

Hawaiian Islands Humpback Whale National Marine Sanctuary



Elia Y. K. Herman
State Co-Manager



What Are National Marine Sanctuaries?



❖ *“Areas of the marine environment with special conservation, recreational, ecological, historical, cultural, archeological, or esthetic qualities...”*



❖ *“To facilitate all private and public uses to the extent compatible with the primary purpose of resource protection...”*



National Marine Sanctuaries Act (Sec. 301)

National Marine Sanctuary System



Scale varies in this perspective. Adapted from National Geographic Maps.

- National Marine Sanctuary
- ▲ Marine National Monument

Hawaiian Islands Humpback Whale

NATIONAL MARINE SANCTUARY



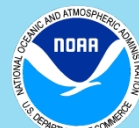
- Five separate protected areas
- From shoreline to depth of 100 fathoms (600 feet)
- 1,400 square miles



 Sanctuary Boundary

0 50 100 Kilometers

0 50 100 Miles



Hawaiian Islands Humpback Whale National Marine Sanctuary



Established by Congress in 1992

Purpose

- ✓ Protect North Pacific humpbacks and their habitat in the Hawaiian Islands
 - Education & Outreach
 - Science and Research
 - Resource Protection
 - Community Engagement

- ✓ Provide for the identification of marine resources and ecosystems of national significance for possible inclusion in the sanctuary



Co-Management

Coordinated management of the Sanctuary



Compact Agreement (signed 1998)

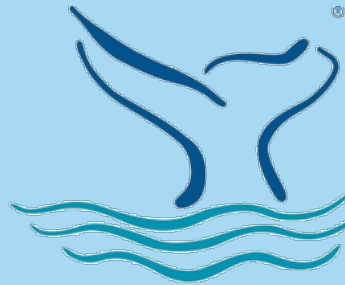
- **NOAA & the State will collaborate in the management of the Sanctuary and its resources**
- **The Governor of Hawaii has not conveyed title to nor relinquished authority over any State-owned submerged lands and waters or other State-owned resources**
- **No sanctuary fishing regulations shall take effect in state waters until established by the BLNR**

Hawaiian Islands Humpback Whale National Marine Sanctuary



Superintendent
Malia Chow

State of Hawai'i Co-Manager
Elia Herman



NATIONAL MARINE
SANCTUARIES
HAWAIIAN ISLANDS
HUMPBACK WHALE

- ~20 Staff
- O'ahu Offices (Ford Island & Punchbowl)
- Maui Office and Visitor Center
- Kaua'i Office

Sanctuary Advisory Council

52 members represent diverse constituent groups from across the state (voting and non-voting)



Sanctuary Advisory Council: Community-Based Advisors



18 Community Representatives + Alternates

- Kaua'i
- O'ahu
- Moloka'i
- Lana'i
- Maui
- Hawai'i



- Fishing
- Native Hawaiian
- Ocean Recreation
- Business/Commerce
- Conservation
- Whale Watching
- Commercial Shipping
- Citizen-At-Large
- Youth Seat (Non-Voting)
- Tourism
- Research
- Education

Sanctuary Advisory Council: Community-Based Advisors



16 State and Federal Agency Representatives

- DLNR
 - Suzanne Case
- DOH
 - Laura McIntyre
- Office of Planning - CZM
 - Leo Asuncion
- State Co-Manager
 - Elia Herman
- DBEDT - Energy Office
 - Veronica Rocha
- DOT Harbors
 - Sandra Rossetter
- OHA (Voting)
 - Keola Lindsey



- NOAA Fisheries
- HIHW
Superintendent
- NMSAS
Superintendent
- PMNM
Superintendent
- NOAA OLE
- USACE
- US Navy
- USCG
- WesPac (Voting)

Management Plan Review (MPR)



- Determine the future direction and scope of the sanctuary
- Address current and emerging issues
- Consider additional protection for marine and cultural resources of national significance

