



**NATIONAL MARINE
SANCTUARIES**

**Hawaiian Islands Humpback Whale
National Marine Sanctuary
Management Plan**

August 2002

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Ocean Service
National Marine Sanctuary Program





About this Document

This document is the revised management plan for the Hawaiian Islands Humpback Whale National Marine Sanctuary. This plan will serve as the primary management document of the Sanctuary for the next five years.

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Executive Summary



Current Status

This document is the revised management plan for the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS), resulting from a recent five-year review of the Sanctuary since the implementation of its final regulations in 1997. This plan has been prepared by the National Oceanic and Atmospheric Administration (NOAA), in cooperation with the State of Hawai'i, and will serve as the primary management document of the Sanctuary for the next five years.

History

The Hawaiian Islands Humpback Whale National Marine Sanctuary was Congressionally designated by the Hawaiian Islands National Marine Sanctuary Act (HINMSA) on November 4, 1992 (Subtitle C of Public Law 102-587, the Oceans Act of 1992). On Friday, March 28, 1997, the final regulations were published in the *Federal Register* (62 FR 14799), and they and the final management plan became effective on June 2, 1997.

At the time of designation, NOAA made a commitment to the State of Hawai'i that five years after the management plan and regulations had become effective, NOAA, in consultation with the State of Hawai'i, would evaluate the progress made toward implementing the management plan, regulations, and goals for the Sanctuary. NOAA also agreed that after the evaluation was complete, NOAA would then resubmit the management plan and regulations in their entirety, as far as they effect State waters, to the Governor for his approval. This revised management plan is the result of the five-year evaluation and will be submitted to the Governor.

Original Management Plan

The specified requirements of the Sanctuary's original management plan were compatible with the overall Sanctuary management concept embodied in the NMSA, and its implementing regulations (15 CFR Part 922), which require that a management plan be prepared for each national marine sanctuary. The HINMSA required NOAA to comply with the National Marine Sanctuaries Act (NMSA) in developing the management plan and implementing regulations.

The original management plan defined actions tailored to specific issues affecting the Sanctuary. The plan recognized the need for facilitating human uses of the Sanctuary compatible with the primary purpose of protecting humpback whales and their habitat. Successful implementation of the original management plan required continuing cooperation and coordination among many Federal, State, and county agencies and representatives, as well as private organizations and individuals.

The original management plan was designed to provide guidance for management of the Sanctuary for the first five years of its operation. During this period, management initiatives generally fell into five fundamental program areas: resource protection, research and long-term monitoring, education and outreach, administration, and enforcement. In general, the management plan:

- focused on Sanctuary goals and objectives, management responsibilities, and guidelines for the





- resource protection, research, education, and administration programs of the Sanctuary; and
- established an administrative framework which addresses the need for cooperative and coordinating programs and activities with other Federal and State agencies, as well as private organizations and interested citizens to ensure effective management of the Sanctuary.

Revised Management Plan

In reviewing the original management plan in preparation for the five-year review by the National Marine Sanctuary Program (NMSP) and the State of Hawai'i, it became clear that although a completely rewritten management plan was not necessary, some restructuring and revising of the document would be beneficial to the Sanctuary. First, the Sanctuary has accomplished many of the tasks listed in the original management plan. Second, the goals and objectives originally outlined needed to be revised to reflect the current and future direction of the Sanctuary, and the recent amendment of the NMSA. Finally, the structure of the original management plan did not follow the formats developed in the last three years for ongoing management plan reviews at other Sanctuaries. Consequently, the NMSP and the State of Hawai'i decided to revise certain parts of the original management plan and reformat the document during the five-year review.

The revised management plan was written to support the Sanctuary's revised vision statement:

The Sanctuary works collaboratively to sustain a safe and healthy habitat for the North Pacific stock of humpback whales (*koholā*). As a community of ocean stewards, the Sanctuary strives to achieve a balance of appropriate uses, inspired care-taking, enlightened understanding, and effective education to ensure the continued presence of the *koholā* for future generations. The Sanctuary endeavors to do this with harmony, hope, respect, and *aloha o ke kai* (love of the sea).

The revised management plan will guide the operation of the Sanctuary for the next five years, helping the Sanctuary set budget and project priorities each year for the preparation of its annual operating plan. The annual operating plan is prepared by on-site and headquarters staff, and presents a more detailed description of how the Sanctuary will operate for that fiscal year. Timelines and annual estimated costs are presented in this revised management plan to assist staff in the development of their annual operating plan; assist the Sanctuary Advisory Council (SAC) in advising management on priority issues; and help the public to better understand the approximate timeframes and costs to carry out the strategies and activities presented throughout the plan.

The draft revised management plan was prepared by NOAA and the State of Hawai'i, and released for public review on March 19, 2002, for approximately 60 days (67 FR 12525). During that time, seven public meetings were held in the main Hawaiian Islands, on O'ahu, Kaua'i, Maui, two on Hawai'i (the Big Island), Lāna'i, and Moloka'i. Approximately 70 people attended and over 300 comments were collected. During the same time period, approximately 40 written comments were received by email and regular mail. A synthesis of comments is available on the Sanctuary's website at www.hihwnms.nos.noaa.gov/planreview/ (please see Appendix 4 for a response to the comments received).

In response to staff, SAC, and public comments, a number of changes were made to produce this final revised management plan. A description detailing the public meeting process for the five-



Executive Summary

year management plan review has been added. In response to the overwhelming public comments received to protect additional resources and species, the process to include new species has been accelerated and better detailed. The intent to develop a cultural protocol to respond to strandings has been incorporated into Strategy CRE-2 *Nurture increased public awareness and appreciation of traditional Hawaiian values and practices related to ocean use*. Two new appendices, the Final Rule as published in the *Federal Register* on November 19, 1999, detailing the Sanctuary's boundaries and regulations, and the response to comments received, have been incorporated as Appendices 2 and 4 respectively. The remainder of changes were minor and include such information as updating partner lists and the inclusion of cost estimates.

The revised final management plan does not include any regulatory or boundary changes.

Action Plans

Five action plans are contained in this revised management plan:

- Natural Resource Protection
- Education and Outreach
- Research and Monitoring
- Cultural Resource Enhancement
- Administration

Table 1 summarizes the strategies and activities in each action plan.



Table 1: Summary of Action Plan Strategies

Action Plan	Strategies
Natural Resource Protection	<p>NRP-1: Assess and clarify the Sanctuary's role in contingency planning, emergency response, and damage assessment activities.</p> <p>NRP-2: Enhance project and permit review procedures.</p> <p>NRP-3: Obtain and share relevant information on Sanctuary uses, use policies, and regulations.</p> <p>NRP-4: Reduce violations of Sanctuary regulations.</p> <p>NRP-5: Develop and implement a process that identifies and evaluates resources for possible inclusion in the Sanctuary.</p>
Education and Outreach	<p>EO-1: Assess, enhance, and implement existing education and outreach programs.</p> <p>EO-2: Develop and implement new education and outreach programs.</p> <p>EO-3: Support current functions and activities of the Sanctuary's volunteer program.</p> <p>EO-4: Provide additional opportunities for volunteer participation in Sanctuary activities and events.</p>
Research and Monitoring	<p>RM-1: Characterize and monitor the central North Pacific stock of humpback whales.</p> <p>RM-2: Characterize and monitor the habitat and behavior of humpback whales including the natural and anthropogenic factors affecting them.</p> <p>RM-3: Improve the administration of research projects.</p> <p>RM-4: Enhance communications among researchers, between researchers and resource managers, and between researchers and the general public.</p>
Cultural Resource Enhancement	<p>CRE-1: Conduct and facilitate Native Hawaiian events and traditions.</p> <p>CRE-2: Nurture increased public awareness and appreciation of traditional Hawaiian values and practices related to ocean use.</p>
Administration	<p>AD-1: Continue and enhance Federal-State co-management of the Sanctuary.</p> <p>AD-2: Establish agreements for coordination among agencies and organizations relevant to Sanctuary management to better protect humpback whales and their habitat.</p> <p>AD-3: Enhance opportunities for Sanctuary Advisory Council participation in planning, education, research, and other appropriate activities.</p> <p>AD-4: Enhance the staffing and personnel resources of the Sanctuary.</p> <p>AD-5: Augment the physical infrastructure of the Sanctuary.</p>



Introduction



History

The Hawaiian Islands Humpback Whale National Marine Sanctuary (Figure 1) was Congressionally designated by the Hawaiian Islands National Marine Sanctuary Act (HINMSA) on November 4, 1992 (Subtitle C of Public Law 102-587, the Oceans Act of 1992).

At the time of designation, the National Oceanic and Atmospheric Administration (NOAA) made a commitment to the State of Hawai'i that five years after the management plan and regulations had become effective (June 1997), NOAA, in consultation with the State of Hawai'i, would evaluate the progress made toward implementing the management plan, regulations, and goals for the Sanctuary. NOAA also agreed that after the evaluation was complete, NOAA would then resubmit the management plan and regulations in their entirety, as far as they effect State waters, to the Governor for his approval. This revised management plan is the result of the five-year evaluation and has been submitted to the Governor.

Sanctuary Purposes

Section 2304 of the HINMSA establishes the Sanctuary's purposes as follows:

- to protect humpback whales and their habitat within the Sanctuary;
- to educate and interpret for the public the relationship of humpback whales to the Hawaiian Islands marine environment;
- to manage human uses of the Sanctuary consistent with the HINMSA and National Marine Sanctuaries Act (NMSA); and
- to provide for the identification of marine resources and ecosystems of national significance for possible inclusion in the Sanctuary.

These purposes are consistent with the overall goals and objectives of the National Marine Sanctuary Program (NMSP), which are to:

- enhance resource protection through comprehensive and coordinated conservation and management;
- maintain the natural biological communities in Sanctuaries, and to protect and, where appropriate, restore and enhance natural habitats, populations, and ecological processes.
- support, promote, and coordinate scientific research on, and monitoring of, site-specific marine resources;
- enhance public awareness, understanding, appreciation, and wise use of the marine environment; and
- facilitate to the extent compatible with the primary objective of resource protection, public and private uses of national marine sanctuaries.

Purposes of the Management Plan

In addition to designation of the Sanctuary, Section 2306 of the HINMSA required that NOAA prepare, in consultation with interested persons and appropriate Federal, State, and local authorities, a comprehensive management plan and implementing Sanctuary regulations, in accordance with the NMSA, to achieve the purposes and objectives of the Sanctuary.

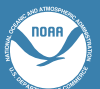
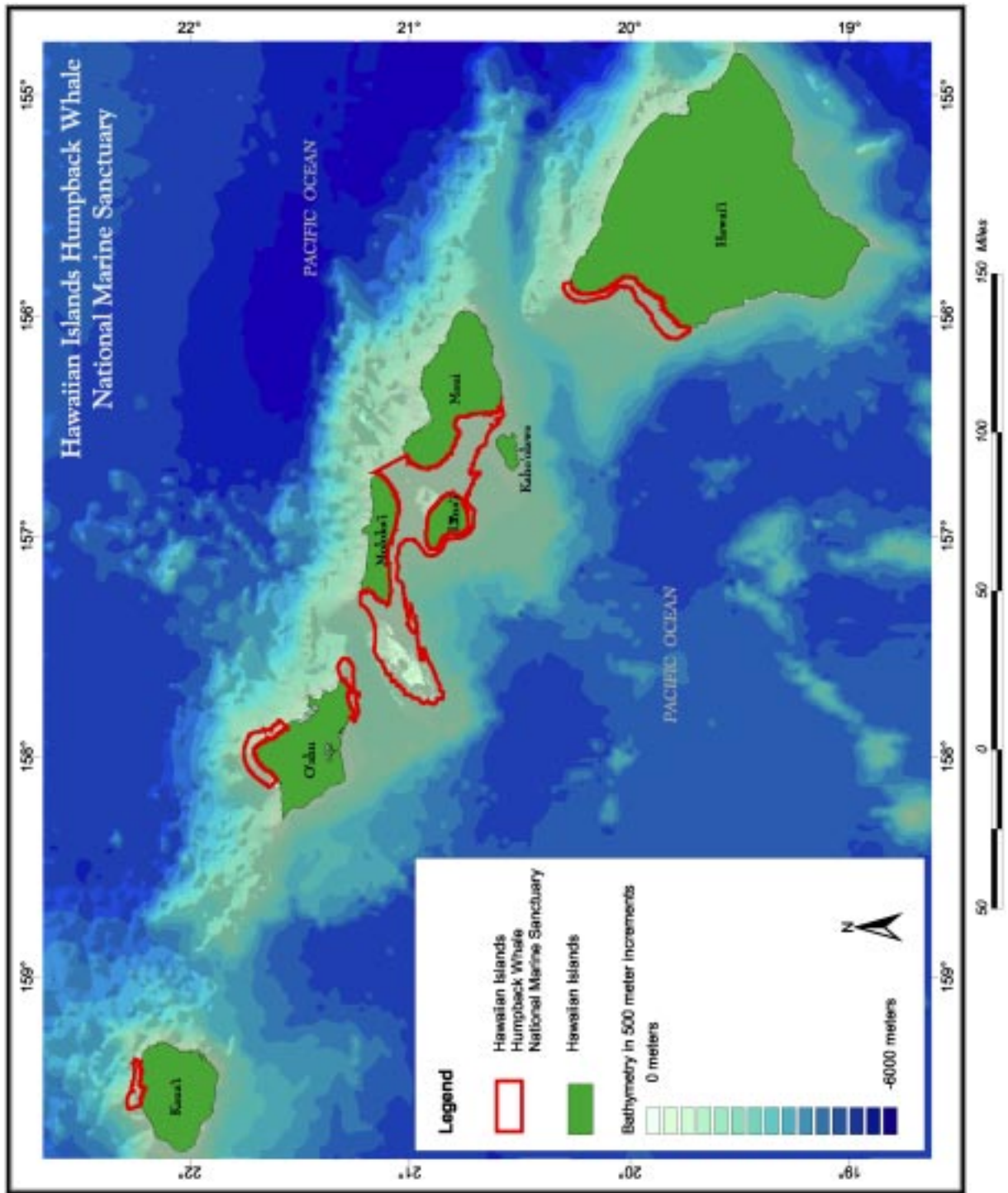




