

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

**Wednesday, January 25, 2006, 9:00 a.m. – 4:00 p.m.**

**Thursday, January 26, 2006, 9:00 a.m. – 3:30 p.m.**

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

Draft Notes

Day One

ATTENDEES [Advisory Council Members]: Linda Paul (Conservation); Laura Thompson (Conservation); Rick Hoo (Recreational Fishing, alternate for Rick Gaffney); Bill Gilmartin (Research); Kem Lowry (Citizen-At-Large); Gail Grabowsky (Education); Louis "Buzzy" Agard (Native Hawaiian); William Worchester (Research alternate for Don Schug); Jessica Wooley (Conservation alternate for Paul Achitoff); Lloyd Lowry (Marine Mammal Commission); Althline Clark (State of Hawaii alternate for Tim Johns); Don Palawski (US, Fish and Wildlife Service); Mike Tosatto (National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries (NMFS)); John Muraoka (U.S. Navy); 'Aulani Wilhelm (Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (NWHI CRER)); Paul Wong (Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS) alternate for Naomi McIntosh); CDR Robert Wilson (U.S. Coast Guard); Ed Ebisui (Western Pacific Fishery Management Council (WPFMC), alternate for Kitty Simonds); William Aila (Native Hawaiian) *Absent*: Alexandra Curtis (U.S. Department of State); Philip Taylor (National Science Foundation);

[Alternate Council Members (not representing voting members)]: Isabella Aiona Abbott (Native Hawaiian)

[NWHI CRER Staff]: Sean Corson; Tommy Friel; Naomi Sodetani; Malia Chow; Hokuala Johnson

[NMSP Staff]: Allen Tom

[Members of the Public]: Takiora Ingram (State of Hawai'i, DLNR); Dan Polhemus (State of Hawai'i, DLNR); Cynthia Vanderlip (DLNR Division of Forestry and Wildlife (DOFAW)); Cha Smith (KAHEA); Martha Townsend (KAHEA); Judy Fogarty (NOAA Office of Law Enforcement (OLE)); Mark Cline (NOAA OLE); Jarad Makaiau (WPFMC); Theresa Dawson (Environment Hawai'i); Gerry Davis (NMFS Pacific Islands Regional Office (PIRO)); Ellen Athas (Ocean Conservancy); Kris Balliet (Ocean Conservancy)

PURPOSES OF THE MEETING: To provide the Reserve Advisory Council (RAC) with an update on the Draft Environmental Impact Statement (DEIS)/Management Plan. To discuss and review action items from the October 5 & 6 RAC meeting.

I. CALL TO ORDER (PAUL)

RAC Vice-Chair Linda Paul called the meeting to order at 9:06am.

## II. REVIEW AND APPROVAL OF MINUTES (PAUL)

Minutes were reviewed and approved unanimously by the Council. Motion by Bill Gilmartin to approve, seconded by Cindy Hunter.

## III. REVIEW AND APPROVAL OF AGENDA (PAUL)

Agenda approved by Laura Thompson and seconded by Jessica Wooley.

## IV. STAFF UPDATES/OLD BUSINESS

### 1. Reserve Coordinator's Report (WILHELM)

'Aulani Wilhelm introduced the new Reserve Coordinator's report and provided an overview of some highlights in the report. Hunter commended the staff on their effort on the report and asked that the next report be emailed to the RAC prior to the next RAC meeting. Linda Paul stated that she did not attend the Western Pacific Fishery Management Council (WPFMC) meeting on December 20. Wilhelm noted that she'd make the amendment to the report accordingly. Reserve Coordinator's Reports can be located online at: <http://hawaiiireef.noaa.gov/council/meetings.html>

### 2. Update on Member Expirations/Selections (JOHNSON)

Johnson provided a brief overview of the status of RAC member selections and expirations to date. Johnson stated that while there were plenty of applications sent in for the initial round of selections, some seats including Commercial Fishing, Conservation and Research did not have enough qualified applicants per the requirements in Executive Order 13178; therefore another round of selections was initiated to recruit more qualified applicants.

