NORTHWESTERN HAWAIIAN ISLANDS
CORAL REEF ECOSYSTEM RESERVE ADVISORY COUNCIL MEETING
January 21, 2004
Honolulu International Airport
Interisland Terminal Conference Room, 7th Floor
Honolulu, O'ahu

Draft Meeting Notes
Day One

ATTENDEES: [Advisory Council Members]: Paul Achitoff (Conservation); Louis "Buzzy" Agard, Jr. (Native Hawaiian); William Aila (Native Hawaiian); Bill Gilmartin (Research); Gail Grabowsky (Education); Tim Johns (State of Hawai'i); Alan Everson for Alvin Katekaru (Pacific Islands Regional Office); Don Palawski for Jerry Leinecke (U. S. Fish and Wildlife Service); Kem Lowry (Citizen-at-Large); Lloyd Lowry (Marine Mammal Commission); Dwight Mathers, (U. S. Coast Guard); Naomi McIntosh (Hawai'i Islands Humpback Whale National Marine Sanctuary); John Muraoka (Department of Defense); Linda Paul (Conservation); Don Schug (Research); Jarad Makaiau for Kitty Simonds (Western Pacific Regional Fishery Management Council); Robert Smith, (NWHI Reserve); Laura Thompson (Conservation); Birgit Winning, (Ocean-Related Tourism). *Absent*: Rick Gaffney (Recreational Fishing); Bobby Gomes (Commercial Fishing); Ray Arnaudo (Department of State); Phillip Taylor (National Science Foundation).

[Alternate Council Members (not representing voting members)]: Isabella Abbott (Native Hawaiian); Athline Clark (State of Hawai'i); Carol Wilcox (Conservation); Matthew Zimmerman (Ocean-Related Tourism).

[NWHI CRER Staff]: Andy Collins; Emily Fielding; Hans Van Tilburg; Kaliko Amona; Moani Pai; Mokihana Oliveira; Randy Kosaki; Sean Corson; Tommy Friel (NOAA Enforcement). [NMSP Staff]: Edward Lindelof; Allen Tom; Susan Bevacqua.

[Members of the Public]: Cheri Recchia (The Ocean Conservancy); Dave Raney (Sierra Club); Troy Antonelis (DLNR/DAR); Sonny Dulatre (U.H. Manoa Student); Cha Smith (KAHEA); Diana Leone (Honolulu Star Bulletin); Raechelle Sayurin (Chaminade University Student); Bruce Wilcox, Kristin Duin, Sustainable Resource Group Int'l. Inc.

PURPOSES OF THE MEETING: Report and discuss the draft vision, mission, goals and objectives for the proposed sanctuary designation; provide an overview of key milestones and important dates for the Reserve Advisory Council (RAC/Council) and sanctuary designation; report and discuss fishing issues and restrictions; discuss and review items related to the proposed sanctuary designation.

I. CALL TO ORDER

Chairperson Tim Johns called the meeting to order at 9:20 a.m. William Aila then offered the opening pule. This was followed by introductions.

II. REVIEW AND APPROVAL OF AGENDA

Chairperson Johns proposed amending the agenda for the day by moving the presentation on milestones and important dates for the RAC forward, to follow the review and approval of minutes. Advancing this discussion would give the audience a context of review for a variety of overarching items. Johns also proposed that the tentative presentation of the draft Reserve Operations Plan (ROP) noted on the agenda for Day Two be deleted, as the draft had not been released and that the meeting on Day Two would adjourn at 12:30 p.m. It was moved by Laura Thompson and seconded by Linda Paul that the agenda for Day One and Day Two be approved as amended. Motion passed unanimously.

III. REVIEW AND APPROVAL OF MINUTES

Johns thanked the Reserve staff for posting the minutes on the website making it easier for access by members. He then called for comments on the minutes as circulated. Hearing none, Johns entertained a motion to approve the minutes. It was moved by Cindy Hunter, seconded by Bill Gilmartin, that the minutes of the RAC meetings held on June 25, 2003 and October 16-17, 2003 be approved respectively as circulated. Motion passed unanimously.

IV. MILESTONES AND IMPORTANT DATES FOR THE RAC IN 2004

Allen Tom and Moani Pai gave presentations regarding the projected 2004 sanctuary designation timeline and activities and potential RAC actions, and a revised proposed 2004 RAC meeting schedule (to be filed under Binder Tab 4). Tom noted that since August 2003, the Sanctuary program with the Reserve has had a contract with Sustainable Resources Group Int'l. Inc. (SRG) and that they, along with partners in various key agencies—U. S. Fish and Wildlife Service (USFWS), State of Hawaii, Department of Defense (DOD), U. S. Coast Guard--as well as RAC members, have met on a variety on a mainly focusing on key fishing issues. Approximately 20 meetings have been held to date on topics including crustaceans, precious coral, bottomfish, recreational pelagic fishing, subsistence, and marine zoning. Tom explained that completion of SRG's report is expected within a few weeks and that it would be presented to the RAC at its next meeting. Noting that the contract with SRG is completed, a request to bid for the second phase of the contract will be let. This phase includes putting components of the DEIS together, reviewing the ROP to make sure that it crosswalks with the DEIS, and seeking guidance and advice from the RAC. Tom noted the importance of the RAC's establishing a sub-committee to work with the staff in reviewing the ROP conversion into the EIS. (Establishment of this subcommittee would be taken up as an action item on the following day.)