Figure 1: Hawaiian Islands Humpback Whale National Marine Sanctuary



Introduction

Section 2306(a) of HINMSA, states that the management plan shall:

- facilitate all public and private uses of the Sanctuary (including uses of Hawaiian natives customarily and traditionally exercised for subsistence, cultural, and religious purposes) consistent with the primary objective of the protection of humpback whales and their habitat;
- set forth the allocation of Federal and State enforcement responsibilities, as jointly agreed by the Secretary and the State of Hawai'i;
- identify research needs and establish a long-term ecological monitoring program with respect to humpback whales and their habitat;
- identify alternative sources of funding needed to fully implement the plan's provisions and supplement appropriations (under section 2307 of this subtitle) and section 313 of the NMSA (16 U.S.C. §1444);
- ensure coordination and cooperation between Sanctuary managers and other Federal, State, and county authorities with jurisdiction within or adjacent to the Sanctuary; and
- promote education among users of the Sanctuary and the general public about conservation of the humpback whales, their habitat, and other marine resources.

Original Management Plan

The specified requirements of the Sanctuary's original management plan were compatible with the overall Sanctuary management concept embodied in the NMSA, and its implementing regulations (15 CFR Part 922), which require that a management plan be prepared for each National Marine Sanctuary. The HINMSA required NOAA to comply with the NMSA in developing the management plan and implementing regulations.

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The original management plan was designed to provide guidance for management of the Sanctuary for the first five years of its operation. During this period, management initiatives generally fell into five fundamental program areas: resource protection, research and long-term monitoring, education and outreach, administration, and enforcement. In general, the original management plan:

- focused on Sanctuary goals and objectives, management responsibilities, and guidelines for the resource protection, research, education, and administration programs of the Sanctuary; and
- established an administrative framework which addresses the need for cooperative and coordinating programs and activities with other Federal and State agencies, as well as private organizations and interested citizens to ensure effective management of the Sanctuary.

Sanctuary Regulations

The Sanctuary regulations include the following prohibitions:

- Approaching, or causing a vessel or other object to approach, within the Sanctuary, by any means, within 100 yards of any humpback whale except as authorized under the MMPA, as amended, 16 U.S.C. 1361 *et seq.*, and the ESA, as amended, 16 U.S.C. 1531 *et seq.*;





- Operating any aircraft above the Sanctuary within 1,000 feet of any humpback whale except when in any designated flight corridor for takeoff or landing from an airport or runway or as authorized under the MMPA and the ESA;
- Taking any humpback whale in the Sanctuary except as authorized under the MMPA and the ESA; and
- Possessing within the Sanctuary (regardless of where taken) any living or dead humpback whale or part thereof taken in violation of the MMPA or the ESA.

Revised Management Plan

In reviewing the original management plan in preparation for the five-year review by the NMSP and the State of Hawai'i, it became clear that although a completely revised management plan was not necessary, some restructuring of the management plan would be beneficial to the Sanctuary. First, the Sanctuary has accomplished many of the tasks outlined for it in the original management plan (see following discussion in the State of the Sanctuary section) that could be removed. Second, the goals and objectives originally outlined for the Sanctuary needed to be revised to reflect the current and future direction of the Sanctuary, and the recent amendment of the NMSA. Finally, the structure of the original management plan did not meet the formats developed in the last three years for ongoing management plan reviews of other Sanctuaries. The NMSP and the State of Hawai'i decided to revise certain parts of the original management plan and reformat the entire document during the five-year review.

The draft revised management plan was prepared by NOAA and the State of Hawai'i, and released for public review on March 19, 2002, for approximately 60 days (67 FR 12525). During that time, seven public meetings were held in the main Hawaiian Islands, on O'ahu, Kaua'i, Maui, two on Hawai'i (the Big Island), Lāna'i, and Moloka'i. Approximately 70 people attended and over 300 comments were collected. During the same time period, approximately 40 written comments were received by email and regular mail. A synthesis of comments is available on the Sanctuary's website at www.hihwnms.nos.noaa.gov/planreview/ (please see Appendix 4 for a response to the comments received).

In response to staff, SAC, and public comments, a number of changes were made to produce this final revised management plan. A description detailing the public meeting process for the five-year management plan review has been added. In response to the overwhelming public comments received to protect additional resources and species, the process to include new species has been accelerated and better detailed. In addition, a new activity relating to the development of a cultural protocol to respond to strandings has been incorporated. Two new appendices, the Final Rule as published in the *Federal Register* on November 19, 1999, detailing the Sanctuary's boundaries and regulations, and the response to comments received, have been incorporated as Appendices 2 and 4 respectively. The remainder of changes were minor and include such information as updating partner lists and the inclusion of cost estimates.

The revised management plan does not contain any regulatory or boundary changes.



Summary of the *State of the Sanctuary Report*



Introduction

This section summarizes the *State of the Sanctuary Report* (NOAA, 2001). The report assesses the Sanctuary's performance in six key areas of activity, fundamental to the Sanctuary's primary goal of resource protection.

The Sanctuary and Education/Outreach

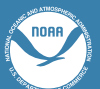
The Sanctuary uses education to promote ocean stewardship in the community. Since designation, it has developed many products and activities aimed at providing individuals with information necessary to make decisions that will effectively contribute to protecting humpback whales and their habitat in Hawaiian waters.

Sanctuary education emphasizes three main themes: 1) understanding humpback whale biology and behavior, and developing an appreciation for scientific and cultural perspectives that explain the history and significance of the humpback species; 2) awareness of the NMSP and its potential for providing the community with opportunities for taking action to increase marine conservation; and 3) understanding impacts resulting from human and natural causes on marine resources within the Hawaiian humpback whale habitat.

To further education, the Sanctuary has cultivated its headquarters on Maui as a center where ideas on resource protection can be discussed and explored on an informal basis. Located on the beach in a popular tourist town, the headquarters is a scenic magnet for visitors from around the world. The Sanctuary has enhanced the setting's natural assets by installing interpretive signage, cultivating a coastal garden of Native Hawaiian plants, and facilitating shoreline observation of humpbacks during the winter season with a viewing deck and view scopes.

The headquarters has heightened the visibility of Sanctuary programs and provided both a "living classroom" and a nexus for volunteers from the neighborhood community. In a joint undertaking of staff and volunteers, a Sanctuary Education Center was designed and developed and became fully operational on the grounds of the headquarters in 1998. The center houses displays, videos, and books on the cultural and biological significance of the humpback whale and provides education in several aspects of the Hawaiian marine environment. The center is also a dissemination point for free brochures on NOAA and the NMSP. A core group of nearly 75 volunteers has undergone training and shares the duties of operating the center and providing informal docent services for visitors upon request.

In fiscal year 2001, more than 5,400 people visited the Sanctuary headquarters, with the peak in visitor numbers occurring during the winter "whale season." The ever-increasing flow of visitors prompted the hiring of a part-time employee to manage the Sanctuary Education Center during regularly scheduled weekday hours. The center is also the location for a monthly lecture series, offering presentations by experts on themes relating to cultural and scientific perspectives on the humpback whales and marine research. The cordial atmosphere of Sanctuary headquarters and the wide range of educational and entertaining activities it offers continue to rank as an unequivocal achievement that has enabled the Sanctuary to establish its identity as a source of marine education in the community.





To assist in developing curricula on humpback whales within Hawai'i's schools, the Sanctuary has fortified partnerships with several educational institutions and provided teaching tools for instruction in cetacean science and marine stewardship. Examples of productive collaborations include the Sanctuary's partnership with the Hawai'i Department of Education's interactive science television series, entitled *Kid Science*, the creation of positions for college interns under the University of Hawai'i's Marine Option Program, sponsorship of Careers on the Water Day with Farrington High School, and the installation of a permanent exhibit on humpback whale biology in the Kaua'i Children's Museum. In an effort to step up outreach throughout the Islands, the Sanctuary staff has participated in many public events such as fairs that provide a venue for staff members to interact with diverse groups of people.

The Sanctuary has also found it productive to establish key "signature" events where Sanctuary education is clearly a focus of activity. The Kaua'i Family Ocean Fair, which receives additional sponsorship from the Kīlauea Point National Wildlife Refuge, mixes instruction and lectures with ocean-themed opportunities for recreation and entertainment. Last year, it attracted more than 3,500 visitors. The Sanctuary Ocean Count last year also proved to be quite popular, enlisting the help of more than 1,000 volunteers to participate in an annual census of humpback whales from shoreline locations throughout the State. Both events have received significant levels of local and national news media coverage, commending the Sanctuary for increasing yearly participation of a diverse island community in ocean education activities.

To enhance understanding of Sanctuary goals and ensure greater participation in programs, the Sanctuary has turned increasingly to news and entertainment media. The agency hired a Public Outreach Coordinator, who has secured coverage for the Sanctuary in print and broadcast media and has enhanced the Sanctuary's relations with numerous writers and reporters. Other media-oriented informational projects include a 20-minute video segment about the Sanctuary aired during incoming flights to Hawai'i on Hawaiian Airlines; a brochure on the Maui Sanctuary site; a general press kit; a public service announcement for television broadcast; and regular press releases on Sanctuary events. In another very important move to engage and inform the public, the Sanctuary, in consultation with NOAA, established a website with comprehensive news and information on resource protection, humpback whales, the Hawaiian habitat, research and development, and the history and future plans of the NMSP.

The Sanctuary and Native Hawaiian Culture

Ocean stewardship is deeply embedded in Native Hawaiian culture. Early Hawaiians developed techniques to manage their ocean resources without depleting them. The Sanctuary has made it a goal to facilitate Native Hawaiian traditional uses of the humpback whale habitat which promise to bolster the primary goals of resource protection. Many of the traditional practices, handed down through generations, survive today. Others, however, were eclipsed at the end of the Hawaiian Kingdom and some even disappeared under the incursion of Western culture. A revival of Hawaiian oceanic traditions is currently underway as part of a broader movement of Hawaiian cultural revitalization. The Sanctuary bolsters this movement by educating the public about the relevance traditional marine practices have in today's world.

With the help of Native Hawaiian consultants including a Sanctuary Advisory Council representative from the Office of Hawaiian Affairs, the Sanctuary took the step of researching customs that appear to have contributed to early Hawaiians' harmonious relationship with the ocean. This information in-



Summary of the *State of the Sanctuary Report*

cludes the following themes: (1) early Hawaiian success with fishpond aquaculture; (2) Hawaiian invention of the *ahupua'a* a system of social and political order based mountain-to-shore management of natural resources; and (3) Hawaiian spiritual or religious reverence for several marine organisms as ancestral guardians known as *'aumāku*.

In order to take a more proactive role in highlighting the value of Native Hawaiian ocean stewardship, the Sanctuary hired a Hawaiian Cultural Educator in 1999. This individual, a former Sanctuary intern, made a major contribution to elucidating the cultural value of Sanctuary resources in a report on the Native Hawaiian significance of the whale, identified in Hawaiian language as the *koholā*. A major achievement of the Hawaiian Cultural Educator consisted of synthesizing a large body of research into a brochure *The Cultural Importance of Whales in Hawai'i* and by incorporating the information in public lectures and a tabletop display created for use at community events such as educational fairs.

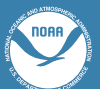
Further accomplishments underlining the Sanctuary's commitment to preserving the traditional cultural value of natural resources include: 1) field presentations involving on-site cultural interpretation of marine resources within Sanctuary boundaries; 2) establishment of partnerships with Native Hawaiian organizations in the community; 3) providing curriculum content for teaching Native Hawaiian perspectives on the humpback whale and marine stewardship; 4) incorporating Native Hawaiian protocols into Sanctuary presentations; and 5) producing Native Hawaiian language translations of Sanctuary educational materials.

The Sanctuary and Enforcement

Federal and State agencies have authority to enforce regulations arising from the Marine Mammal Protection Act and the Endangered Species Act, which list humpbacks as an endangered species and provide the animals with special legal protection. The Sanctuary does not directly conduct enforcement activities, but it provides several forms of support for the agencies that do so on the Sanctuary's behalf.