→ Required by Law



Co-Management

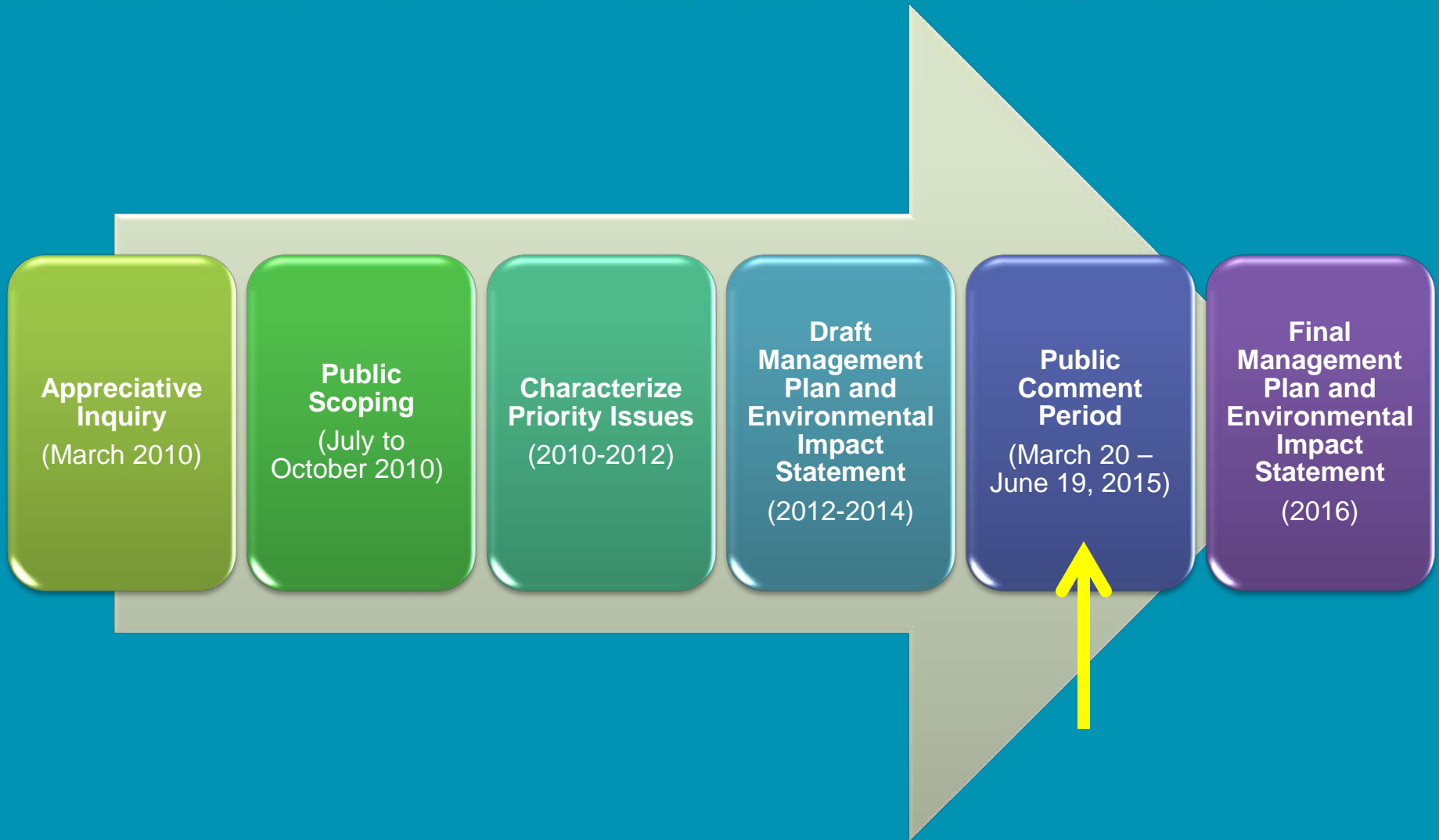
Coordinated management of the Sanctuary



Management Plan Review

- Any proposed change to the Sanctuary Management Plan shall be reviewed in consultation with the State. Where such change includes any new Sanctuary regulation or substantive amendment (as opposed to editorial or technical changes), it shall not take effect in State waters without first obtaining the approval of the Governor.
- The Governor reserves the right to propose changes to the Sanctuary Management Plan

Management Plan Review



Public Scoping + Sanctuary Advisory Council



In **2010** the Sanctuary held **10** public scoping meetings and received over **12,000** submissions.