Tom went briefly through the timeline, activities and potential RAC actions as noted in the handout before the members. Pai stated that the RAC meetings dates other than those in January and March are tentative, and that evening and one-day meetings are possible.

Pai also noted that the schedule of meetings is dependent on the progress of activities and asked that council members tentatively block these dates just in case all eight meetings are held. Johns noted staff to contact Rick Gaffney for his input on the meeting schedule as he is a proponent of evening and weekend meetings. Johns thanked staff for preparing this schedule that will greatly assist the Council in its preview of what to expect, what needs to be done, when the RAC needs to do it, and thus being able to better schedule for the next 12 months and thereafter.

Jarad Makaiau stated that the March meeting of the Western Pacific Regional Fishery Management Council (WPRFMC) has been moved from March 23 to March 22, 2004, and stated that he will confirm this via email to Reserve staff. The June meeting is tentatively scheduled for June 15-18, 2004 in Honolulu. As the date gets closer it could possibly go the week before or after depending on their council members' preferred date. The location for the October meeting will be selected at the June meeting.

V. REPORT ON THE DRAFT VISION, MISSION, GUIDING PRINCIPLES, GOALS AND OBJECTIVES (VMPGO)

Emily Fielding began by stating that the purpose of this report is to seek action by the RAC today. Her power point presentation gave background and evolution of the document to the RAC so it may provide advice and recommendations on it, and included the following: (1) development of the goals and objectives statement, having begun in July 2003 and drawn largely from the Executive Orders (EO), the National Marine Sanctuaries Act (NMSA), scoping comments and other documents including the State Constitution, work with the RAC, a staff retreat in October, several RAC subcommittee meetings on goals and objectives and comments of interagency partners; (2) the purpose of the statement is to guide the designation process and development of a management plan and environmental impact statement, and beyond, should a sanctuary be designated; (3) development of fishing regulations, whereby draft regulations provided by the WPRFMC would be based upon 301(a) of the Magnuson Stevens Act (MSA) as consistent with the purposes and policies of the NMSA and the goals and objectives of the proposed designation in the NWHI; (4) current status of the statement; (5) review of the statement by four basic categories—vision, mission, principles; goals; non-fishing objectives; and fishing objectives—and review of draft statements for each of these categories. Fielding pointed out that statements are noted on the board in the back of the room and also on power point for review.

Kem Lowry praised the work of the staff and the RAC subcommittee on the goals and objectives for synthesizing a great deal of material in this process. He stated that he would like to resist doing word smithing in a large group, and that if there is agreement on rewording that it be done in a subcommittee so as to avoid trying to edit in a group this size.

Discussion, questions and suggested changes ensued as RAC members reviewed the draft goals and objectives statement as presented. It was asked whether or not the six management goals would be equivalent to the goals of the environmental impact statement (EIS) and if the management plan is essentially the preferred alternative.

Fielding explained that these are basically end goals for the proposed sanctuary. The detailed management plan (MP) that would contain all of the strategies, activities, time lines, cost components and performance measures would be the preferred alternative, a significant portion of which will trigger the National Environmental Policy Act (NEPA) provisions with alternative ways that deal with issues. The sanctuary would have a different set of regulations relating to fishing and zoning. In June, the RAC will be asked to review a range of alternatives, one of which would be included in the management plan as the agency's preferred alternative. The management plan and the EIS are integrated, as the EIS is an analysis of the management plan. As a sample of such an integrated MP/EIS, Tom and Lindelof referred Council members to publications on both the Florida Keys and Thunder Bay National Marine Sanctuaries. Robert Smith noted that the vision, mission, principles, goals and objectives (VMPGO) should be common, consistent, and cross-walked with each alternative. Fielding led the RAC through its word review of the statement.

Johns called a break at 10:45 a.m. Upon reassembly, Johns acknowledged the conspicuous absence of 'Aulani Wilhelm, who is on leave, is missed, and would be back for the next RAC meeting.

Johns asked that the Council resume its work on the draft goals and objectives so that it may act on the statement at the end of the meeting, and stated that he would like to review public comment before any changes are acted on. Fielding led continued discussion on the statement that resulted in word revisions made by power point. Changes would be included in a redraft and submitted to the RAC on the following day.

At 12:05 p.m., Johns called for Public Comment.

VI. PUBLIC COMMENT

The chair welcomed Dave Raney (Sierra Club); Cheri Recchia (The Ocean Conservancy); Cha Smith (KAHEA), and Matthew Zimmermann (RAC Ocean-Related Tourism Alternate).

