



STATE ENVIRONMENTAL COUNCIL

DEPARTMENT OF HEALTH, STATE OF HAWAII
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(Ex Officio)

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Maka'ala Ka'auomoana
P. Ka'anohi Kaleikini
Koalani Kaulukukui
Robert Parsons
Charles Prentiss
Ron Terry
Glenn Teves
N. Mahina Tuteur

Environmental Council Meeting July 15, 2016, 1:30-3:30 PM

Meeting Location – Leiopapa A Kamehameha Building, 15th Floor Conference Room

Minutes

Members Present: Joseph Shacat (Chair), Scott Glenn (Vice-Chair), Roy Abe, Maka'ala Ka'auomoana, P. Ka'anohi Kaleikini, Robert Parsons, Charles Prentiss, Ron Terry, N. Mahina Tuteur

Members Absent: Koalani Kaulukukui (Holdover), Glenn Teves (Holdover); 4 seats unfilled

Guests/Speakers: None

OEQC Staff: Leslie Segundo

Public: Eric Kingma, Western Pacific Fishery Management Council; Inga Gibson, Humane Society of the United States; Gerrit Osborne, individual; Kika Bukoski, HIRM; Ronald Tam, Hawai'i Fishermen's Alliance for Conservation and Tradition; Matt Ross, individual; Stacy Evensen, Fish Means Food; Shyla Moon, Hunting, Farming, and Fishing Association; Jessica Wooley, individual; Robert Richmond, Kewalo Marine Lab; Marjorie Ziegler, Conservation Council for Hawai'i; Cathrina Cadiente, Pig Hunters Association of O'ahu; Gail Grabowsky, Northwest Hawaiian Islands Coral Reef Advisory Council

Note: Bolded items below were on the posted agenda. Text not in bold is the summary discussion.

1. **Call to Order, Roll Call, Quorum**

- a. Chair Shacat called the meeting to order at 1:31 pm with a quorum of nine members. Member Kaleikini notified the Council she would have to leave at 2:00 pm.
- b. Councilmembers and members of the public present at the beginning of the meeting introduced themselves.

2. **Executive Session**

- a. Follow-up regarding a Councilmember's statements at previous meeting
 - i. The Council entered into executive session at 1:34 pm and adjourned at 1:39 pm.

3. **Review and approval of prior Meeting Minutes**

- a. Meeting on May 10, 2016
 - i. Minutes were not ready for review so were deferred to the August 2016 meeting.
- b. Meeting on June 23, 2016
 - i. Member Prentiss moved and Member Ka'auomoana seconded to approve the minutes.
 - ii. Member Abe recommended a minor edit for clarification.
 - iii. No members of the public offered comments.
 - iv. The vote was unanimous (9 ayes).

4. Director's Report

a. Secretary recruitment efforts

- i. OEQC is still recruiting a secretary.

b. Office modernization efforts

- i. OEQC received conference cameras but the invoice was not entirely correct so the cameras cannot be used. Director Glenn expects this to be resolved for the August 2016 meeting.

5. Information and Outreach Committee:

a. Public forum/informational meeting to discuss safety risks with streams and nearshore waters

- i. Member Abe reported that Rafael Bergstrom of the Surfrider Foundation presented Surfrider's perspective on streams and public health. The committee also discussed water quality sampling for sunblock. The Department of Health (DOH) wants data from a certified laboratory and the DOH state laboratory is the only certified one in Hawai'i. The committee discussed evidence of direct health harms from the absence of signs by streams. The attendees felt there was consensus on the need for better education, warning on water quality issues, and that more can be done. The committee encouraged Surfrider to collaborate with DOH to agree on a message for education. No future meeting is set at this point but the committee intends to pursue this discussion after the World Conservation Congress. The committee is considering to invite DOH staff members to share their perspective.

6. Update on Environmental Council previous pesticide recommendations

- a. OEQC has not received a response to its letters. Director Glenn contacted the agencies and they told him that letters are in progress.

7. Proposal to expand the Papahānaumokuākea Marine National Monument (PMNM)

a. Draft letter from Environmental Council to President of the United States

- i. Chair Shacat presented his draft letter for the Council's consideration.
ii. Member Terry moved and Member Ka'auomoana seconded to accept the letter as drafted by Chair Shacat.