In a noteworthy measure, the Sanctuary has for five years provided training, salary, and staff support for a NOAA enforcement officer, based at Sanctuary headquarters for the duration of whale season. The officer receives and investigates complaints of possible instances of whale harassment. The Sanctuary shares with NOAA Enforcement and other agencies an interest in maintaining enforcement of the Federal "approach regulation," which requires that people stay at least 100 yards away from humpback whales unless a humpback whale research permit has been obtained. The Sanctuary has worked to reduce the likelihood that this regulation will be violated by cooperating in public education campaigns that describe the negative impacts to whales resulting from human pursuit and harassment. Toward this end, the Sanctuary has jointly sponsored an annual Ocean Users' Workshop on four islands and the publication of the Ocean Users' Handbook and a regulation reference card for boaters. Additionally, the Sanctuary has supported NOAA Fisheries in their production of a local brochure for the Watchable Wildlife Campaign, which encourages observation of wildlife in a non-intrusive manner.

In another arena of enforcement, the Sanctuary has fortified ties with agencies that have direct jurisdiction in preventing or remediating water quality and seabed degradation. These agencies include the United States Coast Guard, the Environmental Protection Agency, the Hawai'i Division of Conservation and Resources Enforcement, and the Hawai'i Department of Health.





The Sanctuary and Inter-Agency Cooperation

The more that is learned about the dynamic and interrelated nature of marine ecosystems, the greater the perceived need is to govern the ocean with a cooperative approach that minimizes the constraints of traditional sectoral boundaries of management responsibility and jurisdiction. The Sanctuary implements a collaborative approach to management with the intent of increasing flexibility, mobilizing efficient use of limited staff resources, reducing duplicative services, and increasing opportunities for broad and effective citizen participation.

In 1997, NOAA and the State of Hawai'i signed an Intergovernmental Compact of Agreement establishing the framework for an administrative partnership. In accordance with the agreement, the Sanctuary Federal manager routinely consults with the State co-manager, based in the Hawai'i Department of Land and Natural Resources, in the implementation of comprehensive and coordinated management. A Memorandum of Understanding further detailing this co-management arrangement also appears in Appendix 1.

The Sanctuary has also made significant strides in constructing a collaborative management framework by increasing the role of the Sanctuary Advisory Council (SAC). A Sanctuary Advisory Coordinator has been hired to coordinate input and training for the 24-member body that represents diverse ocean interests in Sanctuary management. Since 1997, the SAC has established subcommittees made up of members that bring technical expertise to the respective areas of research, education, and conservation—fundamental to the Sanctuary's primary mission in resource protection.

The Sanctuary and Social Impacts

The Sanctuary assumes an important role in supporting multiple uses of coastal waters in the nation's only island State, where easy access to the ocean is as vital to the well-being of humans as conservation measures are to the continued recovery of humpback whales. Transportation, tourism, commerce, culture, and recreation are inexorably tied to ocean use in Hawai'i. The Sanctuary has taken steps to cultivate positive social and economic impacts in the community by monitoring negative and positive impacts of ongoing ocean uses and implementing education programs to help ocean users eliminate unacceptable behavior and thus increase their contribution to marine stewardship.

The Sanctuary has implemented a policy of working closely with the whalewatch industry, which not only constitutes an obvious impact on the whale habitat but also comprises the fastest growing sector of Hawai'i's ocean industry. In one noteworthy move, the Sanctuary supported a study on the economic impact of humpback whales in Hawai'i (NOAA 2000). The research estimated direct commercial revenues from the whalewatching industry to be worth an annual amount of \$11 million. This information, made available to media, lawmakers, and the general public, underlined a positive material benefit of the whalewatch industry and gave credence to the concept that humpback recovery should be encouraged because it is, at minimum, an economic asset to the local community.



Summary of the *State of the Sanctuary Report*

The economic success of the whalewatch industry has also prompted the Sanctuary to institute precautionary measures that reduce the potential for increased whalewatch vessel traffic to hinder other ocean uses or cause harm to natural resources. Among these efforts, the Sanctuary has done the following: (1) established a Sanctuary Advisory Council position for a whalewatch industry representative; (2) designed the annual *Ocean Users' Workshop* to target the needs of the whalewatch industry; and (3) implemented plans for a workshop that will identify ways to reduce collisions between whales and boats in coastal traffic.

The development of the Sanctuary Volunteer Program ranks as another major achievement in community impact and social currency. The Sanctuary has a staff Volunteer Coordinator who recruits and trains volunteers, apprising them of NOAA policies and Sanctuary goals. It's estimated that a total of 4,500 hours of *pro bono* services have been donated to the Sanctuary. A core of approximately 75 volunteers maintains regular weekly hours at the Sanctuary, contributing in areas ranging from office chores to the design of educational displays. In anecdotal reports, volunteers credit the Sanctuary for enriching their knowledge and interaction with the ocean. To put it another way, volunteerism at the Sanctuary embodies a win-win situation and increases a desirable social impact of the Sanctuary program.

The Sanctuary and Research

Though scientists have made great strides in understanding cetaceans in the last few decades, they are only beginning to effectively understand many aspects of humpback behavior and biology. The Sanctuary makes a great effort to support the continuation of humpback research because it attempts to answer questions about the animal's recovery status and the need to maintain or redouble conservation efforts.

The Sanctuary's major contribution to research involves annual awards of grants to teams of scientists engaged in the study of Hawai'i's humpbacks. Between 1993 and 1998, the Sanctuary has contributed funding that has helped in the completion of 22 humpback whale research projects in Hawaiian waters. The Sanctuary also takes an active role in disseminating the findings of research projects to other agencies and to the general public. As a requirement for funding, the Sanctuary asks researchers to produce a manuscript suitable for publication in a technical or peer review journal. In the effort to further the frontiers of cetacean science through the exchange of meaningful ideas, the Sanctuary has assisted in planning efforts for a whale research conference on Maui and also served as the lead sponsor of the 2000 International Marine Debris Conference in Honolulu.

The Sanctuary also encourages several other streams of research. An outstanding example of the Sanctuary's collaborative and multi-disciplinary approach to education and research can be seen in the Hawai'i visit of the Sustainable Seas Expedition. The Sanctuary took an active role in ensuring that the local community could capitalize on this NOAA-led project of ocean exploration and technological discovery.





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Sanctuary Description



Introduction

The Hawaiian Islands are the world's most isolated island archipelago, born of ancient volcanoes and inhabited by animals and plants derived from ancestors that found their way here over thousands of miles of ocean. According to scientists, the shallow, warm waters surrounding the main Hawaiian Islands constitute one of the world's most important habitats for the endangered humpback whale. Nearly two-thirds of the entire North Pacific population of humpback whales migrates to Hawai'i each winter. Here, they engage in breeding, calving and nursing activities critical to the survival of their species.

The Sanctuary is also home to a fascinating array of marine animals, corals and plants, some of which are found nowhere else on Earth. Its cultural heritage includes Native Hawaiian traditions of living in harmony with the sea. Its waters invite activities such as diving, boating and snorkeling, and support commercial uses such as fishing and shipping.

Environment

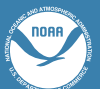
The Sanctuary is actually a series of five noncontiguous marine protected areas distributed across the main Hawaiian Islands (see following section for discussion on more specific boundaries). The total area of the Sanctuary is 1,370 square miles. Encompassing about half of the total Sanctuary area, the largest contiguous portion of the Sanctuary is delineated around Maui, Lāna'i, and Moloka'i. The four smaller portions are located off the north shore of Kaua'i, off Hawai'i's Kona coast, and off the north and southeast coasts of O'ahu. While this description of the Sanctuary's natural environment and human use is generalized for the Sanctuary as a whole, it is important to note that upon more detailed inspection, each of the five Sanctuary areas has its own distinct natural character and social significance.

The waters around the main Hawaiian Islands of Kaua'i, O'ahu, Hawai'i, Maui, Moloka'i, Lāna'i, and Kaho'olawe constitute one of the world's most important North Pacific humpback whale (*Megaptera novaeangliae*) habitats and a primary region in the U.S. where humpbacks reproduce.

Boundary

The boundary of the Sanctuary consists of the submerged lands and waters off the coast of the Hawaiian Islands seaward from the shoreline, cutting across the mouths of rivers and streams:

- (1) To the 100-fathom (183 meter) isobath from Kāilio Point eastward to Mōkōlea Point, Kaua'i;
- (2) To the 100-fathom (183 meter) isobath from Pu'ena Point eastward to Māhie Point, and from the Kapahulu Groin in Waikīkī eastward to Makapu'u Point, O'ahu;
- (3) To the 100-fathom (183 meter) isobath from Cape Hālawā, Moloka'i, south and westward to 'Īlio Point, Moloka'i; southwestward to include Penguin Banks; eastward along the east side of Lāna'i to the waters seaward of the three nautical mile limit north of Kaho'olawe, to the Hanamanaio Lighthouse on Maui, and northward along the shoreline to Līpoa Point, Maui;
- (4) To the deep water area of Pailolo Channel from Cape Hālawā, Moloka'i, to Līpoa Point, Maui, and southward;
- (5) To the 100-fathom (183 meter) isobath from 'Upolu Point southward to Keāhole Point, Hawai'i.





All commercial ports and small boat harbors in the State of Hawai'i are excluded from the Sanctuary boundary.

The waters around the island of Kaho'olawe are not included in the Sanctuary at this time. NOAA has and will continue to work closely with the Kaho'olawe Island Reserve Commission, the State of Hawai'i, and the Navy to assess whether Kaho'olawe should be included in the Sanctuary at a later date.

The establishment of the Sanctuary in no way conveys, or intends to convey, to NOAA any title or ownership of Hawaii's submerged lands. These lands, including those known as ceded lands, continue to be held in trust by the State of Hawai'i. The Sanctuary will exist as a co-steward of the Sanctuary and its resources. Should the status of the submerged lands change at some time in the future (i.e., lands are conveyed to a sovereign Hawaiian nation), the Sanctuary will work with the appropriate entities to redefine its role if necessary.

Geology

The Hawaiian Islands formed one by one as the Pacific Plate of the Earth's crust moved northwestward over a stationary "hot spot." At the hot spot, magma from deep within the Earth periodically pushes through the crust to the surface, forming an island. Over millions of years, the Pacific Plate has worked like a very slow conveyor belt, moving islands away from the hot spot and providing fresh areas of oceanic crust over the hot spot so that new islands can emerge.

This hot-spot phenomenon explains why the islands get older as one travels northwestward from the Big Island (the youngest island). The oldest parts of the Big Island are estimated to be no more than half a million years old, while Maui, O'ahu and Kaua'i are about 1, 3 and 5 million years old, respectively.

Because the Big Island still resides over the hot spot, volcanic activity is still observed there, but the movement of the Pacific plate continues, and a new undersea volcano (Lō'ihi) appears to be growing into an island off the Big Island's southeast coast.

Climate and Oceanography

Hawai'i is famous for its comfortable climate. Air temperatures over Sanctuary waters throughout the State rarely exceed 90°F in the warm season (May through September) and rarely dip below 65°F during the cool season (October through April). The main climate controls in Hawai'i are latitude, the Pacific Ocean, and altitude. Lying between 19° and 22° north latitude, the main Hawaiian Islands are on the edge of the tropics and within the area where trade winds blow northeasterly about eight days out of ten. Because of the islands' low latitude, the longest and shortest days of the year differ by only about two hours. The Pacific Ocean supplies moisture to the air, and, because of its high heat-storage capacity, keeps temperatures within a relatively narrow range. Most differences in temperature from place to place in Hawai'i result primarily from altitude, where cooler areas are typically found at higher elevations.



Sanctuary Description

Rainfall is the one climatic feature in Hawai'i that is highly variable. Kaua'i's Mount Wai'ale'ale, where average annual rainfall is around 450 inches per year, is one of the wettest spots on Earth. However, at the Sanctuary headquarters in Kīhei, Maui, average annual rainfall is only about 15 inches per year. The wettest time of year for most of Hawai'i is during the cooler months, from November through February, but the Kona Coast of the Big Island, where the southeastern portion of the Sanctuary is located, experiences a peak in rainfall during the warmer months of March through August. In general, average annual rainfall over Sanctuary waters is between 15 and 60 inches per year.

Ranging from about 70° and 80° F, the surface waters of the Sanctuary are relatively warm. However, water temperatures at the deepest depths of the Sanctuary (around 600 feet) can be as cold as 40°F. The large-scale surface current patterns in the Hawaiian Islands generally go from east to west, but winds and tidal flows add to their complexity.

Marine Ecosystems

With its boundaries including waters from the shoreline to depths of 600 feet in many areas, the Sanctuary encompasses a variety of marine ecosystems, including seagrass beds and coral reefs. Much of the Sanctuary has fringing coral reefs close to shore and deeper coral reefs offshore. Hawai'i's coral reefs are noted for their isolation and endemism. Over 25% of all Hawai'i's reef animals are endemic, meaning that they are found nowhere else on earth.

