

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

**Non-Government (Voting)**

Timothy E. Johns (Chair)  
*State of Hawai'i*

Linda Paul (Vice Chair)  
*Conservation*

Kem Lowry (Secretary)  
*Citizen-at-Large*

Vacant  
*Native Hawaiian Elder*

Pelika Andrade  
*Native Hawaiian*

Rick Gaffney  
*Recreational Fishing*

Bill Gilmartin  
*Research*

Vacant  
*Commercial Fishing*

Gail Grabowsky  
*Education*

Tammy Harp  
*Native Hawaiian*

Cindy Hunter  
*Research*

Richard Lee  
*Ocean-Related Tourism*

Don Schug  
*Research*

Laura Thompson  
*Conservation*

Jessica Wooley  
*Conservation*

**Government (Non-Voting)**

Athline Clark  
*Papahānaumokuākea MNM*

Malia Chow  
*HIHW National Marine Sanctuary*

David W. Laist  
*Marine Mammal Commission*

Michael Lesser  
*National Science Foundation*

Eric Roberts  
*U.S. Coast Guard*

Janice Fukawa  
*U.S. Department of Defense*

Kitty Simonds  
*WESPAC*

Barry Stieglitz  
*U.S. Fish and Wildlife Service*

Samantha Brooke  
*NOAA Fisheries PIRO*

*Ad Hoc Meeting June 8, 2016*

*1:00 p.m. – 4:30 p.m.*

*NOAA Fisheries PIRO, 1139 N. Nimitz Hwy., Ste. 220, Honolulu, HI 96817  
Second Floor Conference Room*

**Meeting Minutes**

**ATTENDEES:**

Voting Members: Bill Gilmartin (Research, by phone); Gail Grabowsky (Education); Tammy Harp (Native Hawaiian); Tim Johns (State of Hawai'i, Chair); Kem Lowry (Citizen-at-Large, Secretary); Linda Paul (Conservation, Vice-Chair); Don Schug (Research, by phone); Pelika Andrade (Native Hawaiian); Jessica Wooley (Conservation); Rick Gaffney (Recreational Fishing, by phone)

Non-Voting Members: Judith Cucco (Conservation); Eric Roberts (U.S. Coast Guard [USCG]); Eric Kingma (Western Pacific Regional Fishery Management Council [WPFMC]); Janice Fukawa (Department of Defense); David Swatland (Office of National Marine Sanctuaries [ONMS]/Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve [CRER]); Michelle Mansker (National Marine Fisheries Service [NMFS]); Malia Chow (Hawaiian Islands Humpback Whale National Marine Sanctuary [HIHWNMS]); David Laist (Marine Mammal Commission)

Absent: Cindy Hunter (Research); Richard Lee (Ocean-Related Tourism); Michael Lesser (National Science Foundation)

Papahānaumokuākea Marine National Monument Staff: Maria Carnevale and Cynthia Vanderlip (State of Hawai'i, Department of Land and Natural Resources [DLNR]); Toni Parras, Kahi Fujii, Alyssa Miller, Kalani Quiocho, Alan Lum, Allison Ikeda (ONMS/CRER); Keola Lindsey (Office of Hawaiian Affairs [OHA])

Members of the Public and Non-Agency Presenters: Robin Baird (by phone); Benjamin Krebs (USCG); Frank Dorcelli (vessel owner); Quentin Flores (Pago Pago Fishers); Leonard Yamada (Aiea Boat Club); Teresa Dawson (Environment Hawaii); Christine Tran (Lady Christine I & II); Calvin Hyunh; Jeff Pham (Lady Jackie); Matt Ramsey (NOAA); Jarad Makaiau (NOAA); Brooks H. Takenaka (United Fishing Agency [UFA]); Nelson Aberilla (UFA); Stefanie Sakamoto (Fishing Take with Mike Sakamoto); Valerie Meorr (PR firm); Inga Gibson (Humane Society of the United States); Loi Hana (Pacific Paradise); Kim Lu (Hawaii Longline Association [HLA]); William Aila, Jr. (fisherman); Randy Cates (Cates International); John Myking (fisherman); Sean Martin (HLA); Ed Watamura (Hawaii Fishermen's Alliance for Conservation and Tradition, Inc. [HFACT]); Hoku Cody (Native Hawaiian Cultural Working Group [CWG]);

