, lobsters are only active at night and the primary lobster habitat is 10-50 fathoms in depth. He also noted that sending divers in the water at night and at those depths would not be a good idea for a number of reasons, including heavy shark infestation in the NWHI. Also, submersibles would be an unfeasible survey method for lobsters.

#### IX. ADJOURNMENT

The meeting of Day One of the two-day meeting was adjourned at 4:11 p.m.

January 27, 2005

Draft Notes

Day Two

ATTENDEES [Advisory Council Members] Paul Achitoff (Conservation); Louis “Buzzy” Agard (Native Hawaiian); William Aila (Native Hawaiian); Rick Gaffney (Recreational Fishing); Bill Gilmartin (Research); Gail Grabowsky (Education); Cindy Hunter (Research); Tim Johns (State of Hawai‘i); Kekuewa Kikiloi (Native Hawaiian); Michael Tosatto for Bill Robinson (NMFS Pacific Islands Regional Office); Kem Lowry (Citizen at Large); Lloyd Lowry (Marine Mammal Commission)(by phone); Doug Schug (Research); Kanekoa Schultz (Research); Ed Ebisui for Kitty Simonds (Western Pacific Fishery Management Council); Barbara Maxfield for Jerry Leinecke (U. S. Fish and Wildlife Service); Naomi McIntosh (Hawaiian Islands Humpback Whale National Marine Sanctuary); John Muraoka (Department of Defense); Linda Paul (Conservation); Laura Thompson (Conservation); Cmdr. Dwight Mathers (U. S. Coast Guard); ‘Aulani Wilhelm (NWHI Reserve); Birgit Winning (Ocean-Related Tourism). *Excused*: Bobby Gomes (Commercial Fishing). *Absent*: Ray Arnaudo (Department of State); Philip Taylor (National Science Foundation).

[Alternate Council Members (not representing voting members)]: Athline Clark; Isabella Aiona Abbott; Brian Bowen.

[NWHI CRER Staff]: Andy Collins; Emily Fielding; Kaliko Amona; Malia Chow; Moani Pai; Mokihana Oliveira; Naomi Sodetani; Hans Van Tilburg; R. C. Jones; Randy Kosaki; Sean Corson; Stephanie Lachance.

[NMSP Staff]: Ed Lindelof; Charles Alexander; Allen Tom.

[Members of the Public]: George Redpath (Tetra Tech); Kevin Busscher (NOAA); Josh DeMello (WPFMC); Isaac Harp (‘Ilio‘ulaokalani); Dave Raney (Sierra Club); Cha Smith (KAHEA); Stephanie Fried (Environmental Defense); Ellen Athas, David Dickson, Kris Balliet (The Ocean Conservancy); Gerard DiNardo (PIFSC); Hannah Gillelan, (MCBI); Paul Koberstein, Cascadia Times; Diana Leone, Honolulu Star Bulletin; Gary Dietrich; Irma Agard; Angela Pucci, Chelsea Konfel, John Chandler, Juveena Sigrah, Kimi Chikasawa (Chaminade University); Noe Rodriguez, University of Hawai‘i.

I. CALL TO ORDER AND REVIEW OF THE AGENDA FOR THE DAY

Chair Johns called the meeting to order at 8:50 a.m. Johns noted that action items would be taken up at 1:00 p.m. Johns then received the following report as requested at the prior day’s meeting.

II. REPORT REGARDING SUBCOMMITTEE TRAVEL (TOM)

Allen Tom reported that a formal request for this new issue has been approved, stating that RAC members serving on specific subcommittees related to the sanctuary designation process would be reimbursed for inter-island travel. This allowance will be done on a case-by-case basis and terminate at the end of the designation process.

### III. UPDATE ON ROP AND PRESENTATION/DISCUSSION OF MANAGEMENT PLAN PROCESS (CHOW/JOHNS/CORSON)

Malia Chow provided an update on the ROP and handed out pages showing changes only. She indicated that a summary document would be available at the end of the day's session. Chow added that staff did not wait until the ROP was cleared to start implementing it. Johns requested that the RAC be given an update on the implementation of the ROP at its next meeting in June 2005. (This would be taken up as an action item.)