In Hawai'i's reef ecosystems, corals and coralline algae are the dominant reef-building organisms. The corals found in the Sanctuary include finger coral (*Porites compressa*; nā pōhaku puna), cauliflower coral (*Pocillopora meandrina*; nā ko'a), and lobe coral (*Porites lobata*; nā pōhaku puna). Other important components of the Sanctuary's reef ecosystems include algae (nā limu), marine invertebrates, such as shrimp (nā 'ōpae), lobster (nā ula), crabs (nā pāpa'i), and sea urchins (nā wana), fish (nā i'a), such as parrotfish (nā uhu), wrasses (nā hīnālea), damselfish (nā 'ālo'ilo'i), surgeon fish (nā kala), goatfish (nā weke/kūmū), jacks (nā āholehole), and sharks (nā manō). Endangered Hawaiian monk seals (nā 'īlioholoikauaua) and green sea turtles (nā honu) are also important members of the Sanctuary's reef community.

The deeper reefs lie in the "twilight zone" of the Sanctuary below 200 feet. These deep-reef ecosystems have their own unique assemblage of corals, algae and marine invertebrates, many of which are depth-adapted versions of species found at shallower depths. Deep-reef fish include squirrelfish (nā 'ala'ihi), soldierfish (nā 'ū'ū), surgeonfish (nā kala), snappers (nā uku), and emperors (nā mū). Endangered Hawaiian monk seals (nā 'īlioholoikauaua) and threatened green sea turtles (nā honu) also frequent the Sanctuary's deeper reefs.

Human Uses and Economic Value of the Sanctuary

People use the resources found within the Sanctuary in a variety of ways (for a more complete description, please see the Description of the Affected Environment contained in the original management plan for the Sanctuary). Native Hawaiians have long had close relationships with their marine environment. Nowadays, the marine area included in the Sanctuary is used extensively for ocean recreation, fishing, and shipping. In Sanctuary waters off of Maui, for example, commercial tour operations feature whalewatching, sportfishing, parasailing, and snorkeling. Commercial fishing, cruise ships, and commercial shipping also use the same area. The Department of Defense also uses Hawaiian waters for a variety of national defense purposes. One of the main purposes of the Sanctuary is to work with



government agencies and the private sector to ensure that these activities are conducted in ways that have the least possible impact on humpback whales and their habitat.

The Sanctuary's goal of protecting humpback whales and their habitat is very important for the continued success of Hawai'i's whalewatching industry. A recent study (NOAA 2000) estimates that commercial whalewatching tours in Hawai'i support as many as 390 jobs and generate as much as \$27 million annually in direct, indirect, and induced revenues. Through its management activities, the Sanctuary actively protects the humpback whale's significant economic contribution to the Hawaiian islands.

Sanctuary Purpose

The HINMSA designated the Sanctuary for the primary purpose of protecting humpback whales and their habitat within the Hawaiian Islands marine environment. Recent research indicates that the population of humpback whales in Hawaiian waters during the 1999-2000 season was between approximately 4,500 and 6,500 individuals (Mobley *et al.*, in press). The same research indicates that the population has increased an average of approximately 7% per year from 1993 through 2000.

The NMSP has defined humpback whale habitat, for purposes of Sanctuary management, as:

"those areas in the waters around Hawai'i that provide space for individual and population growth and normal behavior of humpback whales, and include sites used for reproductive activities, including breeding, calving and nursing."

Sanctuary Resources

The Hawaiian Islands have at their heart the only National Marine Sanctuary dedicated to whales and their habitat. The annual migration of the humpback whales, from their summer home in icy Alaskan waters to their Hawaiian winter destination, is a miraculous feat. They can cover nearly 3,000 miles of open ocean in less than two months' time, but how they find their way remains a mystery. The reason why they come here, however, is more easily understood.

Like all whales, humpbacks are mammals, and belong to the baleen whale suborder, *Mysticeti*. They graze on zooplankton and small fishes in temperate and subpolar waters. Nearly all of the baleen whales migrate some distance to warmer tropical waters to breed and give birth. The humpback whale population that comes to Hawai'i each winter is part of a much larger group that lives in the North Pacific Ocean, with feeding aggregations distributed in the Gulf of Alaska, southeast Alaska, and central California. Many members of these feeding groups migrate southward to the tropical waters off Japan and the Ryukyu Islands, as well as to Hawai'i, Mexico, and Central America in roughly parallel tracks, with very little exchange between the breeding grounds. The Sanctuary has been established in the heart of the largest breeding grounds for the humpback whale. It is estimated that approximately 2,000 to 5,000 individuals come here each year, a significant portion of the total North Pacific population of 6,000 to 10,000 whales.

Humpback whales are easy to identify in Sanctuary waters. In comparison to other whales, they are actually medium-sized, with females tending to be larger than males, averaging 45 feet in body length and weighing approximately 40 to 45 tons. The calves are typically 14 feet at birth, and may weigh as much as 2 tons. Mature humpbacks are dark gray to black on their backs and sides, with mostly dark



Sanctuary Description

undersides, although some individuals have splotches of white. Humpback whales have the longest pectoral flipper of all the whales—about one third the length of the body—which can be mottled white on the upper and lower surface. The undersides of their tail flukes are as distinctive as our fingerprints, and range from all black to all white, with a whole gamut of splotching and scarring in between. The trailing edges of the flukes have a slight “S” curve and many knobby scallops and average 15 feet in width. When humpbacks dive, they often show their flukes, which researchers photograph and use to identify individuals as they come and go the Hawaiian Islands and elsewhere.

Humpback whales are classified in the *Balaenopterid* family, which also includes the world’s largest whale—the great blue whale—and the smallest baleen whale, the minke. A family trait is an expandable throat with pleats that allows these whales to engulf huge quantities of prey and water, more than 500 gallons per gulp. The early Norwegian whalers called them “rorqual” or red whales because these pleats appear pink when fully stretched by a mouthful of prey. The whales strain this writhing mass of food by pushing the water out through the baleen (the keratin structures that grow from their top jaws instead of teeth), using their one-ton tongues like a plunger. Once the food is separated from the seawater, the whales swallow it and the process begins again. A remarkable humpback trait is its cooperative feeding strategy, during which several individuals “herd” the fish in a “bubble net” that the whales create by swimming in ever smaller concentric circles.

The humpbacks rarely feed, however, during their stay in Hawaiian waters. Some observers have reported seeing them feed on schools of small fish, but like all baleen whales, humpbacks have adapted to fasting during their migration breeding seasons, while living off their fat reserves. Undoubtedly, they would eat while they were here if food was plentiful, but tropical waters are typically nutrient-poor and don’t support the shoals of fish and krill that humpbacks feed on during the summer months. When males engage in competitive behaviors on the breeding grounds they sometimes fill their mouths with water to posture, that is, to make themselves look bigger. Some people may mistake this behavior as feeding activity.

Another distinguishing feature of all humpback whales is their bumpy rostrum, or top jaw, which is dotted with fleshy knobs called tubercles. The early whalers also noticed these knobs and called them “stove bolts.” No other whales have them, and the fact that they house a strand of hair and many nerve endings leads scientists to speculate that they may serve some sensory function. The final feature that easily distinguishes humpbacks from other whales, and for which they have received their common name, is the way they curve their back and tailstock region when preparing to dive.

Humpback whales are also easy to see in Hawaiian waters because they exhibit many dramatic behaviors. On their breeding grounds, the males compete for access to receptive females, slamming each other with their powerful tail flukes, lunging at and chasing each other, and producing unique and mysterious songs. The females and young are also active, slapping the surface of the water with their long pectoral fins and tails, and hurling their gargantuan bodies into the air in spectacular breaches. Female humpbacks are also very nurturing mothers. They stay in close contact with their young while on the breeding grounds, suckle their calves for up to a year, and defend and protect them from predators and rowdy suitors.





The 11 1/2-month gestation period of the humpback whale ensures that females impregnated in a given winter will give birth the following winter in the warm, sheltered breeding grounds. Calves grow quickly, sustained by their mother's fat-rich milk, and usually double in size during their first year. After feeding all summer in the cooler, nutrient-rich waters off the Gulf of Alaska, a newly weaned calf may follow its mother back to the breeding grounds the following winter. The calves also seem to learn the feeding areas their mother's prefer. By the time they reach young adulthood, between the ages of four and six, some whales are ready to breed themselves, and the cycle continues.



Sanctuary Vision, Goals, and Objectives



Introduction

The vision, goals, and objectives that follow are based on those in the original management plan. They have been updated by the Sanctuary staff and SAC to reflect the current Sanctuary framework and needs.

These goals and objectives also served as the foundation for the development of the strategies in the action plans found in the following section. The action plans are presented along thematic lines, not strictly in line with each goal and objective; however, each action plan or strategy description references which of the goals and objectives it addresses. Table 2 presents this in a graphic format.

Sanctuary Vision

The Sanctuary works collaboratively to sustain a safe and healthy habitat for the North Pacific stock of humpback whales (*koholā*). As a community of ocean stewards, the Sanctuary strives to achieve a balance of appropriate uses, inspired care taking, enlightened understanding, and effective education to ensure the continued presence of the *koholā* for future generations. The Sanctuary endeavors to do this with harmony, hope, respect, and *aloha o ke kai* (love of the sea).

Goals and Objectives

GOAL 1: CONSERVE, ENHANCE AND PROTECT HUMPBACK WHALES AND THEIR HABITAT.

- Objective 1.1: Identify and reduce threats to the humpback whale and its habitat.
- Objective 1.2: Establish and maintain a damage assessment and restoration function.
- Objective 1.3: Enhance permit and project review procedures.

GOAL 2: PROMOTE AND COORDINATE RESEARCH TO ENHANCE THE UNDERSTANDING OF HUMPBACK WHALES AND THEIR HABITAT, AND TO IMPROVE MANAGEMENT DECISION-MAKING.

- Objective 2.1: Develop a detailed research and monitoring program.
- Objective 2.2: Evaluate current and prioritize future research needs.
- Objective 2.3: Develop ways to share information and promote coordination among researchers.

GOAL 3: ENHANCE PUBLIC AWARENESS, UNDERSTANDING, AND APPRECIATION OF HUMPBACK WHALES, THEIR HABITAT AND THE SANCTUARY.

- Objective 3.1: Interpret the natural history and social and cultural importance of humpback whales.
- Objective 3.2: Promote public stewardship and an ocean conservation ethic, to help protect humpback whales and their habitat, and encourage voluntary compliance with regulations protecting them.
- Objective 3.3: Develop education and awareness programs for multiple audiences, including the Native Hawaiian community.

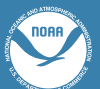


Table 2: Matrix of Strategies, and Goals and Objectives

	Natural Resource Protection					Education and Outreach					Research and Monitoring				Cultural Resource Enhancement					Administration				
	NRP-1	NRP-2	NRP-3	NRP-4	NRP-5	EO-1	EO-2	EO-3	EO-4	RM-1	RM-2	RM-3	RM-4	CRE-1	CRE-2	CRE-3	AD-1	AD-2	AD-3	AD-4	AD-5			
Goal 1	[Blue bar]																							
Objective 1.1	●																							
Objective 1.2	●																							
Objective 1.3		●				△																		
Goal 2																								
Objective 2.1										●														
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Objective 6.5																								
Objective 6.6																								
Objective 6.7																								
Goal 7																								
Objective 7.1																								

[Blue bar] = General support for a goal

● = Specific support for an objective

△ = Secondary support for an objective

Vision/Goals/Objectives

Objective 3.4: Encourage information exchange among educators.

Objective 3.5: Collaborate with local, regional and national organizations to provide education and outreach programs.

Objective 3.6: Establish procedures for identifying, selecting, and sponsoring education projects.

GOAL 4: FOSTER ALL USES OF THE SANCTUARY COMPATIBLE WITH PROTECTION OF THE HUMPBACK WHALES AND THEIR HABITAT (INCLUDING USES BY NATIVE HAWAIIANS CUSTOMARILY AND TRADITIONALLY EXERCISED FOR SUBSISTENCE, CULTURAL AND RELIGIOUS PURPOSES).

Objective 4.1: Provide relevant information about Sanctuary uses, use policies, and regulations.

Objective 4.2: Work with the Native Hawaiian community to identify customary and traditional uses of the marine environment and educate the general public about these uses.

GOAL 5: ESTABLISH MECHANISMS TO FOSTER COORDINATION AND COLLABORATION AMONG FEDERAL, STATE, AND LOCAL RESOURCE MANAGEMENT AGENCIES, NATIVE HAWAIIANS, ACADEMIA, PRIVATE SECTOR, GENERAL PUBLIC, NON-GOVERNMENT ORGANIZATIONS, AND OTHER ORGANIZATIONS TO ACHIEVE SANCTUARY GOALS.

Objective 5.1: Establish MOUs, interagency agreements, and other agreements for coordination among agencies relevant to Sanctuary management, to better protect humpback whales and their habitat, and to enhance enforcement of regulations protecting them.

Objective 5.2: Provide opportunities to engage the SAC in planning, evaluation, and other appropriate activities.