Raney prefaced his comments by raising a procedural question concerning the written statement he submitted to the RAC at the October 16, 2003, meeting, which he felt were not duly summarized in the minutes. (*Note*: *This was approved by R. Smith, and written testimony will be appended if provided by persons giving oral public comment.)*

Raney continued with his comments, stating that he was pleased with the goals and objectives as presented, but was concerned as to what happens to the goals and objectives on the fishing issue that may change. Achitoff stated that he did not believe the fishing objectives as stated in the draft would constrain the ultimate issue on fishing regulations, and that the NMSAA states that the Secretary of Commerce must approve the WPRFMC's regulations. Raney wanted to know what happens to that which goes to "never never land" if they are adopted.

Recchia described the role of The Ocean Conservancy and her work with them in Canada, Australia, and the United States stating that she also worked for the Great Barrier Reef. Commenting on goals and objectives, she noted that it is their position that current protection is permanent and has the effect of law, and that under the statutes any sanctuary must complement and supplement. Recchia stated that the request for regulations is pivotal. She commended the work of the subcommittee, acknowledging that the statement includes excellent and innovative language in protecting the natural character of the NWHI, that it distinguishes goals from many other goals, is explicit in reducing target population, and protects natural character. In terms of management principles she encourages other principles and adaptive management, whereby management is evaluated and where goals are met. In considering specific objectives for Goal 1, the Council may want to be more explicit with specific performance measures for threatened, endangered and endemic species, and in Goal 4, that it consider objective emphasis and elevate research and monitoring. Recchia urged the Council to keep the language under Goal 6. She encouraged a stand-alone management principle, that activities be prohibited unless authorized, and that all authorized activities should require a permit. Upon conclusion of her comments, Paul Achitoff asked if she would submit her specific suggestions in a written form for the RAC's information. *(Note: Recchia's written comments were submitted to the RAC the following day. A copy is appended to these minutes.)*

C. Smith stated that her comments basically add to those suggested by Recchia. The principles, while they are important, would be used to filter the specific standard language for the goals and objectives for the consideration of the WPRFMC's fishing regulations. C. Smith noted that the preservation of native Hawaiian culture is fine and that access is key. In terms of public education, she pointed out that the concept of bringing the place to the people is adopted in a management goal and that it is a public message that needs to be put forward. She continued that while ecotourism may be educational, it is a commercial use. C. Smith suggested that Goal 6 be moved up, as other things fall logically from that, and stated her concerns as to whether or not the public will have a chance to view what goes to the WPRFMC, and if the RAC will be able to review changes before it is forwarded to Washington, D. C. C. Smith expressed hope that the changes to the draft ROP will be done in Microsoft Word.

Zimmerman expressed that no change be made to the Mission statement, to place "coordinated and integrated" at the end, and suggested that a specific reference to alien species be recognized under Goal 1.

There being no other speakers, Johns called for a lunch break. The meeting resumed at 1:15 p.m.

Upon reassembly, Johns requested that Fielding review the process for RAC action on the following day. Fielding proposed that the RAC give guidance on the incorporation of public comment. She stated that the RAC subcommittee be given the VMPGO and proposed that it meet to discuss the objectives. Hunter stated that the RAC has been involved with the Reserve and is now being asked to develop VMPGO for a sanctuary,

which has a whole new set of guiding principles, and asked if the Council is ready to let go of the Reserve and move towards a sanctuary. Johns stated that the revised language might indicate that the Council is already there. Discussion concluded with plans for preparation of a redraft for the RAC's review and action the following day.

VII. REPORT AND DISCUSSION ON DRAFT FISHERY OBJECTIVES

Achitoff stated that the attempt was made to incorporate language which was designed to put a limit on what would be allowed in the Reserve or sanctuary with regard to fishing because of the language in the NMSA that requires the Secretary of Commerce to adopt the WPRFMC's proposal, unless it is not inconsistent with the EO as modified by the RAC in its formal recommendations in the last couple of years. That is the intent of the language in Goal 6. Paul noted that instead of listing prohibitions, to list what is allowable and to be careful when starting a list. Makaiau stated that it concerns more process rather than content. Achitoff stated that the subcommittee will work on the objectives, and that what is included in this draft fisheries document provides some flexibility. Schug stated that the RAC subcommittee would be remiss if it didn't provide agreement, counsel and guidance.

VIII. STATUS AND PRELIMINARY FINDINGS OF CONSULTANT FISHING REPORT

Bruce Wilcox and Kristen Duin presented SRG's report on power point, which began with the statement that SRG was contracted to assist in developing fishing regime alternatives as a basis for providing guidance on fishing regulations that would be consistent with the NMSA and the mission, goals, and values for the proposed NWHI National Marine Sanctuary. The review process included literature review, expert interviews, and approximately 20 fishery discussion group meetings that included over 50 stakeholders (agency, fishermen, and non-government or organization representatives), on precious coral, crustaceans, bottom fish, pelagic and recreational fishing, as well as zoning and subsistence discussion groups. Results are that the science-based framework required as a basis for judging uses, including fishing, are compatible with the proposed sanctuary, and that recommended actions with regard to fishing are considered within this framework. B. Wilcox noted that the analysis and description of the results are still being finalized and that the next steps are to complete the management planning process for the proposed sanctuary.