In **2012** the Sanctuary Advisory Council submitted **9** Working Group Reports with **157** recommended actions for the Sanctuary Management Plan. A total of **153** subject matter experts participated in **64** meetings contributing over **2000** volunteers hours.

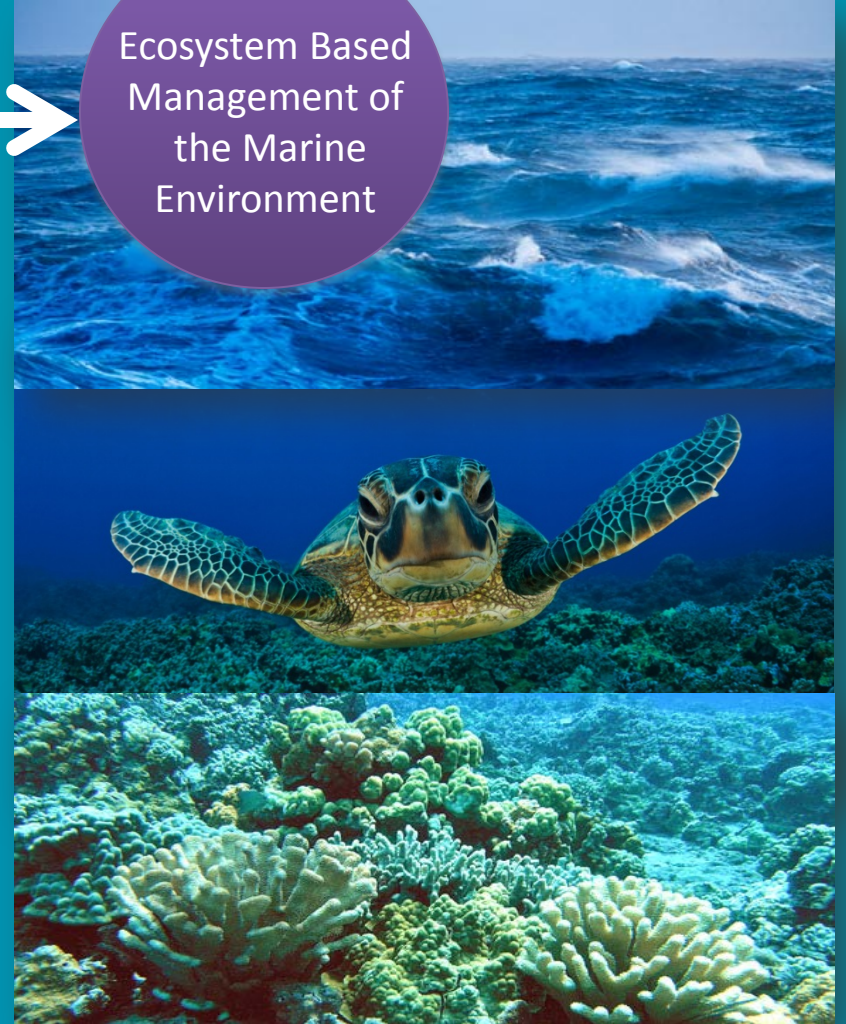


NOAA Proposal: New Management Framework

Single Species
Management
of Humpback
Whales



Ecosystem Based
Management of
the Marine
Environment



New Definition of *Sanctuary Resource*



SANCTUARY RESOURCE means any living or non-living resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, research, educational, or aesthetic values of the sanctuary, including, but not limited to, the substratum of the area of the sanctuary, other submerged features and surrounding submerged lands, carbonate rock, corals and other bottom formations, coralline algae and other marine plants and algae, marine invertebrates, phytoplankton, zookplankton, fish, seabirds, sea turtles and other marine reptiles, marine mammals, and historical and cultural resources

→ Affects the way the National Marine Sanctuaries Act is applied, particularly with respect to damages