b. Discussion of the motion

- i. Chair Shacat asked Member Kaleikini for her thoughts because she had to leave soon. Member Kaleikini supported the letter as drafted.
ii. Chair Shacat requested members of the public to present their testimony to the Council on the motion. He asked testifiers to keep their comments within five minutes so that everyone can have the opportunity to speak and time be available for the Council to debate and decide. Councilmembers would be allowed to ask follow up questions to each testimony. Chair Shacat said he would call on testifiers in the order they signed up on the attendance sheet.
iii. Eric Kingma, Western Pacific Fishery Management Council (WESPAC)
1. Comments: Mr. Kingma testified that he has been a staff member of WESPAC for 13 years and a specialist in National Environmental Policy Act (NEPA) compliance. His concern is that the expansion proposal is not supported by the best available information with respect to highly migratory pelagic fishes. He noted that fishing provides healthy food for local people and that the existing boundaries of the PMNM are sufficient to protect coral. The best conservation method for traveling species is through fisheries management. The quota for big-eye tuna

is being met faster but with the same level of effort as in the past. The irony of the Antiquities Act is that it bypasses mandatory public engagement. He requested that the Council ask the President to undertake a NEPA environmental impact statement for the proposed expansion. He noted that longline fishing is the only use that currently occurs in the proposed expansion area.

2. Questions:
 - a. Member Terry asked, notwithstanding the lack of mandatory public involvement, whether there were any aspects of the expansion that Mr. Kingma supports. Mr. Kingma replied that personally he thinks it could be helpful with restricting seabed mining, but that is not within the responsibility of WESPAC so it is not his place to speak about that.
 - b. Director Glenn asked why the quota was happening faster despite no change in method. Mr. Kingma responded that there are multiple factors, such as lingering El Niño conditions and international management efforts.
- iv. Member Kaleikini left at 2:04 pm. Quorum is maintained with eight members.
- v. Inga Gibson, Humane Society of the United States
 1. Comment: Ms. Gibson stated her strong support for the proposed expansion. She thanked Chair Shacat for the draft letter.
 2. Questions: None.
- vi. Gerrit Osborne, Individual
 1. Comments: Mr. Osborne shared that his heritage is both kama'āina and missionary. He expressed support for the proposed expansion to create a world class marine sanctuary.
 2. Questions: None.
- vii. Kika Bukoski, Individual, made no comment.
- viii. Ronald Tam, Hawai'i Fishermen's Alliance for Conservation and Tradition
 1. Comments: Mr. Tam noted that the federal Council on Environmental Quality (CEQ) is coordinating with NOAA on the public information meetings, which are planned to be held on August 1 (in Waipahu) and August 2 (on Kaua'i). He stated that the need for expansion is unclear and suggested that the proposed expansion would be a major abuse of the Antiquities Act. There is no science to support it and that extending the PMNM beyond its present 50 miles provides no benefit to protecting coral. He noted that Congress is considering a bill that would preclude federal funding for any monument that is declared. He asked who will enforce the border and does not believe that the Navy or Coast Guard will do this. He believes the likely result is that illegal fishing will occur. He stated that without a baseline study, there is no basis to measure the effectiveness of the proposed expansion.
 2. Questions: None.
- ix. Matt Ross, Individual and nearshore commercial aquarium fisherman
 1. Comments: Mr. Ross commented that he was concerned about the Council when it looked at aquarium fishing last year. As a nearshore commercial fisherman, he only fishes in local waters. He believes that fishermen protect the ocean and are able to do this when they have a regulatory and policy framework that allows them to do their jobs.

Fisheries management in state waters is not the best; activities are lightly regulated and the science needed to manage properly is not being done. The federal government has the science and resources to do fishery management better. Our long-line fishery is a model for the rest of the world. We need consistent, evidence-based policy. With the Antiquities Act, the President can wipe out business with the stroke of a pen. We need more certainty and doing it this way is not a good model for the rest of the world. Scientific evidence does show that conservation can help with climate change resiliency. He stated that science-based management of the longline fishing industry should be preserved.

2. Questions: None.

x. Stacy Evensen, Fishing Means Food

1. Comments: Ms. Evensen thanked the Council for putting this motion on the agenda and providing opponents of the proposed expansion the opportunity to speak. Her organization represents fishermen, restaurateurs, and the business community. They are concerned about how quickly the government is moving to close off fishing from about 580 square miles of productive waters. The United Nations Food and Agriculture Organization rates Hawai'i's fishery as 98% in compliance and regards Hawai'i to be the gold standard among fisheries. Also, Hawai'i imports about 90% of food while 80% of fish caught by long-liners is eaten in state. She stated that there is no conservation benefit if waters are closed to fishing. She asked why would the government punish those playing by the rules for fishery management. The world-standard fishery is in Hawai'i. She asked why not use that as an example to rest of world at the World Conservation Congress.