B. Wilcox covered the following: (1) ecosystem conservation; (2) ecological integrity; (3) fishery management; (4) overfishing vs. ecosystem overfishing; (5) conservation significance; (6) boundaries; (7) condition; (8) findings on precious corals, lobster, bottomfish; and (9) findings on commercial fishing that state, "In our opinion, a constellation of factors unique among existing and proposed national marine sanctuaries including management challenges—stemming from its inaccessibility, ecological vulnerability, scientific uncertainty, and economic value—eliminate commercial fishing under any alternative we could recommend as preferred."

He further noted that in developing science-based management goals, objectives and actions, recommended next steps are to: (1) establish expert working groups to advise the planning process—consisting of Hawai'i-based subject matter experts and

internationally recognized experts in conservation science and marine protected area design and management; (2) as commercial fishing is phased out to insure minimal ecological impact, conduct additional gathering and analyzing of readily obtainable data for the bottomfish and pelagic fisheries; (3) insure an increased margin of safety for the protection of ecological integrity by expanding protected and no take areas by conducting a systematic process examining zoning (including boundaries and Reserve Preservation Areas (RPA) on the basis of available science and ecological data for the NWHI; (4) conduct a meeting process similar to the fishing discussion group process that incorporates the expert working group findings consisting primarily of three areas of expert knowledge, namely, marine protected area design and ecosystem management; multi-agency cooperative management systems and integration of modern and traditional Hawaiian resource management systems.

This concluded the highlights and summary of SRG's report and led to questions from the floor. Louis Agard asked that if the statement "no commercial fishing" were an option, would it possibly include no other? B. Wilcox stated that if we consider the mission, goals, and values expressed in light of all the scientific knowledge expressed here, we feel that the risk of fishing and even scientific activity in the area, that no preferred alternative is consistent with no fishing. Gilmartin asked that for the Reserve and the designation process, would this be scientifically enough to support an alternative. B. Wilcox stated his belief that the data is strong enough to lead to the direction of no commercial fishing. R. Smith asked if catch, tag, and release would be considered commercial fishing. B. Wilcox stated that by commercial fishing is meant fisheries that involve a market for fish as an industry. He noted that worldwide fisheries have been depleted and that the NWHI represents part of this world system, and that while there are many parts of fishing that would be consistent with a sanctuary, industrial commercial fishing is not consistent with the values that have been suggested to them.

Gail Grabowsky asked about commercial, recreational and sustainable fishing. B. Wilcox stated that sustainable fishing has to do with economics of fishing. There are a number of things to be considered in subsistence fishing, and that securing and ensuring is the conventional industrial or commercial fishing. B. Wilcox noted that there are a lot of science and larger issues of concerns and values as to where we are globally. B. Wilcox further stated that we are faced with a crisis situation in regard to a factor that was not known and is irrefutably correct, noting that those are compelling reasons to raise the bar. Paul asked if catch and release data is available. B. Wilcox stated that it depends on the type of species. Duin commented that SRG did not do any analysis of recreational fishing, and that part of its recommendations is that a study should be done. She noted that there were discussions in the working groups to establish a baseline but the data was not collected. Schug stated that in the absence of this information wouldn't it be benign, to which B. Wilcox noted that in the management process a hard look would be given to having access to all.

Johns stated that the DOC who oversees the commercial fishing industry hired SRG and asked if this would not be inconsistent with goals and objectives. R. Smith responded that a contractor was needed to help the Reserve to carry out the NEPA process. The

scope of work was put out to bid and it was awarded to SRG on a GSA schedule. SRG was first hired to do a NEPA review, but was diverted to the task of assessing the fishing circumstances for ultimate consultation with the WPRFMC and for a sanctuary proposal in general. Gilmartin asked if SRG is behind in terms of the RAC subcommittee's getting a look at the report by February 6th. Wilcox stated that they should be able to release the report at that date.

IX. REGULATORY ADVICE AND REGULATIONS TO THE WPRFMC

Ed Lindelof asked the RAC to look at what is happening globally and give staff its recommendations. He commented that what staff did not ask is what are the alternative ways to look at in dealing with sanctuary designation and to develop that range of alternatives they have not been in a position to analyze. This gives good basis to develop that range of alternatives. Work has started with the subcommittee to develop a range of alternatives. The contractor has been requested to take the range of alternatives and provide that analysis to the RAC so that at its June meeting it would be able to make a considered decision on alternatives. He iterated that between now and the Council's meeting in March, the range of alternatives would be solidified and provided to the RAC for its recommendation in June. Lindelof stated that the alternatives are consistent with NEPA alternatives. R. Smith stated that it underscored a change of game plan, and that we are no longer in such a rush to engage the fishing discussion groups. Lindelof stated that a two-month delay in the process is worth taking to get the analysis to the Council. It is not technically designated in the overall schedule.