Environmental Impact Statement: Range of Alternatives



- Alternative 1: remains Humpback Whale Sanctuary (status quo)
- Alternative 2: shift to **ecosystem-based** sanctuary; expanded boundaries; limited sanctuary-wide regulations + additional regulations in the federal waters of the sanctuary (Penguin Bank + federal waters of Maui Nui)
- Alternative 3 (ONMS preferred alternative): shift to **ecosystem-based** sanctuary; expanded boundaries; limited sanctuary-wide regulations + additional regulations in the federal waters of the sanctuary and the state waters of Maunalua Bay, Oahu
- Alternative 4: shift to **ecosystem-based** sanctuary; expanded boundaries; *all* proposed regulations apply to *all* federal and state sanctuary waters

Management Plan Review

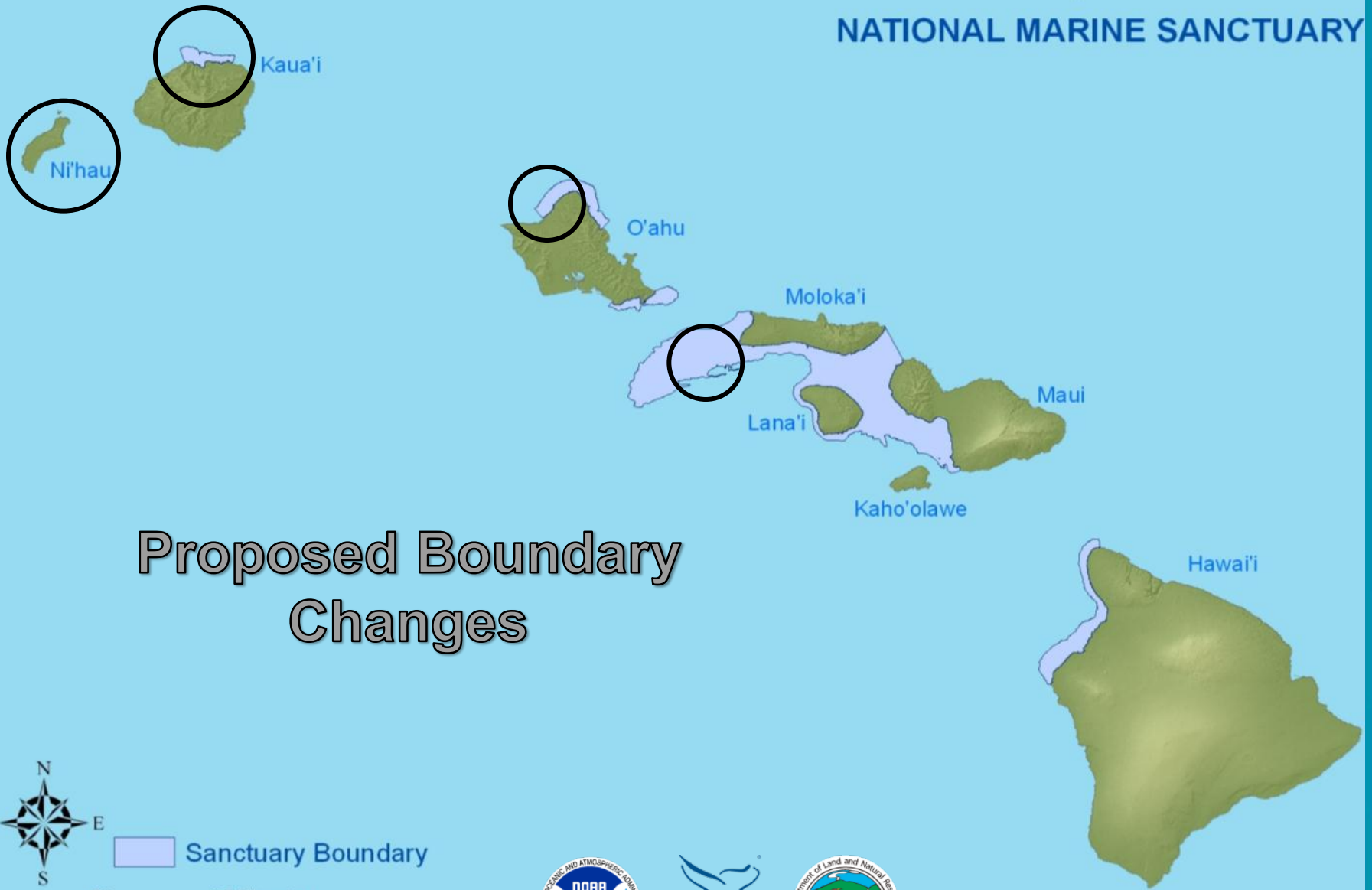


Boundaries reviewed & revised

- Establishing new sanctuary boundaries around Ni'ihau out to 3 mi
- Aligning boundary with the ahupua'a of Ha'ena on Kaua'i
- Aligning boundary with the ahupua'a of Pila'a on Kaua'i
- Extending boundary ~1.5 miles up the Hanalei River on Kaua'i (Alternative 4)
- Extending boundary to Ali'i Beach on the North Shore of O'ahu
- Extending the boundary around the ledges on the south end of Penguin Bank

(see map next page)

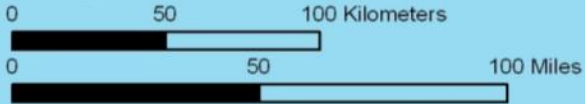
Hawaiian Islands Humpback Whale NATIONAL MARINE SANCTUARY