### 3. Update on 2006 SAC Chairs and Coordinator's Meeting (JOHNSON)

Johnson then provided an update on the SAC/RAC Chairs and Coordinators meeting taking place April 25-27, 2006. Johnson noted that she would be providing the RAC with the agenda for the Chairs and Coordinators meeting.

### 4. Introduction of new Reserve staff (WILHELM)

Wilhelm introduced new staff: (present) - Mark Guagliardo, Information Technology Specialist, Erik Franklin, GIS Specialist and Kekuewa Kikiloi, Native Hawaiian Coordinator and (not present) Yumi Yasutake, Mokupapapa Discovery Center Assistant Manager and provided a brief overview of the backgrounds of each respective new hire and their duties in relation to the NWHI Reserve.

RAC Introductions: William Worchester introduced himself as the research alternate for Don Schug. Paul Wong also introduced himself as the alternate for the Hawaiian Islands Humpback Whale Sanctuary Manager Naomi McIntosh.

Allen Tom introduced himself as the Pacific Region Coordinator for the National Marine Sanctuary Program (NMSP). Tom talked about the recent budget cuts within the NMSP and mentioned the fact that the NWHI Reserve is funded through NOAA's Coral Program and not the Sanctuary Program. Tom also mentioned the National Marine Sanctuary Act

Reauthorization (NMSA) and mentioned that the reauthorization of the Magnusson-Stevens Act has taken priority over the NMSA currently and that the NMSA may not be reauthorized until later in the congressional session.

Paul asked Tom about the NWHI Reserve five year review and its status. Wilhelm mentioned that a draft of the “State of the Reserve Report” is currently in NMSP headquarters and making its way through the clearance process and will be released soon. Wilhelm mentioned that when it is ready to be released staff would post the report to the website and notify the RAC and the NWHI list serve via email about the location of the document on the NWHI website: <http://hawaiiireef.noaa.gov/>.

Gail Grabowsky asked that if everything went as planned in the NWHI sanctuary designation process, what budget year the proposed sanctuary would be part of the NMSP budget. Tom responded that that would happen in fiscal year 2008.

Athline Clark noted that the Coral Reef Conservation Act (CRCA) reauthorization legislation recently made it out of the U.S. Senate with some increases and some changes in language and is currently waiting behind the Magnusson-Stevens Act and the Endangered Species Act for review in the House Committee on Resources.

#### 5. Management Plan/DEIS Update (Corson/Fielding)

Sean Corson gave an update on the DEIS and management plan and where the Reserve currently stands in both processes. Corson stated that ten public meetings will be scheduled upon release of the DEIS/Management plan, throughout the state of Hawai‘i. Corson thanked the interagency partners for their hard work in getting comments to the Reserve on the draft management plan and DEIS.

Paul asked Clark about the State’s role in the DEIS process. Clark stated that the state is a formally cooperating agency. Corson stated that by the time the document goes to draft it will be a State of Hawai‘i-NOAA-U.S. Fish and Wildlife (USFWS) cooperating draft and that the Reserve is currently working with its cooperating agencies as if they had a formalized agreement between the cooperating agencies.

Paul asked about a preferred alternative in the DEIS and the State of Hawai‘i and the Fish and Wildlife service and the status of the preferred alternative to be selected.

Don Palawski commented that FWS is currently reviewing the document and providing comments to NOAA. Palawski stated that the FWS regional director sent a letter to NMSP Director Dan Basta expressing FWS desire to be a cooperating agency. Clark noted that the governor, upon publication of the FEIS, would formally weigh in on state waters.

Paul stated that she thought the RAC would have a chance to formally weigh in on the DEIS once more before the DEIS was formally released to the public. Paul asked how much time the RAC should devote to formally weighing in on commenting on the DEIS before it is released again. Corson stated that the draft hasn’t yet come out and the comment period is yet to come. Corson stated that the comment period would be the most effective time for the RAC to comment, however if the RAC were to weigh in before the formal comment period, those

comments would be taken into consideration. Paul commented that a lot has happened since last June (RAC alternative resolution and management plan resolution) and that she would recommend that the RAC look at what is down in the DEIS as the “RAC’s alternative” and have a discussion about that. Paul also stated that she’d like to look at the alternatives in the DEIS which were being analyzed, as much as that information was available at that point in the RAC meeting.