X. RANGE OF POTENTIAL FISHING ALTERNATIVES

Sean Corson presented an introduction to the range of potential fishing alternatives as noted on a "Fishing Alternative Matrix", which was distributed to RAC members describing it as a way of laying out preliminary considerations on fishing alternatives that would assist in determining how best to provide information to WPRFMC. Preliminary discussions were held with SRG where information was used to create the fishing matrix. Information was also developed by reading reports and meeting with people. Corson then proceeded to explain the proposed fishing alternatives matrix that was before the Council, noting that the point is to have the RAC develop a preferred alternative. This was followed by comments and questions. In conclusion, Achitoff suggested that in the process at this point on, any changes made to the draft of 1/16/04 be noted in red.

Johns called for a break at this time. The meeting resumed at 3:00 p.m.

XI. INTRODUCTION TO THE RANGE OF POTENTIAL ZONING ALTERNATIVES RELATED TO FISHING

Fielding was assisted in this presentation by Susan Bevacqua who provided maps that were posted in the conference room for viewing. Beginning with the introductory statement, sanctuary designation and the NEPA process guide the Reserve to consider a range of fishing and zoning alternatives with the goal of resource protection and comprehensive and coordinated management. The presentation continued with information on current management jurisdictions, boundaries and areas that contain critical resources, and explanations that marine zoning makes sense in the NWHI because

the multiple and overlapping jurisdictions coincide with sensitive coral reef ecosystems and monk seal, sea turtle, and sea bird habitat and that it is used as a tool to help meet management objectives and resource needs, when used in concert with permitting, enforcement and regulations. Criteria were taken from maps on how zones were developed with overall considerations to overlay criteria on the proposed zone types. Attention was then directed to: no-take areas (blue); limited-take areas (green); and general use area (white). Fielding noted that every use would require a permit. This led to comments, questions and suggestions from the floor. In concluding this presentation, Fielding stated that questions and responses to them will be printed out and brought to the meeting the following day. Tom thanked the RAC and the Reserve staff and stated that the zoning maps will remain posted.

XII. ADJOURNMENT

The meeting was adjourned at 3:50 p.m.

January 22, 2004

Day Two

ATTENDEES: [Advisory Council Members]: Paul Achitoff (Conservation); Louis "Buzzy" Agard, Jr. (Native Hawaiian); William Aila (Native Hawaiian); Bill Gilmartin (Research); Gail Grabowsky (Education); Tim Johns (State of Hawai'i); Alvin Katekaru (Pacific Islands Regional Office); Don Palawski for Jerry Leinecke (U. S. Fish and Wildlife Service); Kem Lowry (Citizen-at-Large); Lloyd Lowry (Marine Mammal Commission); Dwight Mathers, (U. S. Coast Guard); Naomi McIntosh (Hawai'i Islands Humpback Whale National Marine Sanctuary); John Muraoka (Department of Defense); Linda Paul (Conservation); Don Schug (Research); Marcia Hamilton for Kitty Simonds (Western Pacific Regional Fishery Management Council); Robert Smith, (NWHI Reserve); Laura Thompson (Conservation); Birgit Winning, (Ocean-Related Tourism). *Absent*: Rick Gaffney (Recreational Fishing); Bobby Gomes (Commercial Fishing); Ray Arnaudo (Department of State); Phillip Taylor (National Science Foundation).

[Alternate Council Members (not representing voting members)]: Isabella Abbott (Native Hawaiian); Athline Clark (State of Hawai'i); Carol Wilcox (Conservation); Matthew Zimmerman (Ocean-Related Tourism).

[NWHI CRER Staff]: Andy Collins; Emily Fielding; Hans Van Tilburg; Kaliko Amona; Moani Pai; Mokihana Oliveira; Randy Kosaki; Sean Corson; Tommy Friel (NOAA Enforcement). [NMSP Staff]: Edward Lindelof; Allen Tom.

[Members of the Public]: Cheri Recchia (The Ocean Conservancy); Dave Raney (Sierra Club); Troy Antonelis (DLNR/DAR); Sonny Dulatre (U.H. at Manoa Student); Cha Smith (KAHEA).

I. OPENING AND REVIEW OF AGENDA

Chairperson Tim Johns called the meeting to order at 9:00 a.m. Changes to the agenda for the day included the deletion of the 1:30 p.m. presentation on the DROP as discussed on Day One and the continuation of the zoning discussion from Day One.

