

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

Vacant
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

Matt Brown
U.S. Fish and Wildlife Service

Hoku Ka'aekuahiwi-Pousima
NOAA Fisheries PIRO

Meeting November 16, 2016

9:00 a.m. – 4:00 p.m.

NOAA Inouye Regional Center

1845 Wasp Blvd., Bldg. 175, Honolulu, HI 96818

Ko'olau Conference Room (1564)

Meeting Minutes

ATTENDEES:

Voting Members Present: Gail Grabowsky (Education); Tammy Harp (Native Hawaiian); Cindy Hunter (Research); Tim Johns (State of Hawai'i, Chair); Linda Paul (Conservation, Vice-Chair); Don Schug (Research); Jessica Wooley (Conservation); Rick Gaffney (Recreational Fishing); Bill Gilmartin (Research); Richard Lee (Ocean-Related Tourism); Pelika Andrade (Native Hawaiian); Kem Lowry (Citizen-at-Large, Secretary); Carol Wilcox (Conservation Alternate for Laura Thompson).

Voting Members Absent: None

Non-Voting Members Present: Judith Cucco (Conservation Alternate for Jessica Wooley); Eric Roberts (U.S. Coast Guard [USCG]); Joshua DeMello (Western Pacific Regional Fishery Management Council [WPFMC] – by phone); Janice Fukawa (Department of Defense); Athline Clark (Office of National Marine Sanctuaries [ONMS]/Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve [CRER]); Samantha Brooke (National Marine Fisheries Service [NMFS]); Malia Chow (Hawaiian Islands Humpback Whale National Marine Sanctuary [HIHWNMS]); Dan Polhemus (U.S. Fish and Wildlife Service [FWS] Ecological Services).

Non-Voting Members Absent: David Laist (Marine Mammal Commission); Michael Lesser (National Science Foundation)

Papahānaumokuākea Marine National Monument Staff: Maria Carnevale, Alton Miyasaka, Matt Saunter, Naomi Worcester, and Cynthia Vanderlip (by phone) (State of Hawai'i, Department of Land and Natural Resources [DLNR]); David Swatland, Alyssa Miller, Nicole Evans (ONMS/CRER); Hoku Ka'aekuahiwi-Pousima (NOAA/NMFS).

Members of the Public, Other Agency Members, and Presenters: David Itano, Chris Kelley, Laura Stanley.

I. CALL TO ORDER (Johns)

Chair Tim Johns called the meeting to order. Introductions followed.

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

There were no changes to the published agenda. The council approved the meeting minutes from the July 28, 2016.

III. BRIEF REVIEW & SUMMARY PREVIOUS ISSUES, ACTION ITEMS AND STATUS (Clark)

ONMS-PMNM Superintendent Athline Clark noted that both Monument Expansion and Monument Management Plan review would be covered later in the agenda and that the RAC Charter Sub-committee would be meeting the next day. ONMS-PMNM Deputy Superintendent for Programs & Policy David Swatland provided an update on recruitment for council seat vacancies: PMNM was currently recruiting for the Commercial Fishing primary and alternate seats; review of applications for the Native Hawaiian Elder primary and alternate and Native Hawaiian alternate seats was underway; and that the recruitment for the vacant Conservation seat would take place in first quarter of calendar year 2017. He also noted that ONMS HQ would make the final decisions on filling the seats.

IV. MONUMENT CO-TRUSTEE/MANAGEMENT AGENCY UPDATE/HIGHLIGHTS

1. NOAA-ONMS report (Clark): The PowerPoint version of the ONMS report, and the full written report, are available on the PMNM website. As a follow-up to Ms. Clark's description of NOAA and PMNM participation in the IUCN World Conservation Congress in Honolulu in September 2016, Mr. Johns again thanked everyone who supported and participated in the event, the most attended WCC ever, with over 10,000 participants.
2. NOAA-NMFS report (Brooke): No report. NMFS ready to respond to any questions or specific requests for info.
3. State of Hawai'i report (Carnevale, Saunter, Worcester, Vanderlip): Ms. Maria Carnevale noted that the PMNM program had been moved to the Division of Aquatic Resources (DAR) and that DLNR would not be requesting any funding for its Monument program from the legislature in 2017. She also stated that funding received through the Memorandum of Agreement (MOA) with ONMS covers the State Co-Manager position and nothing else. When asked whether the state received sufficient funding to carry out its Monument management responsibilities, Ms. Carnevale stated that there were different perspectives regarding the state's contribution to PMNM management given the federal designations. She also stated that the MOA does not cover DOCARE but that NOAA has separate Joint Enforcement Agreements (JEA) with DOCARE. Ms. Carnevale also noted that hazardous material remediation at Kure Atoll had been successful however an excavator ended up in the lagoon and that salvage attempts were underway. Kure Atoll field camp staff Cynthia Vanderlip, Matt Saunter, and Naomi Worcester provided a comprehensive report on the 2016 field season at Kure. This report is available on the PMNM website.
3. USFWS report (Polhemus): Dr. Dan Polhemus (Ecological Services) reported out on status of millerbirds on Laysan Island, bird and plant surveys on Nihoa, and ongoing seawall repairs. He also provided a climate change update; that presentation is available on the PMNM website.
4. OHA report – None

5. Update on enforcement activities (Roberts, JimOn): Mr. Eric Roberts provided a written report from the USCG, which is available on the PMNM website. NOAA OLE had nothing to report.