GOAL 6: DEVELOP AND MAINTAIN INFRASTRUCTURE AND RESOURCES TO ACHIEVE SANCTUARY GOALS.

Objective 6.1: Provide adequate staffing to achieve Sanctuary goals.

Objective 6.2: Maintain and develop additional facilities and equipment.

Objective 6.3: Provide training and build skills for staff, volunteers, and SAC.

Objective 6.4: Encourage volunteer participation in Sanctuary programs.

Objective 6.5: Maintain comprehensive planning processes.

Objective 6.6: Maintain an organizational structure that achieves Sanctuary goals effectively and efficiently.

Objective 6.7: Expand revenue enhancement programs and opportunities.

GOAL 7: IDENTIFY AND EVALUATE RESOURCES AND ECOSYSTEMS FOR POSSIBLE INCLUSION IN THE SANCTUARY.

Objective 7.1: Develop and implement a process that identifies and evaluates resources for possible inclusion in the Sanctuary.





Introduction to Action Plans

This management plan is constructed around a set of functionally-based action plans that outline how the Sanctuary will be managed for the next five years. Each action plan outlines what, who, why, when, and how different strategies will be conducted and presents the costs that might be incurred for each strategy.

Development of Action Plans

As the goals and objectives of the original management plan were reexamined, Sanctuary staff and members of the Sanctuary Advisory Council also worked together to identify the issues that the Sanctuary faced and the outcomes that should be sought for each issue. Strategies were developed to determine how to reach those outcomes. The strategies were then organized into the following set of thematic action plans:

- **Natural Resource Protection:** encompasses contingency planning, damage assessment, emergency response, permitting, enforcement, and development of a process to evaluate resources for possible inclusion in the Sanctuary.
- **Education and Outreach:** incorporates education, outreach, and interpretive projects, and the development of a volunteer plan.
- **Research and Monitoring:** includes research and monitoring projects, as well as steps to enhance the administration of research projects and communications among researchers, decision-makers, and the public.
- **Cultural Resource Enhancement:** encompasses projects pertaining to Native Hawaiian uses and traditions.
- **Administration:** comprised of projects associated with interagency coordination, Sanctuary Advisory Council operations, staffing, and facilities.

Each strategy is broken into activities and is discussed in detail in the action plan.

Assessment of Management Effectiveness

Each action plan contains a brief discussion of the outcomes expected, and the performance indicators that will be used to measure progress toward the outcome. This type of effort is being undertaken to measure the Sanctuary's management effectiveness (i.e., the achievement of a planned effort or action). Assessing management effectiveness is governed by the following principles:

- Assessment criteria should be developed by the Sanctuary's staff and their SAC/partners;
- Effectiveness should be measured in "progressive" terms (consistently moving toward a fixed point or percentage) rather than absolute terms (measured only at a fixed point or percentage);
- Assessments should as much as possible reflect the goals and objectives of the Sanctuary; and
- Results should be written in clear, concise language that is easy to understand and easy to communicate to stakeholders and the public.

It should also be recognized that much of the Sanctuary's day-to-day management includes actions that are goal-related and objective-driven, but non-measurable, non-quantifiable, and not related to a specific strategy, or activity. Such actions might include impromptu communications with constituents or other Federal or State partners; unplanned meetings with industry, the media, other government



officials, or the general public; emergency response situations; and assorted administrative duties. Although such actions may not be designated as specific parts of a particular strategy, they should be recognized as an integral part of day-to-day management of the Sanctuary.

Estimated Costs of Strategies and Activities

Each action plan contains a table showing the estimated initial and annual costs for conducting the activities and strategies contained in this revised management plan (also summarized in Table 3A and B). These budget numbers represent the Sanctuary's best estimate of what it will cost to conduct the programs and projects described over a five-year period; however, each year the Sanctuary will prepare an Annual Operating Plan that will determine that year's priorities and costs in the context of not only the overall revised management plan, but current problems facing the site and general national priorities as well. Therefore, costs as estimated in this revised management plan may be somewhat different as determined by the Annual Operating Plan each year. These estimates are also subject to a number of other caveats:

- the Sanctuary's base budget is available each year from appropriated funds;
- there is both availability of and opportunity to receive additional funding from appropriated funds;
- the estimates do not take into account increasing personnel costs each year or inflation; and
- the estimates do not take into account unexpected events or emergencies or unforeseen projects.

Summary of Existing Authorities

A number of existing authorities exercise jurisdiction in Hawaiian waters and act as partners with the Sanctuary on projects of mutual interest. These authorities include:

- State of Hawai'i - holds in trust the land and water resources of the State, including submerged lands. Under the Endangered Species Act, the State can also protect threatened and endangered species. Key agencies include the Department of Land and Natural Resources, the Department of Business, Economic Development, and Tourism, and the Department of Health.
- NOAA Fisheries - oversees fisheries management and species protection under the Magnuson-Stevens Act, the Endangered Species Act, and the Marine Mammal Protection Act in the Exclusive Economic Zone and beyond. Under the Marine Mammal Protection Act, NOAA Fisheries is the primary authorized agency to protect marine mammals. Key offices in Hawai'i include the Honolulu Laboratory and the Pacific Islands Area Office. NOAA Fisheries also serves as NOAA's enforcement arm.
- U.S. Coast Guard (USCG), Department of Transportation - responsible for enforcing Federal laws and regulations in the Exclusive Economic Zone.
- U.S. Fish and Wildlife Service (USFWS) - responsible for administration and management of all National Wildlife Refuges. The USFWS is also responsible for protecting endangered species under the Endangered Species Act and migratory birds under the Migratory Bird Treaty Act.



Table 3A: Summary Table of Estimated Annual Costs (in \$1000s)*

Strategy and Activity	Personnel	Travel	Printing	Equipment & Supplies	Contract	Avg. Annual Costs
NRP-1 Assess and clarify the Sanctuary's role in contingency planning						
NRP-1A Coordinate with appropriate parties.	1.1	-	-	-	-	1.1
NRP-1B Ensure Sanctuary addressed in local area plans.	1.1	-	-	-	-	1.1
NRP-1C Have Sanctuary staff trained in protocols.	1.5	-	-	-	-	1.5
NRP-2 Enhance project and permit review procedures						
NRP-2A Analyze existing MOU w/NOAA Fisheries.	-	-	-	-	-	-
NRP-2B Review and finalize existing MOU w/State.	-	-	-	-	-	-
NRP-2C Identify a permit point of contact on staff.	-	-	-	-	-	-
NRP-3 Obtain and share relevant information on Sanctuary uses, use policies, and regulations						
NRP-3A Assess and monitor human uses.	10.5	1.0	-	-	25.0	36.5
NRP-3B Develop outreach materials about human uses.	5.6	0.8	7.5	-	18.8	32.6
NRP-3C Collaborate in promoting compatible uses.	7.5	2.0	-	-	10.0	19.5
NRP-4 Reduce violations of Sanctuary regulations						
NRP-4A Maintain enforcement operations.	21.0	0.5	-	-	-	21.5
NRP-4B Determine baseline level of violations.	-	-	-	-	-	-
NRP-4C Develop strategies to reduce violations.	6.8	0.8	0.8	-	11.3	19.5
NRP-4D Assess effectiveness of State regulations.	2.3	0.4	-	-	7.5	10.1
NRP-4E Continue annual Ocean Users' Workshop	22.5	4.0	5.0	-	25.0	56.5
NRP-5 Develop process to evaluate possible resources for inclusion to the Sanctuary						
NRP-5A Conduct review of resources already identified.	-	-	-	-	-	-
NRP-5B Identify additional resources.	-	-	-	-	-	-
NRP-5C Evaluate all candidate resources.	-	-	-	-	-	-
NRP-5D Conduct review of the findings in Activity C.	-	-	-	-	-	-
NRP-5E Add resources to the Sanctuary.	-	-	-	-	-	-
EO-1 Enhance existing education and outreach programs						
EO-1A Conduct training for educators.	22.5	3.0	3.0	2.0	25.0	55.5
EO-1B Enhance education opportunities for ocean users.	22.5	3.0	3.0	2.0	25.0	55.5
EO-1C Enhance opportunities for public in monitoring.	22.5	6.0	3.0	10.0	35.0	76.5
EO-1D Enhance educational opportunities to the public.	45.0	4.0	5.0	28.0	35.0	117.0
EO-2 Develop and implement new education and outreach programs						
EO-2A Evaluate new education and outreach needs.	11.3	0.8	-	-	26.3	38.3
EO-2B Develop and implement a strategic plan.	11.3	4.0	2.5	-	12.5	30.3
EO-2C Conduct evaluation of new programs.	3.8	0.3	-	-	3.8	7.8
EO-3 Support current activities of the Sanctuary volunteer program						
EO-3A Enhance current opportunities for volunteers.	60.0	1.0	-	2.0	35.0	98.0
EO-3B Complete the volunteer handbook.	-	-	-	-	-	-
EO-4 Provide additional opportunities for volunteer participation in Sanctuary activities						
EO-4A Provide additional opportunities for volunteers.	3.8	1.3	0.3	-	3.8	9.0
EO-4B Develop a plan for volunteers on all islands.	-	-	-	-	-	-
RM-1 Characterize and monitor humpback whales						
RM-1A Continue to monitor humpback whales.	22.5	2.0	-	-	125.0	149.5
RM-1B Continue to examine distribution.	22.5	2.0	-	-	75.0	99.5
RM-1C Continue to examine life cycle and behavior.	22.5	2.0	-	-	75.0	99.5
RM-2 Characterize and monitor the habitat and factors affecting humpback whales						
RM-2A Monitor threats/impacts to humpback whales.	45.0	0.5	-	-	70.0	115.5
RM-2B Maintain a data and information system.	22.5	-	-	-	35.0	57.5
RM-3 Improve administration of research projects						
RM-3A Establish administrative procedures for research.	1.9	-	-	-	-	1.9
RM-3B Determine role of SAC in research planning.	0.8	-	-	-	-	0.8
RM-3C Conduct review to update research priorities.	3.8	-	-	-	5.0	8.8
RM-4 Enhance communication among researchers and the public						
RM-4A Create opportunities for enhancing communication.	10.5	5.0	5.0	-	10.0	30.5



NATIONAL MARINE
SANCTUARIES



Action Plans: Introduction

Table 3A Continued

Strategy and Activity	Personnel	Travel	Printing	Equipment & Supplies	Contract	Avg. Annual Costs
CRE-1 Facilitate Native Hawaiian events and traditions						
CRE-1A Maintain efforts by Hawaiian Cultural Educator.	54.0	5.0	5.0	-	25.0	89.0
CRE-1B Continue to develop educational tools.	15.0	1.0	5.0	-	25.0	46.0
CRE-1C Continue relationships with Native Hawaiian community	15.0	2.0	1.0	-	10.0	28.0
CRE-2 Nurture increased awareness of Hawaiian values and practices						
CRE-2A Incorporate traditional practices into programs.	10.5	1.0	1.0	-	10.0	22.5
CRE-2B Increase cooperative cultural education programs.	10.5	5.0	3.0	-	10.0	28.5
CRE-2C Encourage the sharing of traditional knowledge.	10.5	6.0	-	-	10.0	26.5
CRE-2D Recruit Hawaiian culture volunteers.	6.0	3.0	-	-	-	9.0
AD-1 Enhance Federal-State co-management of the Sanctuary						
AD-1A Continue cooperative management operations.	15.0	7.0	-	-	-	22.0
AD-1B Continue Federal support of State program.	10.5	12.0	-	-	180.0	202.5
AD-1C Enhance State support of Sanctuary activities.	1.5	1.0	-	-	-	2.5
AD-1D Enhance cooperation between various programs.	10.5	7.0	-	-	15.0	32.5
AD-2 Establish agreements for coordination among agencies and organizations						
AD-2A Finalize & implement MOU's.	1.5	-	-	-	-	1.5
AD-2B Prepare agreements for other partner agencies.	-	-	-	-	-	-
AD-3 Enhance opportunities for SAC participation						
AD-3A Assist in preparing strategic plan.	10.5	6.0	-	-	2.0	18.5
AD-3B Maintain strong body of SAC members.	22.5	0.5	-	-	-	23.0
AD-3C Foster effective communication w/Sanctuary.	7.5	-	-	-	2.0	9.5
AD-3D Ensure effective communication w/ community.	7.5	-	15.0	-	25.0	47.5
AD-4 Enhance the staffing and personnel resources of the Sanctuary						
AD-4A Identify & recruit permanent staffing positions.	-	-	-	-	-	-
AD-4B Develop & implement a training program.	16.9	11.3	-	-	26.3	54.4
AD-5 Augment the physical infrastructure of the Sanctuary						
AD-5A Develop a ten-year facility plan.	-	-	-	-	-	-
AD-5B Identify, prioritize, and fill equipment needs.	10.5	-	-	20.0	-	30.5
TOTAL	670.1	112.4	70.0	64.0	1,024.0 #	1,940.5

*Average annual costs are rough estimates based on anticipated required cost elements. No adjustments have been made for inflation. Some activities may not be conducted during every year of the plan period. Additional start-up costs and costs for activities to be accomplished only once during the plan period are not included in this table (see Table 3B). Training costs are included in the contract costs column.