Corson stated that he was thinking about showing the response to Ed Lindelof’s presentation, and then re-giving the actual presentation itself with the updates since the Western Pacific Fishery Management Council (WPFMC) November meeting in Guam. Paul agreed that the presentation was informative and that the RAC would benefit from seeing it and hearing from Corson. It was decided that Corson would do the updates on Lindelof’s presentation and then run the DVD after Dr. Randall Kosaki’s presentation on the Reserve Research Planning Process.

#### 6. Reserve Research Planning Process (Kosaki/Chow)

Kosaki introduced himself and then gave a presentation on the Reserve research and planning process. Kosaki noted that these research projects focus on the living marine resources in the NWHI region. He stated that research priorities may change throughout the duration of the plan. Kosaki spoke about the research priorities and research plan in relation to the draft sanctuary management plan. He also mentioned that the resources for the research plan were drawn out of the Reserve Operations Plan and aforementioned management plan.

Kosaki stated that the RAC would be extremely useful in the areas of providing input on the research plan. He noted that the research plan would also be talked about with various agency partners. Kosaki also noted that the drafts of the research plan would probably be available around the next RAC meeting.

Palawski asked how the Reserve’s research priorities were incorporated with priorities of the Reserve’s partner agencies. Kosaki stated that those priorities were taken into consideration in the development of the respective research plan. Kosaki noted that they would like input from the partner agencies throughout the duration of the plan on the process.

Hunter asked how the conversation happens between the Reserve and other agencies regarding interagency participation in the Hawaiian archipelagic research plan. Dr. Malia Chow stated that meetings happen between all the partner agencies in the NWHI, on the research themes and the guiding principles for that plan.

Hunter suggested that there be an action item proposed to add a research subcommittee to the other subcommittees on the RAC. Kosaki stated that he’d like to encourage participation from a broad spectrum of the RAC and welcomed everyone to participate. This suggestion would be taken up as an action item later in the day. Hunter stated that this subcommittee should communicate mostly via email stating that that would open the subcommittee to more participation; Chow and Kosaki agreed.

Dr. Isabella Abbott commended the Reserve on the proposed research plan and asked if an agency, or the State of Hawai’i wanted something research-related done right now and had the

money to do it, how those requests would be accommodated. Kosaki stated that at a minimum, and if those ideas fit into the plan and stated priorities and needs, the Reserve could work with NOAA Fisheries and all the other interagency partners to suggest that those respective “right now” ideas be taken into consideration in the development of research strategies and plans.

Clark asked that if a catastrophic event were to occur, research priorities would change. Clark stated that she hopes flexibility would be built into the plan to account for that. Kosaki agreed.

Paul called for a break at 10:30 am.

## BREAK

## V. PRESENTATION ON NOAA REVIEW OF WPFMC NORTHWESTERN HAWAIIAN ISLANDS DRAFT FISHING REGULATIONS (CORSON/WILHELM)

The meeting reconvened at 10:58 am. Lindelof’s PowerPoint presentation at the WPFMC November meeting in Guam was reviewed with the RAC by Corson. Corson went through the slides, providing a summary of each slide to the RAC. Corson explained the Environmental Impact Statement (EIS) process and gave brief overviews of examples of three alternatives which were considered, but not fully analyzed.

Wooley asked that Corson explain alternative three. Corson provided a more detailed explanation. Gilmartin asked where the WPFMC Council was in terms of exchanging correspondence with NOAA. Corson stated that NOAA and WPFMC are currently corresponding and copies of that respective correspondence were available at the handout table.

## VI. PUBLIC COMMENT – No public comment was offered.

Paul adjourned the meeting for lunch at 12:20 pm.

## LUNCH

Paul reconvened the meeting at 1:40 pm. Paul noted that in order to establish a Research Subcommittee, as Hunter and Gilmartin had suggested in the morning, the RAC would have to officially take action. Gilmartin made a motion to establish a RAC Research Subcommittee, with Gilmartin as the chair. Motion seconded by Thompson.

## ACTION ITEM

a) Motion to establish a RAC Research Subcommittee.