II. OLD BUSINESS

A. Reserve Updates

1. April 29, 2003 Basta Letter. R. Smith stated that at the June 25th RAC meeting it was recommended that the following issues contained in that letter needed no response: (1) permitting activities that are not prohibited, it is not felt that we have the authority to issue permits for activities that are not permitted by the EO; (2) the Discovery Center's is currently operating on a five-day week schedule; a 7-day week schedule is a goal; (3) on the presence of legal counsel at all RAC meetings, the response was that legal counsel would be present as needed; (4) the issue of how best to collect recreational and commercial data is currently being handled by a variety of fishing group discussions; (5) proxy vote by council members is not permitted. R. Smith thought that a formal response would not be necessary and recommended that the decision be left to the RAC. Johns stated that this item would be taken up as an action item later in the day.
2. RAC Amended Charter. R. Smith explained that the charter for the RAC was

due to formally expire on December 5, but because the site was a three-year charter technical amendments and typographical errors were corrected.

3. ROP Update. R. Smith reported that while the document is still in clearance, the process is expected to end sooner than later. A committee will do a comparative tracking version to facilitate comparison of the June 25th document with the version received from Washington, D. C.

4. Science Workshop Update. Randy Kosaki reported on the workshop on the NWHI held on May 13-15, 2003, stating that in December of 2002, a workshop organization of the Reserve, NMSP and partner agencies met to discuss management and research needs. A steering committee was assembled and a list of issues were submitted. Attendance at the workshop was over a hundred, nine breakout groups were established, results of topics were reorganized into initiatives and a summary is in draft form that should be released soon. The group is hoping to convene to identify priority issues and areas of collaboration, and to develop a regional action plan. Kosaki further stated that activities are on hold as the program is operating on a congressional continuing resolution whereby travel funds are not available at this time.

B. Other Items:

1. Letter to Governor Lingle. Johns stated that he sent a note to Governor Lingle thanking her for attending the Science Workshop and that this item would be taken up for action review later in the day.

III. NEW BUSINESS

1. NMSA Reauthorization. R. Smith referred everyone to the Guidelines for Advisory Council Recommendations on National Marine Sanctuaries Act Reauthorization and stated that the last reauthorization for the next five years was in the year 2000. The NMSP is seeking input from every site's Advisory Council and would like to have its top five recommendations, but this is optional. (This would be taken up as an action item later in the day.)

2. Extension of Three-Year Members and Alternates. R. Smith read a memo written to Dan Basta dated December 29, 2003. He explained that the first group of voting RAC members whose terms were to essentially expire were extended for functional continuity through the drafting of the ROP. The same reasoning applies for three-year appointments which began in 2001, to extend one-year beyond their original term until February 2005, due to the designation process.

IV. PUBLIC COMMENT

Johns recognized Cheri Recchia (The Ocean Conservancy); Dave Raney (Sierra Club); Carol Wilcox (Conservation Alternate) and Athline Clark (State of Hawaii).

Recchia commented on preliminary fishing alternatives and zoning, indicating that the matrix is good and shows a broad range of alternatives and encouraged all to remember that even low levels of take can affect the ecosystem. She also encouraged the use of hydrographic data in terms of relations between different genetic structures. In zoning there is a need to have current and future activities as well. Recchia emphasized being very vigilant when it is thought that something is not going to happen, and try not to rely on elements such as distance or cost as a protection measure, and stated that in terms of a closed versus open approach, try not to assume that many problems will be solved, you have to fight for it. She supports an absolutely no take zone, as it is essential for monitoring and ecosystem protection.

Raney remarked that Bruce Wilcox has caught public attention and congratulates him for his candor and bravery. Raney urges the Sanctuary Program to follow the path of the best science appropriate. Regarding the Science Workshop, Raney stated that it is important to have the information that Kosaki spoke of and that although there were theories of science there were many threats and noted the incomplete understanding of the basic nature. Raney also acknowledged there was a fundamental lack of management information.

Carol Wilcox praised Bruce Wilcox's recommendation to establish expert working groups to consist of internationally recognized experts in conservation science and marine protected area design and management, and asked that these persons be identified and brought into the process.

Athline Clark, upon request by Chair Johns, gave a status report on the administrative rules to establish a new marine refuge in the NWHI. She stated that after editing errors the Rules were returned for reapproval to conduct statewide public hearings for its adoption. It is now being held up at the State Department of Business, Economic Development and Tourism within a Small Business Review Council. The goal is to have a public hearing in March 2004, but the law requires a minimum of 30 days notice. If the approval is received by the end of January it could go to public hearing by the middle of March.

Johns called for a break at this time. The group reassembled at 10:45 a.m.

V. CONTINUATION OF DISCUSSION ON ZONING ALTERNATIVES RELATED TO FISHING

Emily Fielding stated that the RAC may proceed in a number of ways. Members may review the maps and comment and take it to a subcommittee meeting. Johns stated that the group may not be ready to narrow it down and noted that direction and guidance need to be given to staff and the subcommittee, and that identifying issues and percentages may be starting points.