Table 3B: Summary Table of Estimated One Time Only Costs (in \$1000s)*

Strategy and Activity	Personnel	Travel	Printing	Equipment & Supplies	Contract	One-Time Only Costs
NRP-1 Assess and clarify the Sanctuary's role in contingency planning						
NRP-1A Coordinate with appropriate parties.	1.7	-	-	-	-	1.7
NRP-1B Ensure Sanctuary addressed in local area plans.	1.7	-	-	-	-	1.7
NRP-1C Have Sanctuary staff trained in protocols.	10.0	-	-	-	-	10.0
NRP-2 Enhance project and permit review procedures						
NRP-2A Analyze existing MOU w/NOAA Fisheries.	2.5	3.0	-	-	-	5.5
NRP-2B Review and finalize existing MOU w/State.	0.5	3.0	-	-	-	3.5
NRP-2C Identify a permit point of contact on staff.	0.5	-	-	-	-	0.5
NRP-3 Obtain and share relevant information on Sanctuary uses, use policies, and regulations						
NRP-3A Assess and monitor human uses.	-	-	-	-	-	-
NRP-3B Develop outreach materials about human uses.	8.3	1.3	13.3	-	33.3	56.3
NRP-3C Collaborate in promoting compatible uses.	-	-	-	-	-	-
NRP-4 Reduce violations of Sanctuary regulations						
NRP-4A Maintain enforcement operations.	-	-	-	-	-	-
NRP-4B Determine baseline level of violations.	1.3	-	-	-	-	1.3
NRP-4C Develop strategies to reduce violations.	10.0	1.3	1.3	-	20.0	32.7
NRP-4D Assess effectiveness of State regulations.	3.3	0.7	-	-	13.3	17.3
NRP-4E Continue annual Ocean Users' Workshop	-	-	-	-	-	-
NRP-5 Develop process to evaluate possible resources for inclusion to the Sanctuary						
NRP-5A Conduct review of resources already identified.	3.8	-	-	-	50.0	53.8
NRP-5B Identify additional resources.	37.5	10.0	15.0	-	25.0	87.5
NRP-5C Evaluate all candidate resources.	8.8	-	-	-	25.0	33.8
NRP-5D Conduct review of the findings in Activity C.	7.5	4.0	5.0	-	10.0	26.5
NRP-5E Add resources to the Sanctuary.	5.0	1.0	2.0	-	10.0	18.0
EO-1 Enhance existing education and outreach programs						
EO-1A Conduct training for educators.	-	-	-	-	-	-
EO-1B Enhance education opportunities for ocean users.	-	-	-	-	-	-
EO-1C Enhance opportunities for public in monitoring.	-	-	-	-	-	-
EO-1D Enhance educational opportunities to the public.	-	-	-	-	-	-
EO-2 Develop and implement new education and outreach programs						
EO-2A Evaluate new education and outreach needs.	18.8	1.5	-	-	52.5	72.8
EO-2B Develop and implement a strategic plan.	37.5	16.0	10.0	-	50.0	113.5
EO-2C Conduct evaluation of new programs.	25.0	2.0	-	-	30.0	57.0
EO-3 Support current activities of the Sanctuary volunteer program						
EO-3A Enhance current opportunities for volunteers.	-	-	-	-	-	-
EO-3B Complete the volunteer handbook.	6.3	0.5	1.0	-	-	7.8
EO-4 Provide additional opportunities for volunteer participation in Sanctuary activities						
EO-4A Provide additional opportunities for volunteers.	25.0	10.0	2.0	-	30.0	67.0
EO-4B Develop a plan for volunteers on all islands.	8.8	1.0	1.0	-	15.0	25.8
RM-1 Characterize and monitor humpback whales						
RM-1A Continue to monitor humpback whales.	-	-	-	-	-	-
RM-1B Continue to examine distribution.	-	-	-	-	-	-
RM-1C Continue to examine life cycle and behavior.	-	-	-	-	-	-
RM-2 Characterize and monitor the habitat and factors affecting humpback whales						
RM-2A Monitor threats/impacts to humpback whales.	-	-	-	-	-	-
RM-2B Maintain a data and information system.	-	-	-	-	-	-
RM-3 Improve administration of research projects						
RM-3A Establish administrative procedures for research.	12.5	-	-	-	-	12.5
RM-3B Determine role of SAC in research planning.	5.0	-	-	-	-	5.0
RM-3C Conduct review to update research priorities.	9.4	-	-	-	15.0	24.4
RM-4 Enhance communication among researchers and the public						
RM-4A Create opportunities for enhancing communication.	-	-	5.0	-	-	-
CRE-1 Facilitate Native Hawaiian events and traditions						
CRE-1A Maintain efforts by Hawaiian Cultural Educator.	-	-	5.0	-	-	-
CRE-1B Continue to develop educational tools.	-	-	5.0	-	-	-
CRE-1C Continue relationships with Native Hawaiian community	-	-	1.0	-	-	-



Action Plans: Introduction

Table 3B Continued

Strategy and Activity	Personnel	Travel	Printing	Equipment & Supplies	Contract	One-Time Only Costs
CRE-2 Nurture increased awareness of Hawaiian values and practices						
CRE-2A Incorporate traditional practices into programs.	-	-	1.0	-	-	-
CRE-2B Increase cooperative cultural education programs.	-	-	3.0	-	-	-
CRE-2C Encourage the sharing of traditional knowledge.	-	-	-	-	-	-
CRE-2D Recruit Hawaiian culture volunteers.	-	-	-	-	-	-
AD-1 Enhance Federal-State co-management of the Sanctuary						
AD-1A Continue cooperative management operations.	-	-	-	-	-	-
AD-1B Continue Federal support of State program.	-	-	-	-	-	-
AD-1C Enhance State support of Sanctuary activities.	-	-	-	-	-	-
AD-1D Enhance cooperation between various programs.	-	-	-	-	-	-
AD-2 Establish agreements for coordination among agencies and organizations						
AD-2A Finalize & implement MOU's.	3.8	-	-	-	-	3.8
AD-2B Prepare agreements for other partner agencies.	12.5	-	-	-	-	12.5
AD-3 Enhance opportunities for SAC participation						
AD-3A Assist in preparing strategic plan.	-	-	-	-	-	-
AD-3B Maintain strong body of SAC members.	-	-	-	-	-	-
AD-3C Foster effective communication w/Sanctuary.	-	-	-	-	-	-
AD-3D Ensure effective communication w/ community.	-	-	15.0	-	-	-
AD-4 Enhance the staffing and personnel resources of the Sanctuary						
AD-4A Identify & recruit permanent staffing positions.	3.8	6.0	-	-	-	9.8
AD-4B Develop & implement a training program.	25.0	20.0	-	-	46.7	91.6
AD-5 Augment the physical infrastructure of the Sanctuary						
AD-5A Develop a ten-year facility plan.	12.5	-	-	-	50.0	62.5
AD-5B Identify, prioritize, and fill equipment needs.	-	-	-	200.0	-	200.0
TOTAL	307.9	81.3	50.7	200.0	475.8 #	1,115.7

*One time only costs are costs associated with activities that will be accomplished only once during the plan period or costs that are additional start-up costs associated with activities conducted on an annual basis.





Natural Resource Protection Action Plan

Introduction

The highest management priority for the HIHWNMS is the long-term protection of humpback whales, and their habitat within the Sanctuary's boundary. During the development of the Sanctuary's original management plan, NOAA concluded that no additional independent regulatory prohibitions or restrictions were needed for their protection. Instead, NOAA determined that the Sanctuary should play an integral role by facilitating and coordinating complementary management and regulatory efforts to enhance education, research, monitoring, and enforcement with existing Federal and State authorities sharing regulatory responsibility for protection and management of humpback whales and their habitat.

This action plan provides the strategies (Tables 4 and 5A/B and Figure 2) that will be used to continue a complementary management approach to help protect the humpback whale and its habitat. The strategies were prepared in response to issues identified by the original management plan, Sanctuary staff, and the Sanctuary Advisory Council. The strategies and activities in this action plan address Goal 1: *Conserve, enhance, and protect humpback whales and their habitat*; Goal 4: *Foster all uses of the Sanctuary compatible with protection of humpback whales and their habitat (including uses by Native Hawaiians customarily and traditionally exercised for subsistence, cultural, and religious purposes)*; and Goal 7: *Identify and evaluate resources and ecosystems for possible inclusion in the Sanctuary*. The following sections discuss each strategy in detail.

Outcomes and Performance Indicators

NRP Outcome 1: By the end of 2004, the Sanctuary will have an enhanced capability to protect its resources, as indicated by:

- A defined role and responsibilities in contingency planning in coordination with appropriate Federal, State, and local agencies by the end of 2003.
- An identified and trained point of contact for consultation and permits by the end of 2004.
- A defined policy and mechanisms necessary for damage assessment and restoration to incidents that result in destruction, loss of, or injury to humpback whales and their Hawaiian Sanctuary habitat by the end of 2004.

NRP Outcome 2: By the end of 2005, the Sanctuary will understand and communicate the full range and patterns of uses of the Sanctuary, as indicated by:

- A comprehensive report on Sanctuary uses prepared and distributed by the end of 2003.
- Outreach products and activities promoting sustainable uses developed and distributed/implemented by the end of 2005, and annually thereafter as necessary and appropriate.
- Increases in public awareness of appropriate and inappropriate uses of Sanctuary resources as determined by the awareness survey conducted in 2005.

NRP Outcome 3: By the end of 2006 the Sanctuary will have determined if it has a role to play in the protection of other resources not currently included in the Sanctuary, as indicated by:

- A list of potential resources to be added to the Sanctuary by the end of 2004.
- Initiation of the public review of the list of potential resources by the end of 2005.
- Initiation of a process, if needed, to add resources to the Sanctuary by the end of 2006.