Proposed Boundary
Changes



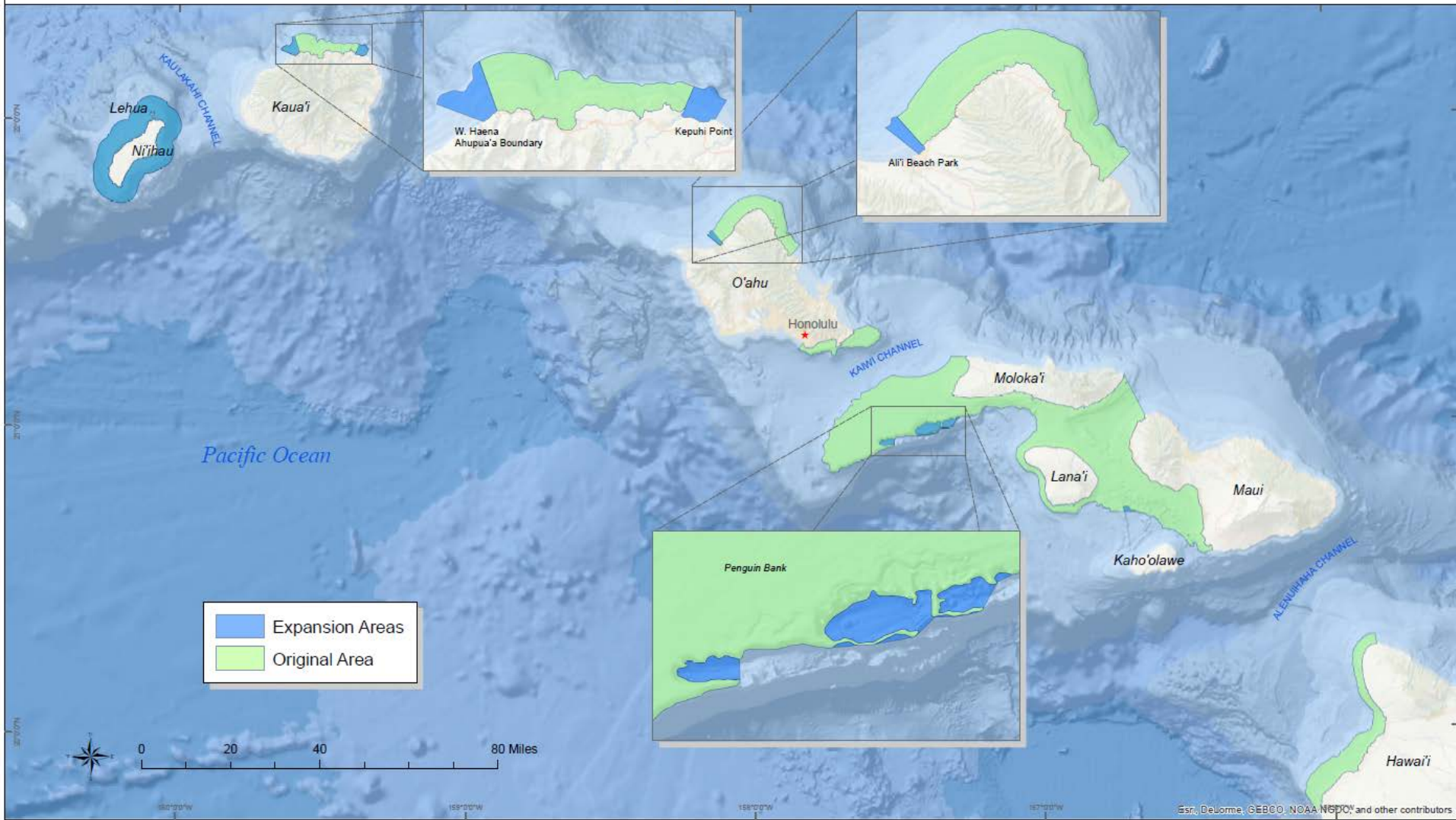
Sanctuary Boundary



PROPOSED EXPANSION

Hawaiian Islands Humpback Whale National Marine Sanctuary

March 2015



Management Plan Review



Boundaries reviewed & revised

Regulations reviewed & revised

Proposed Sanctuary Regulations



- Prohibits approaching by any means a humpback whale within 100 yards (clarifies to address “leap-frogging”)
- Prohibits operating any aircraft above the Sanctuary within 1,000 feet of humpback whale (existing)
- Prohibits taking or possessing humpback whales
- **Prohibits removing, damaging, or tampering with any historical or cultural resource within the sanctuary**
- **Adds authority to issue sanctuary permits and authorizations (see separate slide)**
- Prohibits alteration of seafloor in an SSMA
- Prohibits discharging or depositing materials in an SSMA
- Prohibits discharge from outside sanctuary that enters and injures a sanctuary resource in an SSMA
- Prohibits taking or possessing any protected species in an SSMA
- Prohibits using explosives in an SSMA
- Prohibits introducing or release introduced species in an SSMA