Bill Gilmartin asked for a report on permits that were approved, denied, or prior completed projects that did not require a permit. 'Aulani Wilhelm stated that a review would be made with records coming from the reserve's Hilo office. It was noted that staff would be reviewing the action plan specifically for research permits. Gail Grabowsky asked if there is a ruling where requestors may get permits two to three years in advance. Wilhelm stated that no one has ever requested that. Johns suggested that the RAC be asked to review the ROP in terms of which items to focus on for placement on the agenda of the RAC's June meeting. Wilhelm stated that the Council would largely be the entity for staff to call upon for input on whatever staff writes in the management plans. Don Schug explained that the effort is to make sure the ROP is complied with and that it spells out an evaluation of the permitting process. Wilhelm stated that the process and criteria are that which the council can support. (To be taken up as an action item.)

Linda Paul asked about the process for getting notices to mariners. Michael Tosatto stated that the process is the very high frequency (VHF) radios. He stated that currently there are 25 recreational fishing vessels that have VHF, that not all recreational vessels could be outfitted as it depended on the size of the vessel and the battery powered unit. Tosatto noted that a change in regulations is required for a vessel monitoring system (VMS). Wilhelm noted that as a result of the recent enforcement workshop the intent is to have VMS and to purchase a number of units. Hunter stated that now that the ROP is approved, what would be the procedure or legality for the U. S. Coast Guard (USCG) or Fisheries. Edward Lindelof stated the ROP, like the management plan, directs staff to provide a list of the types of action to be taken and to take action. He noted that the Secretary approves it, but that it does not have authority over USCG; rather, NOAA instructs the reserve staff to take action in coordination with agencies. Cmdr. Mathers commented that the USCG is committed toward working with NOAA and DOC.

### IV. PRESENTATION ON NWHI BOTTOMFISH OBSERVER PROGRAM

Kevin Busscher Operating Coordinator at NMFS, presented a report on the bottomfish observer program. Five vessels were permitted for observed trips in the Hoomalu Zone, and four vessels in the Mau Zone for a period of 7-10 days. Observer training took place on July 5 and the next training is scheduled for March 2005. The number of observers is 38 longline, out of which five were bottomfish observers. The coverage totaled 18.3

percent in 2004, which included bottomfish research projects, four fish samples for fatty acid analysis, and to determine if fish is part of the monk seal diet or not.

Paul Achitoff asked what the difference was between “departures” and “observed”. Busscher stated that 13 observers were placed out of 71 trips, which included protected species interactions. Tosatto explained that there is a range of observer coverage, and that the observers go through a placement process with the PIFSC upon reviewing the specific fisher situation. He noted that with this pilot program it would probably be harder to extrapolate information that is not a useless piece of information but an ancillary action, stating that information regarding interaction with a seabird that is directly calculated over that year would be able to be extrapolated. Busscher explained the procedure for selecting the vessels working with the science enter.

L. Paul asked about the program, specifically why it was started, who the observers where and training content. Tosatto responded that NOAA Fisheries develops and funds the observer program, which is linked with science research. The impetus of the program is to observe bycatch of protected and other species, do research, and apply findings to compliance to assist management. Busscher stated that educational qualifications and processes include the following: a four-year degree in biology to start with in longline fishery training; applications are made to the contractors that hire observers; training include safety requirements, species identification, training by other agencies on sea turtles, marine mammals, seabirds, with a focus on pelagics; following a three-week process for the longline training, observer potentials will go through training on bottom fish species; and training on the Pacific Islands as offered by ALU LIKE.

Gail Grabowsky asked what options were available to vessels and what is in place to protect the data as the observer is under pressure not to report a conflict of interest. Busscher noted that if the boat leaves without the observer it becomes an enforcement issue. Tosatto stated that aggregated data and observer integrity are at the core of interactions at the science center where observers and masters get a good briefing so that all understand their roles. Gilmartin asked to see past summaries of sighting data specifically for monk seals if available. Achitoff noted that part of the value of having an observer onboard is not only to know how many protected species were hooked, but also what is likely to happen. (This discussion on the observer program would be taken up as an action item.)