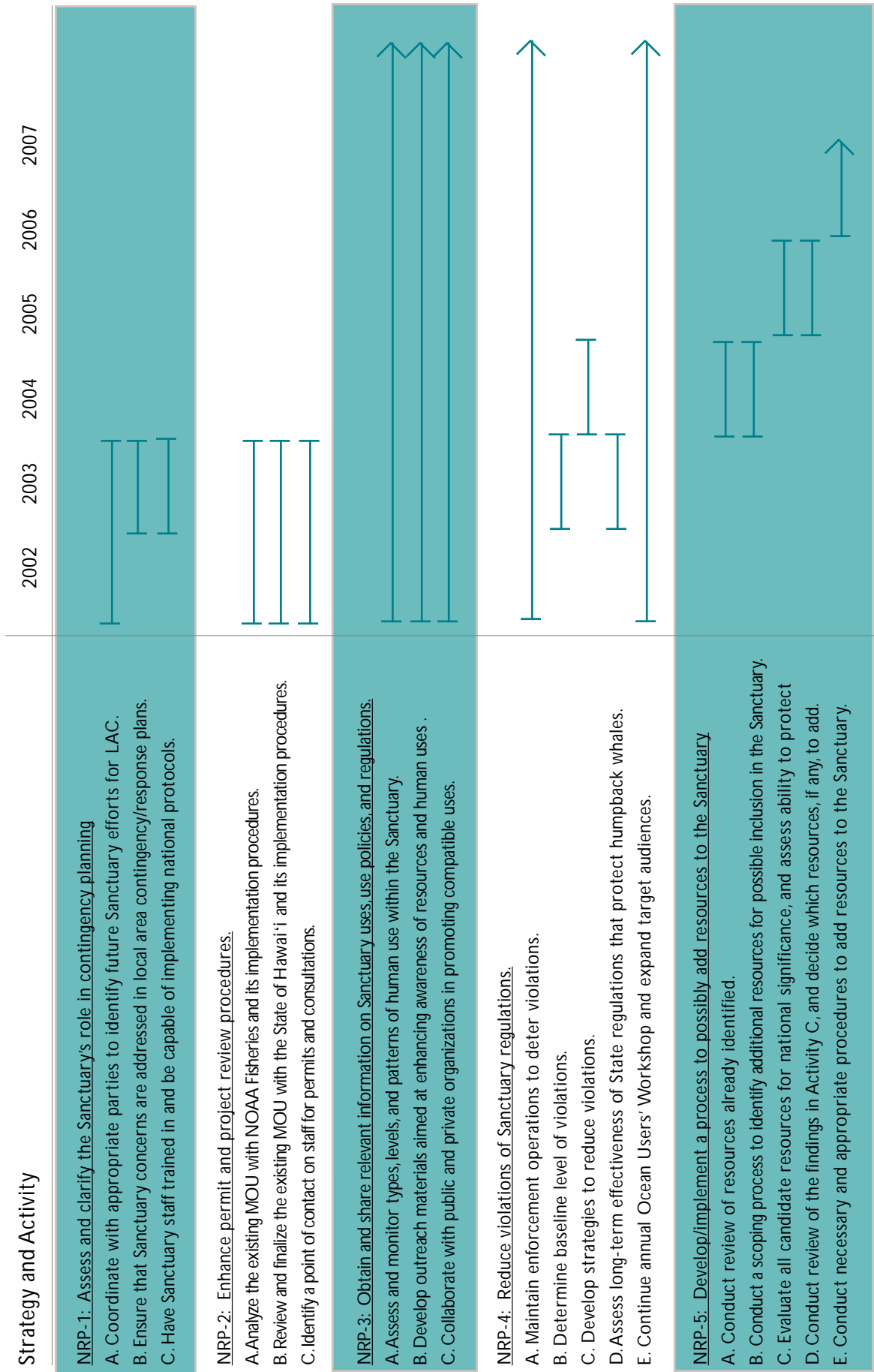


Table 4: Summary of Natural Resource Protection Strategies and Activities

Strategies	Activities
<p>NRP-1: Assess and clarify the Sanctuary's role and responsibility in contingency planning, emergency response, and damage assessment activities.</p>	<p>A. Coordinate with NMSP headquarters, NOAA Fisheries, and other appropriate parties to identify future Sanctuary efforts that will help support efforts of the Local Area Committee.</p> <p>B. Ensure that Sanctuary concerns are addressed in local area contingency and response plans, damage assessment efforts, and restoration projects, as appropriate.</p> <p>C. Have Sanctuary staff trained in and be capable of implementing the NMSP and other damage assessment and restoration protocols and procedures.</p>
<p>NRP-2: Enhance project and permit review procedures.</p>	<p>A. Analyze the existing MOU with NOAA Fisheries and its implementation procedures to determine where operational enhancements can be made.</p> <p>B. Review and finalize the draft MOU with the State of Hawai'i and its implementation procedures to determine where operational enhancements can be made.</p> <p>C. Identify a point of contact on staff for permit review and consultations, and provide appropriate guidance and training.</p>
<p>NRP-3: Obtain and share relevant information on Sanctuary uses, use policies, and regulations.</p>	<p>A. Assess and monitor types, levels, and patterns of human use within the Sanctuary.</p> <p>B. Develop outreach materials aimed at enhancing public and agency awareness of Sanctuary resources and human uses within the Sanctuary.</p> <p>C. Collaborate with public and private organizations in promoting uses of the Sanctuary that are compatible with primary mandate of resource protection.</p>
<p>NRP-4: Reduce violations of Sanctuary regulations.</p>	<p>A. Maintain enforcement operations to deter violations.</p> <p>B. Determine baseline level of violations.</p> <p>C. Develop strategies to reduce violations.</p> <p>D. Assess long-term effectiveness of State regulations that protect humpback whales.</p> <p>E. Continue annual Ocean Users' Workshop and expand target audiences.</p>
<p>NRP-5: Develop and implement a process that identifies and evaluates resources for possible inclusion in the Sanctuary.</p>	<p>A. Conduct review of resources already identified.</p> <p>B. Conduct a scoping process to identify additional resources for possible inclusion in the Sanctuary.</p> <p>C. Evaluate all candidate resources for national significance and assess the ability of the Sanctuary to protect those resources.</p> <p>D. Conduct further public and agency review of the findings in Activity C, and decide which resources, if any, will be added to the Sanctuary.</p> <p>E. Conduct the necessary and appropriate procedures to add resources to the Sanctuary, either during the next five-year review or at the appropriate time.</p>



Figure 2: Timeframe of NRP Strategies and Activities



Action Plans: Natural Resource Protection

Table 5A: Estimated One Time Only Costs (in \$1000s) for NRP Strategies and Activities

Strategy and Activity	Personnel	Travel	Printing	Equipment & Supplies	Contract	One-Time Only Costs
NRP-1 Assess and clarify the Sanctuary's role in contingency planning						
NRP-1A Coordinate with appropriate parties.	1.7	-	-	-	-	1.7
NRP-1B Ensure Sanctuary addressed in local area plans.	1.7	-	-	-	-	1.7
NRP-1C Have Sanctuary staff trained in protocols.	10.0	-	-	-	-	10.0
NRP-2 Enhance project and permit review procedures						
NRP-2A Analyze existing MOU w/NOAA Fisheries.	2.5	3.0	-	-	-	5.5
NRP-2B Review and finalize existing MOU w/State.	0.5	3.0	-	-	-	3.5
NRP-2C Identify a permit point of contact on staff.	0.5	-	-	-	-	0.5
NRP-3 Obtain and share relevant information on Sanctuary uses, use policies, and regulations						
NRP-3A Assess and monitor human uses.	-	-	-	-	-	-
NRP-3B Develop outreach materials about human uses.	8.3	1.3	13.3	-	33.3	56.3
NRP-3C Collaborate in promoting compatible uses.	-	-	-	-	-	-
NRP-4 Reduce violations of Sanctuary regulations						
NRP-4A Maintain enforcement operations.	-	-	-	-	-	-
NRP-4B Determine baseline level of violations.	1.3	-	-	-	-	1.3
NRP-4C Develop strategies to reduce violations.	10.0	1.3	1.3	-	20.0	32.7
NRP-4D Assess effectiveness of State regulations.	3.3	0.7	-	-	13.3	17.3
NRP-4E Continue annual Ocean Users' Workshop	-	-	-	-	-	-
NRP-5 Develop process to evaluate possible resources for inclusion to the Sanctuary						
NRP-5A Conduct review of resources already identified.	3.8	-	-	-	50.0	53.8
NRP-5B Identify additional resources.	37.5	10.0	15.0	-	25.0	87.5
NRP-5C Evaluate all candidate resources.	8.8	-	-	-	25.0	33.8
NRP-5D Conduct review of the findings in Activity C.	7.5	4.0	5.0	-	10.0	26.5
NRP-5E Add resources to the Sanctuary.	5.0	1.0	2.0	-	10.0	18.0

Table 5B: Estimated Annual Costs (in \$1000s) for NRP Strategies and Activities

Strategy and Activity	Personnel	Travel	Printing	Equipment & Supplies	Contract	One-Time Only Costs
NRP-1 Assess and clarify the Sanctuary's role in contingency planning						
NRP-1A Coordinate with appropriate parties.	1.7	-	-	-	-	1.7
NRP-1B Ensure Sanctuary addressed in local area plans.	1.7	-	-	-	-	1.7
NRP-1C Have Sanctuary staff trained in protocols.	10.0	-	-	-	-	10.0
NRP-2 Enhance project and permit review procedures						
NRP-2A Analyze existing MOU w/NOAA Fisheries.	2.5	3.0	-	-	-	5.5
NRP-2B Review and finalize existing MOU w/State.	0.5	3.0	-	-	-	3.5
NRP-2C Identify a permit point of contact on staff.	0.5	-	-	-	-	0.5
NRP-3 Obtain and share relevant information on Sanctuary uses, use policies, and regulations						
NRP-3A Assess and monitor human uses.	-	-	-	-	-	-
NRP-3B Develop outreach materials about human uses.	8.3	1.3	13.3	-	33.3	56.3
NRP-3C Collaborate in promoting compatible uses.	-	-	-	-	-	-
NRP-4 Reduce violations of Sanctuary regulations						
NRP-4A Maintain enforcement operations.	-	-	-	-	-	-
NRP-4B Determine baseline level of violations.	1.3	-	-	-	-	1.3
NRP-4C Develop strategies to reduce violations.	10.0	1.3	1.3	-	20.0	32.7
NRP-4D Assess effectiveness of State regulations.	3.3	0.7	-	-	13.3	17.3
NRP-4E Continue annual Ocean Users' Workshop	-	-	-	-	-	-
NRP-5 Develop process to evaluate possible resources for inclusion to the Sanctuary						
NRP-5A Conduct review of resources already identified.	3.8	-	-	-	50.0	53.8
NRP-5B Identify additional resources.	37.5	10.0	15.0	-	25.0	87.5
NRP-5C Evaluate all candidate resources.	8.8	-	-	-	25.0	33.8
NRP-5D Conduct review of the findings in Activity C.	7.5	4.0	5.0	-	10.0	26.5
NRP-5E Add resources to the Sanctuary.	5.0	1.0	2.0	-	10.0	18.0





Strategies

NRP-1: ASSESS AND CLARIFY THE SANCTUARY'S ROLE AND RESPONSIBILITY IN CONTINGENCY PLANNING, EMERGENCY RESPONSE, AND DAMAGE ASSESSMENT ACTIVITIES

Strategy Summary

Strategy NRP-1 addresses Objectives 1.1 and 1.2 to improve its coordination with other Federal and State agencies to mitigate and prevent harm to Sanctuary resources by helping reduce threats of catastrophic events (e.g., oil or other hazardous material spills).

Section 4202 of the Oil Pollution Act of 1990 (OPA; 33 U.S.C. § 2701 *et seq.*) amended Subsection j of Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321 (j)) to address the development of a National Planning and Response System. OPA called for the creation of planning teams to develop contingency plans to address oil and hazardous waste spills and responses. The National Response Team (NRT) is primarily a planning, policy, and coordination body, and does not respond directly to incidents. The NRT membership consists of 15 Federal agencies with responsibilities, interests, and expertise in various aspects of emergency response to pollution incidents and is responsible for developing a National Contingency Plan (NCP). EPA serves as the chair and USCG serves as vice-chair. The Oceania Regional Response Team (ORRT) is comprised of Federal and State (or Territory) representation. Like the NRT, the ORRT is mainly a planning, policy, and coordinating body, and does not respond directly to incidents. The ORRT has Federal and State representation. EPA and USCG co-chair the team. ORRT provides guidance and assistance to Area Committees and is responsible for developing Regional Contingency Plans (RCP).

As part of the National Planning Response and Planning System, Area Committees are to be established for each area designated by the President. These Area Committees are to be comprised of qualified personnel from Federal, State, and local agencies. Each Area Committee, under the direction of the Federal On-Scene Coordinator for the area, is responsible for developing an Area Contingency Plan (ACP) which, when implemented in conjunction with the NCP and RCP, shall be adequate to remove a worst case discharge of oil or a hazardous substance, and to mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility operating in or near the geographic area. Each Area Committee is also responsible for working with State and local officials to pre-plan for joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife.



Action Plans: Natural Resource Protection

Title III of the Superfund Amendments and Reauthorization Act of 1986 is entitled the Emergency Planning and Community Right-to-Know Act (EPCRA; 42 U.S.C. 11001 *et seq.*). This Federal statute requires emergency response planning at the State and local level. The State of Hawai'i established a Hawai'i State Emergency Response Commission (HSERC) to comply with this requirement and designated DOH as the lead agency to implement the EPCRA. The HSERC was required to delineate emergency planning districts and appoint local emergency response committees to facilitate the preparation and implementation of local emergency plans. Hawai'i's four counties (Hawai'i, Honolulu, Maui and Kaua'i) represent the emergency planning districts for the State. The HSERC established a technical subcommittee to draft a State plan to provide statewide guidance on oil and hazardous substances emergency response. The result is Hawai'i's Oil and Hazardous Substances Emergency Response Plan. This management plan is incorporated in the Area Contingency Plan (ACP).

Contingency plans provide the basis under which agencies and individuals respond to oil spills, chemical releases, vessel groundings, and other events which may threaten natural resources and human life. As a resource trustee, the Sanctuary is involved in several levels of contingency planning with various State and Federal agencies at both the national and local level. The NCP provides the basic framework and organization under which all oil and chemical response efforts are conducted. It provides for a National Response Center, which acts as a nationwide notification and reporting point for all spill incidents, and defines the roles of the regional response teams, Federal and State on-scene coordinators, and special forces. The Regional Response Teams (RRT) are aligned within the boundaries of the Federally defined Regions and provide for large scale contingency planning and resolution of issues related to response actions at the Federal-State interface level. The regional response plans generally deal with strategic issues which affect large areas and cross many local jurisdictional boundaries. The Local Area Committees (LAC) are mandated by the Oil Pollution Act of 1990. The boundaries and size of these Local Areas vary from region to region, and generally tend to follow county or city boundaries in most areas. Some Local Areas have been delineated to coincide with the limits of Coast Guard Districts or Marine Safety Office areas. The Local Area Contingency plans are more detailed in nature and are tasked to consider several potential worst-case scenarios for the local area, making these plans tactical in scope and effect.

The NMSP is represented at both the regional and local levels by involvement in the RRT and LAC processes. The HIHWNMS seeks to improve its participation in local contingency planning efforts by supporting response efforts of the Federal, State, and local agencies within the boundaries of the Sanctuary. The activities contained in this strategy will clarify the Sanctuary's role in contingency planning and improve its emergency response and damage assessment capability.

Activities

Activity A: Coordinate with NMSP headquarters, NOAA Fisheries, USCG, and other appropriate parties to identify future Sanctuary efforts that will help to support response efforts of the LAC.

The Sanctuary staff will consult with personnel at NOAA, USCG, and other agencies to determine future Sanctuary activities with regard to existing contingency plans and procedures.

Activity B: Ensure that Sanctuary concerns are addressed in local area contingency and response plans, damage assessment efforts, and restoration projects, as appropriate.