note: exemptions are not listed

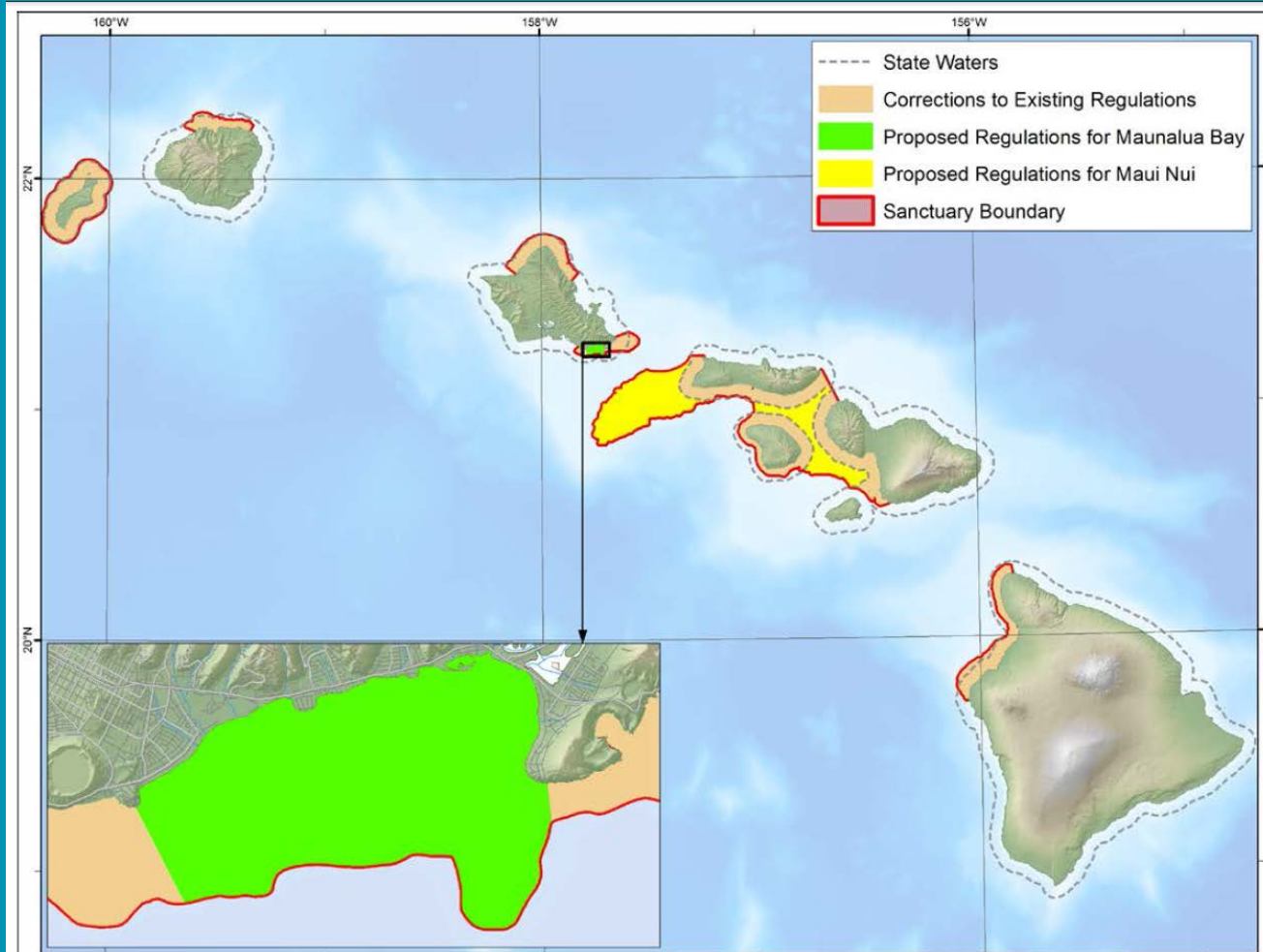
**Special Sanctuary Management Area (SSMA) =
Maui Nui; Penguin Bank; Maunalua Bay, Oahu**

Sanctuary wide

**SSMA only in Alt 3
Sanctuary wide in Alt 4**

Special Sanctuary Management Areas

Discrete areas within the sanctuary with additional *place-based regulations*



Maui Nui
(outside 3 miles)

Penguin Bank
(outside 3 miles)

Maunalua Bay,
O'ahu

*note: boundaries delineated in red on map include existing and proposed boundaries (e.g., Niihau is a proposed boundary)

Proposed Sanctuary Regulations: Permits and Authorizations



Permits

- General Permits (4 Categories)
 - Research
 - Education
 - Management
 - Installation of submarine cables
- Special Use Permits (e.g., fireworks, cremated human remains, placement and recovery of objects, etc.)

Authorizations

- Provides the sanctuary with the ability to authorize, object to and/or add conditions to other Federal, State, or Local leases, permits, licenses, approvals or other authorizations

Management Plan Review



Boundaries reviewed & revised

Regulations reviewed & revised



Management Plan revised & expanded
to include new focus & partnerships

Action Plans



Understanding and Managing Species & Habitats

Resilience to Climate Change

Water Quality Protection

Living and Evolving Cultural Traditions

Maritime Heritage

Compliance and Enforcement

Sustainable Use

Ocean Literacy

Community Partnerships

Sanctuary Focus Areas
(see next page)

Assessing Progress

Operational Foundation

Emergency Preparedness and Damage Assessment



Sanctuary Focus Areas

Discrete areas within the sanctuary with specific *place-based management actions*



Ni'ihau

Pila'a, Kaua'i

Southern Maui Nui

Maunalua Bay, O'ahu

Timeline and Next Steps