Martin Huynh (Golden Dragon); Marjorie Ziegler (Conservation Council of Hawaii [CCH]); Narissa Spies (Kewalo Marine Lab); Roy Morioka (Waiawa Boat Club); Kealoha Pisciotta (CWG); Khang Dang (longline boat owner); David Itano (fisheries research consultant); Doug Fetterly (Sierra Club Marine Action Team); Lisa Vo (Captain Danny); Richard Gallimonn (5 longliners); Alina Lu (Queen Alina); Bob Flores (fisherman); Dennis Crawford (captain); Tony Costa (Hawaii Nearshore Fishermen); Guy Tamashiro (Tamashiro Market); Daryl Johnson (captain); Sheila Sarhangi (Write to Sheila); Reno Young (Waialua Boat Club); Tong Hwa Zim (Tong Hwa); Katie Nguyen (owner/captain); Julianna Nguyen (Sea Dragon I, II, & II); Kathy Isobe (U.S. Navy); Stacey Hayashi; Grant Harada (student); Hano Naehu (Moloka'i); Mike Schucet (Paradise Spirit); Phan Do (Paradise Spirit); Kristine Nakamatsu (self); Cy Kalama (self); Makani Christensen (Hunting, Farming, and Fishing Association)

[Note: Name spellings and associations were taken from the sign-in list and from the audio recording. Neither the handwriting nor the audio was always perfectly clear, so apologies for any misspellings or inaccuracies.]

### I. CALL TO ORDER (Johns)

Chair Tim Johns called the meeting to order. Introductions followed. Mr. Johns summarized what had been discussed at the May 12, 2016 meeting, which led to the RAC's desire to have an ad hoc meeting.

Mr. Johns explained that following the presentations on the proposed expansion of the Monument at the May 12 meeting, the RAC had reached consensus on three topics:

- Expand the boundaries of the Coral Reef Ecosystem Reserve (CRER) with the expansion of the Monument.
- Accommodate discharge in the 50 – 200 mile area.
- Increase management and enforcement resources with the expansion.

### II. REVIEW OF AGENDA (Johns)

The main points of the agenda are the three topics on which the RAC could not reach consensus at the May 12 meeting and a requested discussion of governance and a possible sanctuary overlay:

- Boundary expansion from 50 to 200 miles; Middle Bank
- The Office of Hawaiian Affairs (OHA) as a fourth co-trustee
- Accommodation for long-line fisheries
- Governance, possible sanctuary overlay

Mr. Johns asked the RAC if anything else had been or still needed to be discussed. There were no additions nor any other changes to the agenda.

### III. BOUNDARIES

Mr. Johns reviewed the general discussion of boundaries at the May 12 meeting, noting that there had been consensus on the general concept of expanding from 50 to 200 miles but

disagreement about the southern boundary, which currently runs through Middle Bank, and some questions about weather buoys.

Ms. Linda Paul advocated including all of Middle Bank in the proposed boundary expansion, as it has been argued that the Bank is an important monk seal foraging area and leaving one part of the Bank unprotected essentially negates the benefits of protecting the other part. Mr. Johns noted that the OHA advocated leaving the southern boundary where it is. Ms. Pelika Andrade felt that if the boundary encroaches on waters where Native Hawaiians traditionally have been able to fish, this is not sustainable. Dr. Don Schug stated that in the RAC's 2014 letter to President Obama supporting the expansion of the Pacific Remote Islands Marine National Monument (PRIMNM), the RAC had recommended including all of Middle Bank in the Monument's boundaries. Dr. David Laist recommended including all of Middle Bank in the Monument with an accommodation for fishing until research can be done to show if there is a problem regarding monk seal foraging.

Mr. Johns asked Mr. Kingma to explain the issue of the two weather buoys in question, Buoy 51001 and Buoy 51101, which are north of Necker Island (Mokumanamana), outside of the Monument's current boundaries. Mr. Kingma responded that there is a long history of fishermen using buoys, including weather buoys.

#### IV. POSSIBLE ACCOMMODATION FOR LONG-LINE FISHERIES

Mr. Kingma stated that Hawai'i's longline fishery is a model fishery. Our longline fishery has a minimal part in the low stock problems of the Pacific and restrictions on their fishery will have little to no effect. Also, expansion will not offer additional protections for highly migratory species. Mr. Rick Gaffney disagreed with the assertion that the longline effect on tuna is negligible, at least from the perspective of small boat fishermen.