2. Questions: None.

xi. Shyla Moon, Hunting, Farming, and Fishing Association

1. Comments: Ms. Moon said that her organization's motto is "We feed Hawai'i". The Council's role is to advise the Governor on matters of the environment. Why has the Governor not said anything? She thinks it is inappropriate for the Council to write a letter to U.S. President Obama, as the Council is a state board. She asked the Council to write a letter to the Governor rather than the President. Before coming to this meeting, she attended a rally that was well-attended, including former Governor Ariyoshi and Office of Hawaiian Affairs (OHA) Trustee Peter Apo. The loss of fishing waters is a concern to many people and should not be taken lightly. She is against the expansion as originally proposed and as amended by Senator Schatz. She has friends who are affected by the monument.

2. Questions:

- a. Member Parsons asked why she was opposed to the revised map. Ms. Moon answered that she felt that compromising was not appropriate, although she is aware that others feel differently.

- b. Member Abe asked her to clarify that her testimony in opposition also applied to the new proposed boundary. She replied that it is.
- xii. Mr. Kingma clarified that the map proposed by Senator Schatz is not the administrative proposal yet.
- xiii. Jessica Wooley, Individual
 - 1. Comments: Ms. Wooley thanked the Council for the opportunity to speak and for drafting the letter. She believes this issue is the responsibility of the Council and that it can write a letter to the President. She requested the letter be amended to not state that loss of access would cost the long-line fishing industry \$10 million per year and that 5-10% of their activity occurs within the Exclusive Economic Zone (EEZ). She also recommended adding additional names to the copied list at the end of the letter, such as the CEQ, NOAA, Coast Guard, the Hawaii congressional delegation, and the Hawaii State Legislature. She noted that the proposed expansion has been debated in many public forums and that OHA supports the expansion even though Trustee Apo is against it. She also noted that Civil Beat published an editorial today encouraging the Council to support the proposed expansion.
 - 2. Questions: None.
- xiv. Robert Richmond, Director of Kewalo Marine Laboratory
 - 1. Comments: Mr. Richmond is a marine scientist. He said that the opportunity to protect this much of the ocean will not come around again. He stated that any claims that the expansion is not supported by the science are simply wrong. As many as 1,500 scientists have signed on in support of the proposed expansion. The fishing community would benefit the most from the proposed expansion, due to the greatly increased fertility of "Big Fat Females," which are expected to increase in numbers after the expansion. As a signal to the importance of creating marine protected areas, Palau recently placed 80% of their Exclusive Economic Zone into protected area. He stated that with this proposal, Western science and traditional ecological practices are in harmony. Expansion to the 200 mile boundary would make it easier to enforce, because it would be easier to see boats that enter the boundary as they approach the Northwest Hawaiian Islands.
 - 2. Questions:
 - a. Director Glenn asked the same question he asked Mr. Kingma—why is the quota for the big-eye tuna being met faster if there's no change in method. Mr. Richmond replied that he believes it is the combination of factors such as those described by Mr. Kingma as well as the success of marine protected areas such as the proposed expansion.
 - b. Director Glenn asked if Mr. Richmond could speak to a recent article published in Nature magazine stating that fishery management was more effective than marine protected areas. He was not familiar with that specific article but he noted that NOAA and WESPAC oversaw the collapse of the

- lobster fishery in the Northwest Hawaiian Islands by playing by the rules, so fishery management is not sufficient either.
- c. Director Glenn asked about competition outside the EEZ for Hawai'i's fishermen. Mr. Richards said that competition will still occur and fishermen will still be able to meet their quotas.
 - d. Member Terry asked about the lack of an environmental impact statement and whether one should be prepared. Mr. Richmond stated that the data already exists and doing one would not provide more information than we already have. He stated that the Antiquities Act does not require one and that is time to make a bold move given the issues we face.
- xv. Marjorie Ziegler, Conservation Council for Hawai'i
1. Comments: Ms. Ziegler said that she mainly focuses on terrestrial matters but recently engaged on this. She realized that not all fishermen are one group. She believes that long-line fishing is not sustainable. Given the increasing speed of reaching the quota, the loss of fishing waters will impact their business marginally. She is concerned about small-scale fishermen and that the challenge of enforcing the expanded PMNM. The proposed expansion would protect the seascape for Wayfinding and Polynesian Navigation. Enforcement is always a challenge, but that is no reason to not do anything.
 2. Questions: None.
- xvi. Cathrina Cadiente, Pig Hunters Association of O'ahu
1. Comments: Ms. Cadiente spoke in favor of fishing. She did not state a clear position for or against the proposed expansion.
 2. Questions:
 - a. Member Parsons asked her to clarify if she was for or against the proposed expansion. She replied that she believes more education is needed and that people need to work together more.
- xvii. Gail Grabowsky, Director of Environmental Studies at Chaminade University; Member, Northwest Hawaiian Islands Coral Reef Advisory Council
1. Comments: Ms. Grabowsky spoke in full support of the letter. She expressed concern about the impact of long-line fishing on bird populations. As a member of the Northwest Hawaiian Islands Coral Reef Advisory Council, she represents the academic community. That group has operated under the mantra of bringing the place to the people, rather than bringing the people to the place. The research that has been done, including some of the videos that have been released, show the value of the existing monument. There is evidence that yellowfin tuna actually spawn in the Northwest Hawaiian Islands, so this group could directly benefit from the proposed expansion.
 2. Questions: None.
- c. Discussion by the Council on the proposed motion
- i. Member Ka'auomoana stated that the Kaua'i fisherman helped shape the new proposed map. She said that many local families with roots on Nihoa live on Kaua'i. She supports the letter.