Proposed by: Bill Gilmartin

Seconded by: Laura Thompson

Approved: Unanimous

Members of Research Subcommittee:

Isabella Abbott, Don Palawaski, Gail Grabowsky, Linda Paul, Athline Clark, Lloyd Lowry, Jessica Wooley, Bill Gilmartin as Chair. Johnson would contact Don Schug and other RAC members and alternates that were not in attendance at the meeting.

## VII. PRESENTATION ON THE FISHERY ECOSYSTEM PLANS (FEP's) & PROGRAMMATIC DEIS (MAKAI AU)

Jarad Makaiau introduced himself as the Habitat Coordinator for the Western Pacific Fishery Management Council (WPFMC). Makaiau then began his presentation on the WPFMC's Fishery Ecosystem Plans (FEP's).

Thompson asked what the definition of an ecosystem was. Makaiau stated that there are numerous definitions. Makaiau stated that generally an ecosystem is defined as a species in its environment and its interaction within. Makaiau stated that there are a number of definitions, the WPFMC Council has a definition, the National Marine Sanctuary Program has a definition, etc. Gerry Davis stated that a legal/regulatory definition of "ecosystem" doesn't exist today, which is why different agencies have different definitions. Grabowsky asked if any of the definitions have a quantitative component and would a legal/regulatory definition have to have a quantitative component as a requirement. Davis stated that while everyone agrees that an ecosystem-based approach is the way to go, we currently don't have the science to manage that way. Makaiau continued with his presentation.

Kem Lowry asked what would be considered as tools for ecosystem-based management for fisheries. Mike Tosatto responded that the tools would be much of the same (Lowry mentioned gear restrictions, size limits and quotas for fisheries management). Tosatto stated that probably the tools that get focused on a lot are areas - based and preserving areas, where because of a fishery issue, regulations would happen where one couldn't develop twenty miles from the shore. Tosatto stated that those types of things are getting at ecosystem-based approaches to management.

Questions on the FEP's continued. Paul asked about the role of refugia and where WPFMC stands on the use of refugia as a management tool – (refugia: no-take zones, limited take zones, permanent/temporary, etc.). Tosatto explained that he would wait a little longer until the Magnusson-Stevens reauthorization act went further through the legislative process before he commented. Makaiau stated that the WPFMC Council has refugia, in their current fishery management plans.

Paul called for a break at 3:13 pm.

## VIII. PRESENTATION ON SUMMARY OF CULTURAL RESEARCH & ACCESS IN THE NORTHWESTERN HAWAIIAN ISLANDS (KIKILOI)

Kekuwa Kikiloi gave a presentation on the summary of his cultural research and access on Nihoa in the NWHI. Kikiloi also showed a brief video on the double-hulled voyaging canoe Hokule'a and the summer solstice sail to the NWHI. There were no questions for Kikiloi.

## IX. ADJOURNMENT

The meeting was adjourned at 4:37pm.

January 26, 2006

Draft Notes

Day Two

ATTENDEES [Advisory Council Members] Linda Paul (Conservation); Laura Thompson (Conservation); Bill Gilmartin (Research); Kem Lowry (Citizen-At-Large); Gail Grabowsky (Education); Ed Ebisui (WPFMC, alternate for Kitty Simonds); CDR Robert Wilson (U.S. Coast Guard); 'Aulani Wilhelm (NWHI CRER); Jon Muraoka (U.S. Navy); Mike Tosatto (NOAA, NMFS); Athline Clark (State of Hawai'i alternate for Tim Johns); Lloyd Lowry (Marine Mammal Commission); Jessica Wooley (Conservation alternate for Paul Achitoff); William Worchester (Research alternate for Don Schug); Cindy Hunter (Research); Louis "Buzzy" Agard (Native Hawaiian); William Aila (Native Hawaiian); Rick Hoo (Recreational Fishing alternate for Rick Gaffney) *Absent*: Alexandra Curtis (U.S. Department of State); Philip Taylor (National Science Foundation);

[Alternate Council Members (not representing voting members)]: Brian Bowen (Research)