Hunter suggested that 30% of no take might be a reasonable target but the question is how big is the area. Johns noted that the Reserve boundaries may not reflect the ecosystem boundary, and that guidance from professionals must be used, including staff as liaison to the RAC. Following further comments, questions and suggestions, it was noted that zoning alternatives be forwarded to the subcommittee for further input and that recommendations be submitted to the RAC at its March meeting.

VI. ACTION ITEMS

A. Motion: To create a RAC Subcommittee for ROP Conversion to contain members and alternates of the RAC.
Proposed by: Laura Thompson
Seconded by: Bill Gilmartin
Unanimously approved.

All RAC members and alternates are available to be on this committee. The following members volunteered to serve: Carol Wilcox; Marcia Hamilton; Gail Grabowsky; Kem Lowry; Cindy Hunter; Linda Paul; Alvin Katekaru; Bill Gilmartin are Paul Achitoff. Other members include the State of Hawaii, members of the Vision/Mission and Fishing Issues Subcommittees, and the chairs of the former working groups who worked on the ROP and are still either RAC members or alternates. The Reserve office would provide staff assistance. Staff was asked to compile this list as described and circulate it to all members via email.

B. Motion: To place the 2005 Reauthorization of the NMSA on the March 2004 RAC meeting agenda for action.
Proposed by: Linda Paul
Seconded by: Don Schug
Unanimously approved.

R. Smith stated that the NMSP is soliciting thoughts and opinions of the various advisory councils. Advisory councils would be given a copy of the act and its amendment chronology. The RAC would develop a strategy in terms of submitting recommendations, which would be forwarded to the Reserve Office and then to the NMSP.

C. Motion: To adopt the revised Mission statement.
Proposed by: Linda Paul
Seconded by: Bill Gilmartin
Unanimously approved.
(Note:The record shows that a few of the non-voting members are not comfortable with the language.)

D. Motion: To adopt the Vision statement.
Proposed by: Bill Gilmartin
Seconded by: Laura Thompson
Unanimously approved.

E. Motion: To adopt Management Principles.
Proposed by: Cindy Hunter
Seconded by: Paul Achitoff
Unanimously approved.
(*Note*: *The record shows that a few of the non-voting members may not be entirely comfortable with the language.)*

F. Motion: To refer Goals and Objectives back to the RAC subcommittee and place it on the RAC March meeting agenda for review and action.
Proposed by: Paul Achitoff
Seconded by: Linda Paul
Unanimously approved.

VII. ANNOUNCEMENTS

A. Basta Letter. There was concensus that a response was not needed.

B. Letter to Governor Lingle. Paul recommended that a letter that updates progress and requests continued support be sent. Johns requested that staff prepare a draft and circulate it to the Council members via email before March where it can either be approved or brought to the Council in March.

C. Minutes. Staff has been instructed to append written comments to the minutes effective with this meeting.

D. Announcement: The first RAC subcommittee meeting for the conversion of the ROP is scheduled for Friday, February 20, at 9:00 a.m. to noon at the Reserve Office in Hawaii Kai.

VIIÎ. ADJOURNMENT

There being no further business the meeting adjourned at 12:40 p.m. The date and venue for the next meeting are to be confirmed.

Written Public Comment Submitted By Cheri Recchia 1/22/04

Re Vision/Mission
Suggest inserting preserve natural character in vision or mission to emphasize the distinction from potential alternatives (such as fisheries management measures which seek deliberately to reduce the abundance of target species to maximize production and result in Maximum Sustainable Yield or Optimum Yield.)

Re Management Principles
Consider adding principle of adaptive management, whereby management effectiveness is continually or regularly assessed and management measures adjusted as needed to ensure goals are met — could simply add this to list in current item 7.

Consider also adding consistency with achieving intergenerational equity, whereby future generations are not adversely affected by the actions of today — could be stand-alone or added to current item 2.

Consider adding a stand-alone principle to the effect that human uses and activities will be prohibited unless specifically authorized, and any authorized activities shall require a permit and be subject to conditions as needed to ensure the primary goals of the sanctuary are met. (Could include a limited number of specific exemptions if needed, e.g., for Native Hawaiian subsistence and cultural practices, Defense activities.) (Note that this must be consistent with existing state, national and international laws.)

Re Goals and Objectives
Under Goal 1 (ecosystem protection)
Consider adding objectives related to:

- protecting and restoring threatened, endangered and depleted species and populations
- conserving endemic species

(These are clearly implied, but adding them as explicit objectives ensures they are not overlooked and elevates their importance).

Also consider adding an objective relating to the development of performance measures to assess progress against this goal. (This could also be an objective under the research and monitoring goal, but putting it here ensures that it is focused on Goal 1.)

Under Goal 4 (research and monitoring)
Consider adding an objective placing priority on the development and implementation of realistic, viable measures to assess effectiveness of management strategies and measures and to support an adaptive management approach based on findings.

Under Goal 6 (closed unless open)
Consider adding an objective re development of conditions for the conduct of allowed activities, which should be attached to the necessary permits, and criteria and procedures for awarding, transferring (if desired) and revoking permits. (This could also be added to current objective D.)