- ii. Mr. Prentiss said that he is strongly in support of expanding the PMNM. Doing so will give us more international clout to affect additional international conservation measures. He described the current management structure of the PMNM and believes that having OHA as a co-manager is sufficient. He does not support the letter stating that OHA should be added as a fourth co-trustee to the PMNM. He believes the case has not been made for adding them and is questioned whether it was the Council's responsibility to comment on the federal administrative function of the PMNM.
- iii. Chair Shacat said he believes it is important to recognize Native Hawaiian culture and their historic connection to the islands in the PMNM. Their culture deserves the same level of benefit and trust as the natural resources. Because of that, OHA is the appropriate agency to help manage the cultural resources in the PMNM.
- iv. Director Glenn also spoke in support of adding OHA as a co-trustee for the same reasons that Chair Shacat said.
- v. Several Members expressed their opinion that the Council can write a letter directly to the President and can inform the Governor via copy of the letter as well as Director Glenn speaking to the Governor.
- vi. Director Glenn noted that it was 3:30 PM and the scheduled end time for the meeting had arrived. Chair Shacat asked if anyone objected to extending the meeting to complete this agenda item. There were no objections. The meeting continued with a quorum of eight members present.
- vii. Member Parsons stated that the second-to-last paragraph of the letter, which discusses the impact that the proposed expansion will have on the longline fishing industry, should be deleted. After lengthy discussion, Chair Shacat proposed the following amendments to the letter:
 1. To delete the reference to the monetary value of the longline fisheries catch within the proposed expansion area and remove the words "relatively small" from the second-to-last paragraph.
 2. To delete the paragraph that supports elevating OHA to co-trustee in its entirety, in order to secure passage of the motion given Member Prentiss's previous testimony in strong opposition to that paragraph and the need for a unanimous vote due to the number of members present.
 3. To replace the word "represent" in the second paragraph to "constitute."
 4. To add the following people to the "cc" list at the end of the letter:
 - Brian Deese, Senior Advisor to the President, White House Executive Office
 - Christy Goldfuss, Managing Director, White House Council on Environmental Quality
 - Hawai'i State Legislature
 - Hawai'i Congressional Delegation
 - Suzanne Case, Chair, Department of Land and Natural Resources, State of Hawai'i
 - The Honorable Sally Jewel, Secretary of the Interior
 - The Honorable Penny Pritzker, Secretary of Commerce
 - Dr. Kathy D. Sullivan, Under Secretary of Commerce of Oceans & Atmosphere and NOAA Administrator

- viii. Member Terry moved to revise his motion to incorporate the changes noted above, and Member Ka'auomoana seconded the revised motion. Chair Shacat opened the floor to public comments on the proposed amendments to the letter.
 1. Ms. Ziegler and Ms. Wooley expressed strong support for including the OHA paragraph.
 2. Ms. Ziegler stated that the reference to "10% of the total catch" is not accurate.
 3. Mr. Kingma suggested "approximately 10% of the annual catch over the last five years" as more accurate language.
 - ix. After hearing the public testimony, Chair Shacat proposed to replace "10% of the total catch" with "approximately 10% of the annual catch over the last five years." Chair Shacat also proposed to add the OHA paragraph as originally written.
 - x. Member Terry moved to revise his motion to incorporate the changes noted above, and Member Ka'auomoana seconded the revised motion. Chair Shacat called the vote by rollcall. The vote was 7-1, with Member Prentiss voting no. The motion failed.
 - xi. Member Prentiss moved and Member Parsons seconded that the letter be approved as amended to remove the paragraph recommending OHA. Chair Shacat called the vote by rollcall. The vote was unanimous (8 ayes). The motion passed.
- 8. Report from Councilmember Ka'auomoana on the 13th International Coral Reef Symposium**
 - a. Postponed
 - 9. Preliminary planning for Environmental Council strategic planning session**
 - a. Postponed
 - 10. Next Meeting Agenda – Public comment on issues for consideration for Environmental Council's next meeting agenda**
 - a. Postponed
 - 11. Adjournment**
 - a. Chair Shacat adjourned the meeting at 3:53 pm.