[NWHI CRER Staff]: Malia Chow; Emily Fielding; Sean Corson; Naomi Sodetani; Hokuala Johnson; Randall Kosaki

[NMSP Staff]: Allen Tom

[Members of the Public]: Takiora Ingram (State of Hawai'i, DLNR); Martha Townsend (KAHEA); Cha Smith (KAHEA); Kris Balliet (Ocean Conservancy); Ellen Athas (Ocean Conservancy); Cynthia Vanderlip (State of Hawai'i, DOFAW); Theresa Dawson (Environment Hawai'i); Malia Kipapa (University of Hawai'i); Jarad Makaiau (WPFMC); Dan Polhemus (State of Hawai'i DLNR);

#### I. CALL TO ORDER AND REVIEW OF THE AGENDA FOR THE DAY (PAUL)

Meeting was called to order at 9:12 am

#### II. UPDATE ON ACTION ITEMS FROM OCTOBER 5 & 6, 2005 RAC MEETING (GILMARTIN & LOWRY)

Paul called on Kem Lowry. Lowry stated that the RAC didn't reach consensus on the letter that he was in charge of drafting. Some members simply wanted a letter commending the state and others had differing opinions.

Gilmartin commented that he was unsure of the status of the letter to the State and Governor Lingle regarding the state's position on federal waters. Gilmartin provided a brief overview of the letter he drafted and sent to Tim Johns.

#### III. OCTOBER ACTION ITEM DISCUSSION

Paul discussed the handout which was distributed, highlighting some of the points the RAC would be addressing throughout the day (see attachment xx). Paul asked if there was anything else that needed to be included on the agenda.

Conversation began about the DEIS process, the alternatives and the RAC's position on the alternatives. Johnson put alternative four from Corson's previous day's PowerPoint presentation on the wall. Hunter asked how far along the DEIS was in terms of being drafted and vetted. Wilhelm stated that in a week the DEIS would be sent to Washington, DC for NOAA review. Hunter then asked that if the RAC took action and wanted to make further suggestions on the alternatives they were presented with the previous day, would those recommendations still be considered. Wilhelm stated that it's not too late for the RAC to make recommendations, and those recommendations would be taken into consideration in the DEIS internal review process.

Discussion continued about whether or not the RAC would like to comment formally, once more on the alternatives that are being analyzed in the DEIS.

After much discussion, Hunter asked if the slides could be put back on the wall. She stated that it would be good to see the actual alternatives. Wilhelm stated that she recognizes that it's incredibly frustrating that the RAC have an alternative discussion without being able to see the full alternatives being analyzed in the DEIS.

The RAC continued discussion on their alternative, the range of alternatives and whether they would take action at the end of the day. Kem Lowry made a motion to draft a letter stating things, (points) that the RAC would like the agency to consider in selecting the preferred alternative.

#### ACTION ITEMS

A. Motion: To draft a letter to the agency stating things the RAC would like the agency to consider in selecting the preferred alternative.

Proposed: Kem Lowry

Seconded: William Worchester

Approved.

Ayes: 10 (Jessica Wooley, Buzzy Agard, William Aila, Rick Hoo, Gail Grabowsky, Cindy Hunter, Kem Lowry, Linda Paul, Laura Thompson, William Worchester)

Nays: 0

Abstention: 2 (Gilmartin, Clark)

Discussion: There was discussion about the process by which the RAC would go about deciding what would be included in the letter. Wilhelm suggested that the RAC lay out all the motions on the table, break for lunch and work during lunch on the letter that the RAC previously took action on. Paul and the rest of the RAC agreed.

B. Motion: To draft a letter to the agency regarding the failure to fully analyze the no-fishing alternative that is consistent with immediate closures or within one year of designation.

Proposed by: Jessica Wooley

Seconded: Laura Thompson

Approved.

Ayes: 8 (Paul, Thompson, Wooley, Hunter, Agard, Hoo, Lowry, Grabowsky)

Nays: 0

Abstention: 4 (Gilmartin, Aila, Worchester, Clark)

Discussion: Gilmartin stated that he didn't think that writing a letter at this point would be productive. He stated that he thought it would be wise to hold off and write a letter after the DEIS comes out for public comment.