RAC Public Comments, October 16, 2003 – Dave Raney

Aloha Kakou:

My name is Dave Raney. I am a volunteer with the Sierra Club, serving as the Chair of their National Coral Reef Working Group and representing them at meetings of the U.S. Coral Reef Task Force. I am also the Community Outreach Coordinator for Reef Check in Hawaii. And, I am a former member of the RAC, having served as Secretary until my two year term expired.

Apparently someone recognized that I had far exceeded my required hours of service on the RAC, and granted me early retirement. I am enjoying my new role as Free Agent, and look forward to contributing to the work of the RAC in other ways, as I was encouraged to in the letter I received from Robert. I trust this will include continued participation in the RAC Regulations Working Group which I chaired.

I extend my best wishes to my able replacement, Linda Paul, and to others who have newly joined the RAC or have moved from Alternate to Member status. There is much work yet to be done, and the addition of new members can bring fresh ideas and new energy to the work of the RAC. This turnover can also result in a loss of continuity and organizational memory. In this endeavor the devil is in the details, and it takes time and dedication to master those details.

In the brief time allotted me I will alert the RAC to what I consider to be key issues at this point:

1. You are the Reserve Advisory Council, not the Sanctuary Designation Council. Your duties embrace both the full implementation of the Reserve as well as the possible designation of a Sanctuary. I am concerned that progress on Sanctuary designation may be at the expense of progress on Reserve implementation. The RAC has passed more than forty resolutions intended to further this implementation, including specific recommendations on fishing caps, boundaries, surveillance, monitoring, regulations, a permit tracking system, and other elements required for full implementation and enforcement of the Executive Orders enacted almost three years ago. As of this date the Secretary of Commerce has not issued any Records of Decision to implement fishing caps, establish official RPA boundaries, or clarify other issues hampering implementation and enforcement of the Reserve provisions, and the RAC has been notified that the National Marine Sanctuary Program has no intentions of issuing regulations for the Reserve or requiring an access permit to track usage of Reserve waters.

2. Implementation of the Reserve and the Sanctuary Designation Process are not independent processes. The ROP should serve as the framework for any Sanctuary Draft Management Plan, and the Executive Orders require that any Sanctuary must complement or

supplement the Reserve. We put great effort into fashioning a Reserve Operations Plan (ROP) worthy of our signatures, and we submitted this in June. A revised version of this ROP has only recently been submitted to DC for review and eventual public comment. In the meantime the Sanctuary Designation Process proceeds at full speed on a schedule dictated by the March meeting of the Western Pacific Fishery Management Council.

3. The RAC has been told that the National Marine Sanctuary Program supports strong and lasting protection for the NWHI, though not necessarily as contained in the Executive Orders, and such protection would meet the requirement for supplementing or complementing the Reserve.

Here is where we meet the devil in the details. A pledge to uphold the basic freedoms of Americans does not carry the same guarantees as does the specific language of the Constitution and the Bill of Rights. Nor would a mission statement and general goals and objectives for a Sanctuary provide the same level of detailed protection as do the Executive Orders. This is a critical point, because under the National Marine Sanctuary Act, the Western Pacific Regional Fishery Management Council (WPRFMC) is granted the opportunity to propose fishing regulations for the Sanctuary. The Secretary of Commerce must accept these regulations **unless the Secretary finds that the Council's regulations fail to fulfill the goals and objectives of the proposed designation.** Thus far the WPRFMC has failed to amend any of its Fishery Management Plans to be consistent with the Reserve EOs, so **the wording of the goals and objectives for the proposed Sanctuary will be crucial in assuring that the fishing regulations accepted by the Secretary do not undermine the protections afforded by the Executive Orders.**

The Friday agenda shows there will be a discussion of the Vision, Mission, Goals and Objectives for the proposed Sanctuary. Noting the vital importance of the Goals and Objectives, **I urge the RAC to take no binding actions on these items until there has been adequate consultation on the ramifications of the wordings and exploration of acceptable alternatives.**

4. Because the devil is in the details, it will be some time before we will know whether the proposed sanctuary will indeed supplement or complement the Reserve. In the meantime, there are many of us who will engage fully in the ongoing Sanctuary designation process and do our best to assure an outcome that we can support. This is true of folks locally, and elsewhere throughout the Nation and the rest of the planet who recognize the unique values and importance of the Northwestern Hawaiian Islands. Those same folks will strongly oppose a proposed Sanctuary that would undermine existing protections which received wide public support in numerous public hearings.

I urge the RAC to continue its approach of using Working Groups, which allows the participation of non-RAC members such as myself, as you proceed through the Sanctuary designation process. The designation process is important, it affects the future of public trust resources, and broad, rather than narrow, participation should be encouraged. The decisionmaking process should also be conducted in the open, in full compliance with the letter and spirit of the applicable sunshine laws.

Mahalo and best wishes.