#### V. UPDATE ON DRAFT ENVIRONMENTAL IMPACT STATEMENT PROGRESS

George Redpath of Tetra Tech explained the following range of alternatives that are being considered and noted that they would probably change several times before the draft was issued:

1. Status Quo Alternative represents the Reserve as it currently stands;
2. Alternative (Alt.) 1 represents a sanctuary based on the EO with an enforceable permitting system in place with regulations for prohibited activities;
3. Alt. 2 represents a sanctuary where fishing is regulated under MSA and the provisions identified in the coral reef ecosystem fishery management plan (FMP).

Other activities would be managed through NMSP, State of Hawai'i (SOH), NOAA Fisheries and USFWS regulations and permits;

4. Alt. 3 represents a sanctuary with an extended outer boundary to include additional precious coral beds in the NW. Alt 3 includes SOH Refuge and USFWS waters in the sanctuary; Sanctuary Preservation Area (SPA) boundaries are modified from Reserve Preservation Areas (RPA) (some bigger, some smaller), Ecological Reserves are included and commercial fishing is restricted to spatially limited bottomfishing and pelagic trolling, permits would be required for all activities and a coordinated permitting system would be developed between agencies;
5. Alt 4 is identical to Alt 3 except it excluded USFWS waters and phases out bottomfishing in the Hoomalu zone within 1 year of designation
6. Alt 5 is identical to alt 4 except it includes USFWS waters;
7. Alt. 6 represents the fishing alternative proposed by the RAC, which maintains the EO RPA boundaries, adds a 40 NM zone around the islands and submerged features from Nihoa to Kure that excluded commercial fishing after 1 year, commercial pelagic trolling would be the only commercial fishery allowed to continue and it could only be conducted outside the 40 nm zone;
8. Alt. 7 restricts all fishing except Native Hawaiian subsistence fishing.

Johns asked about a timeframe and process for RAC input on the EIS. Redpath stated that the RAC can propose an alternative they would like to see analyzed in the EIS at the June RAC meeting. L. Paul asked how Tetra Tech planed to handle input from the management plan subcommittee and new information generated from research cruises. Redpath stated that Tetra Tech is putting alternatives down in coordination with the reserve staff and contacts with people, and noted that they will continue to evolve up to the point the draft goes public, noting that once the draft comes out in public, they can be changed again as it is not necessarily set in stone. Redpath commented that much of this is based on information from the management plan process.

Hunter stated that this update is much better than the first draft and that Tetra Tech's working with everyone is awesome. Redpath stated that Tetra Tech is still considering how to analyze the alternatives and may choose to use a screening process, but had not made a final decision yet.

Chair Johns then called a 10-minute break. The meeting resumed at 10:40 a.m. with a continuation of the discussion on the draft EIS progress report and the management plan development process.

Johns reported on a series of subcommittee meetings last summer to review sections of the management plan outline after staff had a chance to go through the development of recommendations to the RAC and noted the following: in June 2004 the process was explained and issue based action plans were discussed; changes in the process have occurred, and it had been decided that the next RAC MPSC meeting be changed from March 3, 2005, to March 9, 2005, for the purpose of reviewing Section 3.3 Managing Human Activities; a RAC management plan workshop is scheduled for April 6-7, 2005,

to review the management plan in its entirety. Staff will then prepare a draft product for review at a RAC MPSC meeting on May 4, 2005, for a resolution on the management plan for consideration by the RAC at its meeting on June 1-2, 2005. (Action item.)

Johns commented on a resolution to approve the workshop and schedule as an action item later in the day. Hunter stated the language in the letter regarding 304(a)(5), which is addressed to the assistant reserve coordinator to be forwarded to Dan Basta, is very important and in spite of discrepancies recommended that the document be transmitted as written for the record, as there may be changes in the future. This matter would be taken up as an action item later in the day.

## VI. PUBLIC COMMENT

Chair Johns recognized Stephanie Fried (Environmental Defense) and Isaac Harp ('Ilio'ulaokalani). Fried stated that at the November 18, 2004 subcommittee meeting on the sanctuary management plan (SMP) a draft on public input was shown. Johns requested staff to brief the non-government organization (NGO) Hui on this matter. It was agreed that the data, approximately 1500 comments, would be provided beforehand. Fried noted that this meeting with staff was unproductive as staff misunderstood the data that was requested and that it is hopeful that a synopsis of public comment be available by the beginning of the week. Fried stated that the Hui will proceed with its analysis of the existing public comment and will present it at the March 9, 2005 meeting. Fried then asked whether or not the lobster research received permits from the USFWS, what was the number of permits granted or requested. Maxfield stated that it was unsure where it actually took place. Fried commented that who is going up there for what activities should be underscored.