Mr. Kingma noted that with this expansion, 10% of the longline catch would be lost, and 10% of the catch already was lost with the expansion of the PRIMNM. Also, the UN will develop a new convention for areas beyond national jurisdiction. These will cumulatively have a serious effect on Hawai'i's longline fishery. Also, Mr. Kingma believes there is no conservation benefit to expanding the Monument. Ms. Jessica Wooley strongly disagreed that the information necessarily justifies the conclusion that "there is no conservation benefit to expansion," as well as the conclusion that the expansion will affect the bottom line of the longline fishery.

Dr. Gail Grabowski argued that there is evidence suggesting that protecting more of Hawai'i's waters would benefit the declining yellowfin population. Moreover, research confirms spillover from MPAs. Dr. Grabowski's study on the effects of the longline fishery on seabirds indicates that expansion also would have a conservation benefit to seabirds in the NWHI.

Mr. Johns asked Ms. Maria Carnevale if the Governor has taken a stance on the issue of fishing in the expanded waters. She replied no, the Governor has not taken a stance nor made specific recommendations; he only has asked to keep discussion open.

#### V. GOVERNANCE AND POSSIBLE SANCTUARY OVERLAY

Mr. Johns reminded the RAC that at the May 12 meeting, the RAC had come to consensus that when the Monument expands, the Coral Reef Ecosystem Reserve (CRER) should expand also. However, there is still the question of whether or not to recommend that the proclamation include language recommending that the Reserve become a sanctuary. Dr. Schug asked if the State and other co-managing agencies have a position on whether or not it is advantageous for the Reserve to become a sanctuary. Ms. Carnevale replied that the State is certainly aware of the RAC's ongoing conversation about sanctuary designation, but it has not taken a position on it yet.

Ms. Paul asked if we could recommend that those benefits of being a sanctuary, such as the ability to assess penalties for damaging resources, be included without recommending the sanctuary designation process. Mr. Swatland replied that it is his understanding that it is possible, but only if marine monuments—all of them—are declared to be under the National Marine Sanctuaries Act (NMSA). Ms. Carnevale pointed out that this is only an issue in the federal framework. In State waters, even those in the Monument, all State regulations apply and the State can assess fees for violations. Mr. Eric Roberts added that in our discussion of enforcement activities we should be clear that the Antiquities Act does allow for a number of forms of enforcement, just not civil penalties.

## VI. THE OHA AS A FOURTH CO-TRUSTEE

Mr. Lindsey referenced the written statement from the OHA. At the end of May, the OHA Board of Trustees supported the proposed expansion with certain conditions, as indicated in their statement. Mr. Lindsey especially wanted to clarify the nature of co-trusteeship neither diminishes nor enhances existing jurisdictions. Mr. Johns asked Ms. Carnevale if the State supports this proposal. Ms. Carnevale replied that the Governor submitted the request to the Secretaries of Commerce and the Interior to consider the proposal.

Ms. Harp stated conditional support for the OHA as a fourth co-trustee with three terms she felt Louis "Uncle Buzzy" Agard would support if her were still on the RAC, including consultation with the CWG, no transfer of co-trusteeship to a federally recognized independent government when it is established, and the transfer of co-trusteeship to the CWG instead in that circumstance. Mr. Johns asked if the CWG supports the co-trustee proposal. Ms. Andrade answered that in later conversations the CWG came to support this part of the expansion proposal.

Dr. Bill Gilmartin asked what decisions the co-trustees are making at the SEB level that those at the MMB level are not involved in. Mr. Swatland explained the MMB operates primarily by consensus. When consensus cannot be reached, the issue is elevated to the SEB. The SEB makes a decision and pushes the matter back to the MMB to implement it. Ms. Paul asked for examples of disputes that have gone to the SEB. Mr. Swatland provided as examples: the implementation of the Wilderness Act in the NWHI; how specifically to permit an activity that NASA wanted to do in the Monument; and consideration of the OHA as a fourth co-trustee.