6. Hawaiian Islands Humpback Whale National Marine Sanctuary (Chow): Dr. Malia Chow noted the delisting of the humpback whale and that the sanctuary would be holding a joint research forum with the State of Hawai‘i in April 2017 to develop a new research and management strategy.

V. BRIEFINGS AND DISCUSSION OF POTENTIAL ACTIONS

1. Expansion Proclamation 9478 & process for implementation (Clark): Ms. Clark provided a presentation which is available on the PMNM website. Discussion topics during the presentation included the following. Though there is no precedent for undoing Presidential Proclamations, there is some public and Congressional resistance to setting aside terrestrial and marine areas via the Antiquities Act, and any decision on what may happen is still speculative at this point. Agencies are in the information-gathering phase. DOC and DOI responsible for managing the Expansion area. Handling activities in the Monument Expansion area on a case-by-case basis until regulations are promulgated. Research permits are not required for activities conducted by DOC and DOI. Any sanctuary protections would be additive and would not diminish any Monument protections. A member of the RAC pointed out that no one can possibly qualify for the RAC’s commercial or recreational fishing seats because neither commercial nor recreational fishing is allowed in the reserve area of the Monument. WesPac starting public process to gather information and make recommendations regarding non-commercial fishing in the Expansion area. Mr. Josh DeMello (WesPac) noted that a Fisheries Ecosystem Management Plan (FEMP) is required and that it takes at least two WesPac council meetings to complete this – approximately a year. (Note: there is a diagram outlining the FEMP amendment process available on the PMNM website.) If the RAC weighs in on fisheries regulations in the Monument Expansion area (MEA), it should be on how fishing in the MEA affects the original Monument (reserve) area. Ms. Clark also briefed out the terms of the new MOA between the Secretaries of Commerce & the Interior, the Governor of Hawai‘i, and the Chair of the OHA Board of Trustees. Ms. Clark noted a number of as yet unanswered questions regarding sanctuary designation: 1) whether or not the Secretary of Commerce has recommended moving forward with NMS designation; 2) what exactly are the outer boundaries of the HINWR; 3) would a NMS propose to include state waters; and 4) when is the timing appropriate to move forward with NMS designation. There was significant concern among a number of RAC members that based on the current political climate, both nationally and locally, the timing was not right to pursue NMS designation. Ms. Clark stated that it was an assumption that there would be some type of transition from RAC to SAC should NMS designation take place. (NOTE: ONMS HQ has confirmed that because there would be a new authorization authority after NMS designation, the RAC would be dissolved and a SAC established with a new charter.) A question was asked if it was the issues with boundaries inside three miles that “blew up” the HIHW NMS management plan review; the State answered that no, the problems were with the definition of a sanctuary resource and who could collect fines for resource restoration in state waters. Another question was whether WesPac was going to recommend that PP 9478 be reversed; no one had any knowledge of such a recommendation. Ms. Clark announced that the new MOA would be signed in the near future; the revised document included OHA as a 4th Co-

Trustee, included some of the requirements of the new PP 9478, and noted that there will likely have to be a different permitting regime for the Monument Expansion area due to different authorizations and regulations. There were also questions on whether PP 9478 modifies the Clinton Executive Order in terms of requiring sanctuary designation; there was a difference of opinion among RAC members on this question.

PMNM Staff Action Item: Provide RAC a comparison of fishing regulations in other Monuments, specifically Rose Atoll Marine National Monument.

PMNM Staff Action Item: Forward WesPac announcements for the Monument Expansion area fishing regulations public meetings to the RAC.

2. Management planning & options for RAC engagement (Clark/Miller/Lowry): Ms. Clark and Ms. Alyssa Miller provided a presentation on management planning and potential options for RAC engagement. That presentation is available on PMNM's website. RAC input has informed and improved PMNM's annual review and evaluation of Monument activities. PMNM does not evaluate all Action Plans every year. The key is to use the data to make recommendations. There was discussion but no agreement on worthiness of having outside expert group review evaluation data. Ms. Clark noted that progress in completing management plan activities has been very good in many areas but not all; issues such as steadily declining budgets has impacted agency's abilities to address certain action plans. The RAC had a difference of opinion about the effectiveness of the site's adaptive management. RAC noted that it had not been involved in the evaluation discussions with other Monument managing agencies. RAC noted important question was how to move from evaluation to recommendations. Ms. Clark noted that whatever recommendations the RAC makes is one part of the overall public input. She also noted that there were a number of action plans that the RAC could take deeper dives on and that existing or soon to be completed step down plans (Science, NH, Climate Change, Maritime Heritage) would be integrated into the new management plan. Ms. Clark stated that the MMB had not yet had the discussion about management plan timeline, framework, etc. A potential framework is "what is the place going to look like 25 years from now". It was noted that the current management plan is a 15 year plan with an ONMS-only requirement to review every five years, but that any review effort had to include all the managing agencies. The RAC noted that it did not want to spend time reviewing the existing management plan when a new plan was in development