BREAK: Paul called for a break at 11:05 am.

#### IV. PUBLIC COMMENT

The meeting reconvened at 11:23 am.

Ellen Athas (Ocean Conservancy) commented that the RAC reconsider their previously put forth alternative. Stating that alternative four, really undoes the Executive Order (EO) and there are other legal ramifications regarding the EO. Athas commented that in terms of the fishing discussion she asked that there be no fishing except subsistence. Thompson asked if Athas would put forth some wording for alternative four. Athas stated that the wording include no fishing except for subsistence fishing, and that the letter repeat the need for strong protections, Vessel Monitoring Systems (VMS) equipment on ships entering the NWHI and/or bonding of ships.

Cha Smith (KAHEA) suggested that based on some of the presentations yesterday and on what Corson had to say, that this is not a balancing act between Magnusson-Stevens and the NMSP. Smith stated that it was the RAC's job to protect the NWHI. She stated that the public's position is not represented in any of the current alternatives. Smith stated that the public's position was no commercial fishing in the NWHI and no fishing, except for Native Hawaiian traditional rights in the NWHI. She stated that the public's position calls for end of commercial activity in NWHI. Smith commented that the public has consistently said that the aforementioned alternative is their choice and needs to be considered in the DEIS. She stated that the RAC's position has been very consistent and quite strong in terms of providing leadership and protecting NWHI. Based on science and considering public input. Smith stated that she felt like the process was hijacked temporarily and now is back on track. She stated that today is the day to take leadership and be specific in providing an alternative to NOAA that says what it is the RAC deems important in terms of best protection of the NWHI. Smith stated that we (KAHEA) currently can support the governor but can't support the RAC. Smith recommended that the RAC come up with a very specific alternative that is indicative of what the public, Native Hawaiian community and science wants.

Hunter asked if alternative one, or status quo alternative would be supported by the public. Smith stated that the EO was more of a framework and included minimal protections for the NWHI. She stated that she thought that the RAC should go beyond the EO. Smith stated that some of the things proposed in the alternatives were illegal, and not an option. Smith stated that NOAA is using public money to propose illegal activity.

Paul then stated that that the RAC would now break up into two groups (one for each motion). She stated that the public would be included in those groups and draft bullet points and that upon reconvening the RAC would not wordsmith the letters. Paul stated that in terms of timing, the groups would then reconvene and vote on each bullet point as a group. Paul stated that the RAC would finish voting on the bullet points by the end of the meeting.

Meeting was adjourned for group work at 11:39.

LUNCH

Meeting reconvened at 1:17 pm.

#### V. PRESENTATION ON THE BIOGEOGRAPHIC ASSESSMENT OF THE NORTHWESTERN HAWAIIAN ISLANDS (FRIEDLANDER)

Chow introduced Dr. Alan Friedlander who then proceeded with his presentation on the Biogeographic assessment of the NWHI.

Paul asked that in terms of connectivity with larval drift, what about adults. Friedlander stated most reef fish, don't move around that much. Friedlander stated that there are some animals that are highly agile like turtles and sharks that are moving throughout the Hawaiian Islands.

Hunter asked about the distribution of monk seals. Friedlander stated that he didn't choose that respective data to present as an example. Hunter asked that another helpful thing would be to look at data collected in the 1970's and compare that to current data. Buzzy Agard made a point about connectivity between the NWHI and Main Hawaiian Islands (MHI).

Paul stated that Friedlander would be available to work with the RAC Research Subcommittee. Paul thanked Friedlander upon the conclusion of his presentation.

#### VI. CONTINUATION OF DISCUSSION ON ACTION TAKEN IN THE MORNING

Discussion on the bullet points that committee two addressed began with Wooley providing a summary of their respective points. Wooley stated that the difference between the two sections of points on the paper handed out was that one included a preferred alternative, while the other didn't.

Clark asked if the goal of group one was different than the goal of group two. Paul replied that the two letters needed to be compared because their substance seemed different. Wooley commented that if the RAC is just looking at the letter from group one and the letter recommending that NOAA include another alternative in their analysis, then she didn't think the two letters conflicted. Discussion continued on the difference between the groups' respective bullet points and how to best proceed with discussion of the letters.