## VII. PUBLIC COMMENT

Twenty people signed up to present public comment. Two minutes were allotted for each person. When names were called from the list, only 12 of the 20 actually came to the front to speak. At

*Minutes of the ad hoc meeting of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council held on June 8, 2016 at the Pier 38 Conference Center*

the end, because there was time, Chair Johns invited additional members of the public to speak, and one more came to the front to provide comment.

- Inga Gibson: Ms. Gibson strongly supports the expansion of the Monument. She is not opposed to OHA's recommendation to not expand in the areas of the buoys and Middle Bank, although she has long been a supporter of monk seal protections.
- William Aila: Mr. Aila believes expansion is the right thing to do. He does not support an accommodation for longline fishing. He strongly supports elevating the OHA to be a fourth co-trustee. Mr. Aila doubts the information presented today by Mr. Kingma.
- Randy Cates: Mr. Cates had many Native Hawaiians request to be on the last salvage trip in the NWHI because that is the only way they can access the Monument. Expanding the Monument would make its resources even less accessible to Hawaiians.
- Sean Martin: Mr. Martin noted that longline fishing has a long history in the NWHI. Mr. Martin opposes the expansion of the Monument, but if it is expanded, he hopes that an accommodation can be made for longline fishers.
- Hoku Cody: Ms. Cody supports the expansion, the preservation of the southeast boundary as an accommodation to the small boat fishermen of Kaua'i and Ni'ihau, and she very strongly supports the elevation of the OHA to fourth co-trustee.
- Marjorie Ziegler: Ms. Ziegler submitted written information about longline fishing prior to the meeting. She supports expanding the Monument except at the southeast boundary, as well as allowing fishing near the buoys and elevating the OHA as a fourth co-trustee. She does not support an accommodation for longline fisheries.
- Narissa Spies: Ms. Spies is a biologist and a Native Hawaiian and supports the expansion from both viewpoints. She believes the expansion is the chance to once again set a trend of marine conservation for the world to follow.
- Roy Morioka: Mr. Morioka is against the expansion. We are isolated landmasses and import 90% of our food. In the event of a natural disaster, our airport and shipping ports could be out of service. If we closed off the Monument, the ocean that could be our breadbasket would not be available.
- Kealoha Pisciotta: Ms. Pisciotta submitted written materials prior to the meeting. She supports pono fishing but believes longline fishing is un-pono because it is not sustainable. The NWHI are sacred to Hawaiians and must be protected.
- Khang Dang: Mr. Dang represents longline fishers and believes that longline fisheries have a lot of conservation measures in place to protect, birds, seals, and turtles. He does not feel that the Monument expansion is necessary.
- David Itano: Mr. Itano spoke from a science perspective. Tuna is a global commodity, and every disadvantage to the local fisheries is an advantage to foreign competition. He opposes expanding the Monument.
- Alina Lu: Ms. Lu asked for fishing to continue so that fisheries can supply food for people's tables.
- John Myking: Mr. Myking is a commercial fisherman in operation for 37 years, a longline fisherman for 35 of those years. Some years he spends his whole year in the NWHI, so expanding fishing restrictions would have a serious impact on him.

## VIII. DETERMINING WHAT TO SAY IN THE LETTER TO PRESIDENT OBAMA

Regarding the southern boundary/Middle Bank, Ms. Paul moved to include Middle Bank, but with an accommodation for fishing under current regulations until more is known about monk seal foraging habits. The RAC voted, with the following results: 7 no, 3 yes.

Ms. Andrade motioned to support the boundaries as proposed by the CWG. The RAC voted, with the following results: 6 yes, 2 no, 1 abstain. The RAC agreed to indicate in the letter that while a decision was made, there was not consensus on this matter.

Ms. Wooley motioned to include support for the OHA as a co-trustee. After further discussion, the RAC voted, with the following results: 8 yes, 2 abstain.

The RAC members were split almost down the middle regarding an accommodation for fishing. Therefore, they agreed to include a statement that the matter was discussed but not yet determined. Dr. Kem Lowry proposed included language similar to: "Because of the number of unresolved issues regarding fisheries, we look forward to an opportunity to make recommendations at a future date." The RAC voted, with the following results: 7 yes, 3 abstain.

The RAC decided not to include any recommendation on a sanctuary overly, and no governance recommendations other than expanding the CRER and providing additional management and enforcement resources.

## IX. ADJOURN

The meeting was adjourned at 4:30.