Harp thanked persons in the Hui who are based on O'ahu, in particular Fried and Cha Smith, as his being on the Big Island makes it difficult for him to keep up. He also thanked the RAC volunteers for giving of their time and ended with the hope that the NWHI will have strong protection.

Schug questioned the possibility of establishing a working group on the permitting process. Gilmartin requested a summary of observer data on sightings of protected species. Both requests would be taken up as action items following the lunch break.

Johns called for a lunch break at 11:00 a.m. The Council reconvened at 12:30 p.m.

## VIII. ACTION ITEMS

A. Motion: To request that the Acting Reserve Coordinator send a letter to Dan Basta to recommend that the NMPS request NOS to incorporate surveillance and enforcement in the NWHI into the mission and capabilities of the NOAA ship Hi'ialaka'i.

Proposed by: Rick Gaffney

Seconded by: Bill Gilmartin

Unanimously approved.

- B. Motion: To request that the Acting Reserve Coordinator: (1) send letters to appropriate agencies to inquire if there were any violations in the television show/segment "Hawai'i Goes Fishing/Featuring Nihoa" and (2) contact the show's producers and sponsors to meet with RAC members with fishing experience and reserve staff to discuss whether or not corrections are going to be made.  
Proposed by: Buzzy Agard  
Seconded by: Rick Gaffney  
Unanimously approved.
- C. Motion: To adopt the resolution that the next gathering of the RAC be a facilitated RAC Management Plan Workshop on April 6-7, 2005, that will include input and participation from RAC members, alternates and the public on the sanctuary management plan and the draft environmental impact statement.  
Proposed by: Rick Gaffney  
Seconded by: Buzzy Agard  
Unanimously approved.  
Amendment to the Motion: To also approve the RAC meeting scheduled for June 1-2, 2005, and to agree on the RAC's meeting schedule for 2005.  
Proposed by: Bill Gilmartin  
Seconded by: Linda Paul
- D. Motion: To request that the RAC send a letter to NOS via the Acting Reserve Coordinator to thank them for finalizing the ROP, urge its implementation, and advise them that the RAC is thereby establishing an ROP implementation subcommittee, parallel with the RAC sanctuary management plan subcommittee, with its first focus on permitting.  
Proposed by: Linda Paul  
Seconded by: Bill Gilmartin  
Unanimously approved.
- E. Motion: To establish an ROP Implementation Subcommittee to be co-chaired by Bill Gilmartin and Don Schug whose first task will be permitting in the reserve.  
Proposed by: Linda Paul  
Seconded by: Bill Gilmartin  
Unanimously approved.
- F. Motion: To formalize the letter to the Acting Reserve Coordinator regarding Section 304(a)(5) by revising paragraph two and the date.  
Proposed by: Bill Gilmartin  
Seconded by: Rick Gaffney  
Unanimously approved.
- G. Motion: To send a letter to the Acting Reserve Coordinator regarding the misrepresentation of facts extended by WPFMC at its public meeting held on January 26, 2005, requesting that copies of same be addressed and forwarded to other

appropriate agencies; Cindy Hunter to chair a working group to work on a draft response letter for distribution to the RAC via email prior to the February 18, 2005 deadline.

Proposed by: Laura Thompson

Seconded by: Paul Achitoff

Unanimously approved.

- H. Motion: To send a letter to the Acting Reserve Coordinator to request that NMSF provide a summary of observer sighting data of bottomfishing by area and fishing records of all protected species, including sighting data specifically for monk seals.

Proposed by: Bill Gilmartin

Seconded by: Linda Paul

Unanimously approved.

- I. Motion: To adopt the resolution that calls for council voting members whose terms are not expiring to serve as panelists for the selection of new council members.

Proposed by: Bill Gilmartin

Seconded by: Linda Paul

Unanimously approved.

Amendment to the Motion: To include language stating that newly selected members shall be seated after the RAC takes action on the management plan.

Proposed by: Bill Gilmartin

Seconded by: Linda Paul

Unanimously approved.

IX. ADJOURNMENT

The meeting was adjourned at 2:00 p.m.