The RAC proceeded to draft a preamble for the letter. Chow typed on the big screen while the RAC made suggestions. The RAC came up with a preamble which stated the following: *The*

*RAC recommends that NOAA fully analyze an alternative that would immediately or within one year of designation close all fisheries, extractive uses (excluding appropriate research), and commercial activities except subsistence Native Hawaiian use.*

It was then decided that the RAC would vote on each part of the letter.

#### ACTION ITEMS

C. Motion: To include the following language in the letter from group one: Recommendation: The RAC recommends that NOAA fully analyze an alternative that would immediately or within one year of designation close all fisheries, extractive uses (excluding appropriate research), and commercial activities except subsistence Native Hawaiian use.

Proposed: Jessica Wooley

Seconded by: Laura Thompson

Approved.

Ayes: 8 (Hoo, Thompson, Grabowsky, Gilmartin, Aila, Agard, Hunter, Wooley)

Nays: 2 (Paul, Clark)

Abstention: 2 (Lowry, Worchester)

Discussion: Clark noted that the above statement wouldn't be endorsed by the other agencies, because other agencies like Fish and Wildlife have to conduct activities at Midway.

The RAC chose to vote on all bullet points on the screen:

1) Motion: to include the following bullet point: *"Recognizes that the resources of the NWHI are held as a public trust."*

Approved. Unanimous.

2) Motion: to include the following bullet point: *"Permanently phases out all fishing and other extractive uses except Native Hawaiian subsistence within 1-5 years."*

Approved. Unanimous with Clark abstaining.

3) Motion: to include the following bullet point: *"Allows access of Native Hawaiians for traditional practices."*

Approved. Unanimous.

4) Motion: to include the following bullet point: *"Is consistent with the vision, mission, management principles, and goals 1-6 developed for the sanctuary by the RAC and NOS."*

Approved. Unanimous with Clark abstaining.

5) Motion: to include the following bullet point: *"Supports the management goals of the 2005 State of Hawaii NWHI marine refuge rules."*

Approved. Unanimous.

6) Motion: to include the following bullet point: *"Allows only research consistent with needs for conservation and protection of the region and a peer-reviewed research plan."*

Approved. Unanimous with Clark abstaining.

Discussion: Discussion began on the definition of “peer review” and the vetting process in submitting research plans. Bowen commented that peer review happens all the time. Discussion on emergency response process and whether “peer review” was appropriate language in the sentence. There was a change of language from “peer reviewed” to “sanctuary approved” research plan.

There was a discussion regarding the use of the word “conservation” as opposed to “preservation” regarding the fact that “conservation” implied extractive use. This was changed to state “conservation, protection and preservation.”

7) Motion: to include the following bullet point: *“Authorizes access and other uses only to the extent that they are consistent with the primary purpose of resource protection and applicable law.”*

Approved. Unanimous.

8) Motion: to include the following bullet point: *“Has the greatest potential for encouraging effective interagency collaboration.”*

Approved. Unanimous.

9) Motion: to include the following bullet point: *“Supports the state’s recommendation that any rules promulgated for the proposed Sanctuary be controlled by the NMSA.”*

Approved. Unanimous.

Discussion: There was discussion about the NMSA versus the Magnusson-Stevens Act. Discussion also changed the sentence to state, *“Supports that state’s recommendation that any regulations for the Sanctuary be promulgated under the NMSA.”*

There was discussion about allowing an exception for Midway. It was decided that there would be no exception for Midway and that language was subsequently dropped from the letter.

## VII. WRAP UP, NEXT STEPS

There was discussion regarding setting the date for the next RAC meeting. It was decided that Johnson would poll the RAC to see which dates worked for the majority of the RAC.

Wilhelm spoke about the Reserve’s 5<sup>th</sup> Birthday party held the night before and honored some of the RAC members and formal RAC members that weren’t able to attend. Wilhelm also honored Commander Robert Wilson from the U.S. Coast Guard who is retiring and leaving the RAC.

## VIII. ACTION ITEMS

See above.

## IX. ADJOURNMENT

Meeting was adjourned at 3:17 pm.