PMNM Staff Action Item: Provide RAC a briefing on DoD activities in and around the Monument.

RAC Action: RAC votes unanimously to reactivate Evaluation and Management Plan Sub-Committee with Kem Lowry as Chair. Purpose is to provide support and recommendations to ONMS regarding Monument evaluation and planning.

RAC Action: RAC votes unanimously to draft a letter or resolution to the Secretary of Commerce via ONMS that 1) supports a joint management plan for both the original Monument and Monument Expansion Area; 2) encourages the MMB to build on the successes and lessons learned of the 2008 MMP; and 3) recommends that ONMS be the lead NOAA agency in the Monument Expansion area.

3. Sanctuary designation & establishment of Sanctuary Designation Sub-Committee (Clark)

This topic was covered in section V.1., Expansion Proclamation 9478 & process for implementation above. Ms. Clark stated that there were three issues the sub-committee could address: 1) a recommendation to the Secretary of Commerce on moving forward with NMS designation; 2) developing a number of boundary scenarios; and 3) developing recommendations for the SPAs (Special Preservation – not Protection – Areas). The RAC expressed concern about DoD activities in the NWHI but was reminded that under any management regime – both PPs and NMS designation – DoD is exempted from operating restrictions. (NOTE: However, under NMSA, the Navy is required to consult with a site even though it is exempt from any permit requirements.)

RAC Action: RAC votes unanimously to create a Sanctuary Designation Sub-Committee with Linda Paul as Chair. Purpose is to evaluate and potentially make recommendations regarding various aspects of sanctuary designation including boundaries, regulations, etc.

Following this vote, there was a discussion regarding development of fishing regulations for the Monument Expansion area, including what the process is, what roles various agencies do and do not have, and the significance of various definitions including customary exchange, non-commercial fishing, etc. RAC decided to shelve further discussion on this issue until the WesPac process is further along.

VI. PUBLIC COMMENT

There was no public comment.

VII. PRESENTATIONS, UPDATES, AND POTENTIAL ACTIONS

1. Draft letter on enforcement (Gaffney): ONMS Recreational Fishing Advisory Committee drafted letter to new NOAA Administrator requesting improvement of enforcement overall, raising stature of NMSA, boosting cross-collaboration, allocating an OLE enforcement officer for each NMS site, prioritizing use of emerging technologies, and enhancing data acquisition. There are many promising new technologies for enforcement: drone/satellite imagery, forward looking radar, underwater listening systems, etc. skycruise, using Google datasets. Some are beginning to be publicly available, e.g. global fishing watch, eyes on the sea. The Civil Applications Committee is an inter-agency committee that coordinates the federal civil use of classified collections. Housed at USGS, it provides a locus through which data needs such as data acquisition and storage, and technical support can be coordinated and facilitated. DOC has a seat on the committee. Enforcement decision-making affects three offices within NOAA: OLE, GC-Enforcement, and ONMS.

RAC Action: RAC unanimously approves motion to join other site councils in signing a letter to the new NOAA Administrator regarding enforcement at ONMS sites.

2. Presentation on seamounts within the Monument (Kelley): Dr. Chris Kelley provided a presentation on underwater seamounts in and around the Monument. This presentation is available on the PMNM website.

3. Presentation on pelagic fish (Itano): Mr. David Itano provided a presentation on the pelagic fisheries and resources of Hawai'i and the central north Pacific Ocean with an emphasis on bigeye and yellowfin tuna. An outline of this presentation is available on the PMNM website; the presenter requested that his actual presentation not be made public. However, if anyone wants to view the actual presentation, please contact the RAC Coordinator who will put you in touch with the presenter.

4. ONMS Strategic Plan update (Clark/Johns/Paul): This agenda item was postponed until the next meeting due to time constraints.

5. RAC meeting schedule for 2017 (Swatland): The RAC will meet on the following dates for its 2017 quarterly meetings:

Thursday, February 2, 2017

Monday, April 24, 2017

Monday, July 24, 2017

Monday, October 23, 2017

VIII. PUBLIC COMMENT

There was no public comment.

IX. ADJOURNMENT

The meeting adjourned at 4:05 p.m.