Sanctuary staff will provide information to appropriate contacts, area contingency committee(s), and RRTs, including ensuring that the Sanctuary is included on notification lists for emergencies. Such information will then be used to ensure that Sanctuary concerns and responsibilities are considered in





all such projects. This information may take the form of one page information sheets, maps of sensitive habitat areas, research reports, or other forms that provide technical information or policy information about the NMSP's damage assessment and restoration responsibilities as a trustee agency.

Activity C: Have Sanctuary staff trained in and be capable of implementing the national NMSP and other damage assessment and restoration protocols and procedures.

Such protocols will include tracking response, monitoring, and restoration costs, documenting the extent of damage to Sanctuary resources, etc. This will help ensure that the Sanctuary fulfills its damage assessment and restoration responsibilities.

Estimated Timeframe

See Figure 2 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: two years, starting in 2002.
- Activity B: one year, starting in 2003.
- Activity C: one year, starting in 2003.

Estimated Costs

See Table 5 for an overview of the anticipated costs of these strategies.

Products

- Defined role for the Sanctuary in existing contingency plans, and response and restoration protocols.
- Improved damage assessment and restoration capability in the Sanctuary office.

Partners

- DLNR/DOH, and other State of Hawai'i agency staff
- NOAA Fisheries
- U.S. Coast Guard
- Other resource trustee partners

Related Strategies

- AD-1: Establish agreements for coordination among agencies and organizations relevant to Sanctuary management to better protect humpback whales and their habitat.
- AD-2: Enhance opportunities for Sanctuary Advisory Council participation in planning, education, research, and other appropriate activities.



NRP-2: ENHANCE PROJECT AND PERMIT REVIEW PROCEDURES

Strategy Summary

Strategy NRP-2 addresses Objective 1.3 to enhance project and permit review procedures for activities that may impact humpback whales or their Sanctuary habitat.

NOAA Fisheries and NOS have significant roles in the protection and management of humpback whales and their habitat in Hawai'i. NOAA Fisheries has the responsibility for protection and management of humpback whale under the Marine Mammal Protection Act of 1972 (MMPA), as amended, and the Endangered Species Act of 1973 (ESA), as amended. NOS administers the Sanctuary under the NMSA. It is therefore essential that these two agencies function in close cooperation and coordination in carrying out the respective functions and responsibilities in the protection of the humpback whale and its habitat in Hawai'i.

In August 1995, NOS and NOAA Fisheries signed a Memorandum of Understanding (MOU) concerning permits and consultations for activities that affect the HIHWNMS. This MOU set forth specific procedures by which NOAA Fisheries' Office of Protected Resources and the NMSP will cooperate and coordinate on the issuance of permits and other authorizations with respect to consultations under the ESA, MMPA, and NMSA for activities that may affect humpback whales and their Sanctuary habitat. This MOU was developed to reduce agency duplication and establish a more coordinated NOAA response. The MOU states that NOAA Fisheries would remain the lead agency, and will work closely with the Sanctuary Manager to incorporate Sanctuary concerns into permits issued under the ESA and MMPA.

The HIHWNMS will review existing procedures and protocols to ensure that the Sanctuary is providing effective and efficient support to NOAA Fisheries in the review of ongoing and proposed activities that may affect humpback whales and their Sanctuary habitat.

In addition, the Sanctuary developed separate MOUs with NOAA Fisheries and the State to establish mutually agreeable procedures for coordinated review of activities requiring permits for proposed activities that are subject to Sanctuary regulation (i.e. discharge and alteration of the seabed activities), and that may impact humpback whales or their habitat.

The Sanctuary's habitat regulations provides enhanced resource protection for the whales' habitat since violations of valid Federal or State permits, leases, licenses, or specific authorizations also constitute a violation of Sanctuary regulations. Any authorized discharge or alteration of the seabed activities will not be a violation of Sanctuary regulations as long as it is conducted in accordance with a permit. The Sanctuary's regulatory regime to protect humpback whale habitat provides a backdrop or safety net to existing authorities to ensure compliance with valid permits, leases and authorizations, and supplements the enforcement of permit violations and unlawful discharges or alteration of the seabed activities.

Because the Sanctuary's regulatory structure was designed so that the Sanctuary works within the existing review structures, it does not have independent authority to prevent discharge or alteration of the seabed activities permitted by other Federal and State agencies. The Sanctuary relies on these agreements to ensure that the Sanctuary's concerns are addressed through these permitting processes.





The Sanctuary will also review the MOUs that address the coordinated management for proposed activities requiring permits from NOAA Fisheries and from the State that may impact humpback whales or their Sanctuary habitat.

Activities

Activity A: Analyze the existing MOU with NOAA Fisheries and its implementation procedures to determine where operational enhancements can be made.

Reviewing and, if necessary, revising the MOU will strengthen the relationship between the Sanctuary and NOAA Fisheries, and help make review procedures more efficient and effective.

Activity B: Review and finalize the draft MOU with the State of Hawai'i and its implementation procedures to determine where operational enhancements can be made.

Reviewing and, if necessary, revising the MOU will strengthen the relationship between the Sanctuary and the State and help make co-management arrangements more efficient and effective.

Activity C: Identify a point of contact on staff for permit review and consultations and provide appropriate guidance and training.

Estimated Timeframe

See Figure 4 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: up to two years, starting in 2002.
- Activity B: up to two years, starting in 2002.
- Activity C: up to two years, starting in 2002.

Estimated Costs

See Table 5 for an overview of the anticipated costs of these strategies.

Products

- Enhanced MOU implementation.
- Streamlined permit review and consultation procedures within the Sanctuary office.

Partners

- DLNR/DOH, and other State of Hawai'i agency staff
- NOAA Fisheries
- NOAA and State of Hawai'i attorneys



Related Strategies

- AD-1: Establish agreements for coordination among agencies and organizations relevant to Sanctuary management to better protect humpback whales and their habitat.
- AD-3: Enhance the infrastructure of the Sanctuary.





NRP-3: OBTAIN AND SHARE RELEVANT INFORMATION ABOUT SANCTUARY USES, USE POLICIES, AND REGULATIONS

Strategy Summary

Strategy NRP-3 addresses Objective 4.1, to gain a better understanding of the uses within the Sanctuary, who the users are, and the pattern and frequency of human use.

The Sanctuary will carry out efforts to gather data on different types of uses going on within the Sanctuary, who the users are, and the frequency of use. The Sanctuary needs this information to assess user impacts on the humpback whale and its habitat, and to make subsequent management decisions. The activities contained in this strategy will help the Sanctuary become more aware of how and where Sanctuary resources are being used and allow the Sanctuary to make better management decisions to protect Sanctuary resources. Such information will also be used to develop education programs geared toward specific user groups.

Activities

Activity A: Assess and monitor types, levels, and patterns of human use within the Sanctuary.

This will entail the study and documentation of the various human activities occurring within the Sanctuary. As a result of this activity, the Sanctuary and its partners will be provided with information on the types and levels of natural resource use occurring in Sanctuary waters and the possible positive and negative impacts of these activities on humpback whales and their habitat. The project will also generate baseline information to assess current threats and identify necessary research and monitoring studies. Further studies will provide information on economic value and social and cultural significance of human activities in the Sanctuary.

Activity B: Develop outreach materials aimed at enhancing public and agency awareness of Sanctuary resources and human uses within the Sanctuary.

Drawing on the findings of Activity A above, this strategy will involve developing and using outreach products and activities to foster enhanced awareness and support of ocean uses that are compatible with the Sanctuary's main goal. Improved public understanding of activities that are not compatible with humpback whale protection will also be cultivated via this activity.

Activity C: Collaborate with public and private organizations in promoting uses of the Sanctuary that are compatible with the primary mandate of resource protection.

This activity, related to the two preceding it, will bring the Sanctuary community together with other agencies and groups with interests in sustainable ocean use to develop collaborative education and research programs that simultaneously promote socially valuable uses of the Sanctuary while continuing to effectively protect humpback whales and their habitat. Such collaboration might include development of shore-based whale watching programs, naturalist certification programs, and vessel operator training programs.



Estimated Timeframe

See Figure 2 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: Throughout plan period.
- Activity B: Throughout plan period.
- Activity C: Throughout plan period.

Estimated Costs

See Table 5 for an overview of the anticipated costs of these strategies.

Products

- Report on uses in Sanctuary.
- Outreach materials.
- threat assessment study.

Partners

- DLNR and other State of Hawai'i agency staff
- NOAA and State of Hawai'i public affairs staff
- NOAA Fisheries
- Sanctuary Advisory Council

Related Strategies

- EO-1: Assess, enhance, and implement existing education and outreach programs.
- RM-2: Characterize and monitor the habitat and behavior of humpback whales including the natural and anthropogenic factors affecting them.



NRP-4: REDUCE VIOLATIONS OF SANCTUARY REGULATIONS

Strategy Summary

Strategy NRP-4 addresses Objective 3.2, to promote public stewardship and an ocean conservation ethic to help protect humpback whales and their habitat, by achieving voluntary compliance with applicable regulations protecting them.

The Sanctuary regulations essentially incorporate NOAA Fisheries humpback whale approach regulations for Hawai'i and regulations that prohibit taking or possessing a humpback whale or parts thereof (please see Appendix 2 for the complete Final Rule for the Sanctuary). Thus violations of the terms or conditions of NOAA Fisheries whale approach regulations would also constitute a violation of the Sanctuary regulations. Sanctuary prohibitions would not apply if the activity is authorized under the MMPA or ESA. Specifically, the Sanctuary regulations include the following prohibitions:

- Approaching, or causing a vessel or other object to approach, within the Sanctuary, by any means, within 100 yards of any humpback whale except as authorized under the MMPA, as amended, 16 U.S.C. 1361 *et seq.*, and the ESA, as amended, 16 U.S.C. 1531 *et seq.*;
- Operating any aircraft above the Sanctuary within 1,000 feet of any humpback whale except when in any designated flight corridor for takeoff or landing from an airport or runway or as authorized under the MMPA and the ESA;
- Taking any humpback whale in the Sanctuary except as authorized under the MMPA and the ESA; and
- Possessing within the Sanctuary (regardless of where taken) any living or dead humpback whale or part thereof taken in violation of the MMPA or the ESA.

The Sanctuary aims to achieve resource protection for the humpback whale and its habitat by gaining voluntary compliance to prevent the occurrence of violations. Interpretive law enforcement emphasizes informing the public through educational messages and literature about responsible human behavior to prevent impacts to Sanctuary resources. The Sanctuary will address these issues by continuing a strong cooperative relationship with NOAA's Office for Law Enforcement (OLE) and its other Federal and State partners. Specifically, the Sanctuary will coordinate with OLE and other partners to maintain a seasonal on-site enforcement presence on Maui, to determine and assess the level and patterns of violations and by developing programs and projects to reduce violations through education, outreach, training, and enforcement.

NOAA will also work with other Federal and State resource management agencies, researchers, and Hawai'i ocean users to determine appropriate measures to address enforcement issues within the Sanctuary, including research and monitoring needs, training opportunities, and education and outreach efforts to prevent inadvertent violations of the law. One such project is the Ocean Users' Handbook produced annually by the Sanctuary (for use during the Ocean Users' Workshop) that includes fact sheets on protected species, excerpts from State and Federal laws protecting those species, guidelines for whalewatching, wildlife viewing, and documenting violations, and contact telephones numbers for various agencies to report violations.



NATIONAL MARINE
SANCTUARIES



Activities

Activity A: Maintain Sanctuary enforcement operations to deter violations.

The Sanctuary will continue to provide support to OLE to maintain a seasonal enforcement presence throughout Sanctuary waters to support education/interpretation activities, to deter violations of Sanctuary regulations, and to provide a quick response to any violations that do occur. The Sanctuary will work with OLE to develop enforcement operational plans that may include enforcement priorities, patrol schedules, procedures for documenting violations, boarding procedures, and information needs.

Activity B: Determine a baseline level of violations.

The Sanctuary will work with other Federal and State resource management agencies, research community, and Hawai'i ocean users to collect all relevant and available information and scientific data that will be used to more clearly define the level and pattern of Sanctuary violations and identify high use and sensitive areas. The Sanctuary will utilize the data results to assist in identifying areas of mutual concern and to develop effective resource protection strategies in response to enforcement issues.

Activity C: Develop strategies to reduce violations.

The Sanctuary will coordinate with OLE to develop strategies to reduce violations. These activities may include education and outreach products designed for Sanctuary users. The Sanctuary will also work with OLE, the State of Hawai'i, other Federal resource management agencies, and Hawai'i ocean users to develop a boater outreach program.

Activity D: Assess the long-term effectiveness of State regulations that protect humpback whales.

Humpback whales are protected as endangered species under Hawai'i State law (Chapter 195D, Hawai'i Revised Statutes) and regulations (Chapter 13-124, Hawai'i Administrative Rules). Under these regulations, no person may take, possess, process, sell, offer for sale, or transport any humpback whale or part thereof within the State without permission from the Hawai'i DLNR. Such permission (usually issued in the form of a scientific research permit) may only be granted for scientific purposes or to enhance the propagation or survival of the species. Compliance with all applicable Federal laws and regulations (e.g., ESA, MMPA) is always required whenever such permission is granted. DLNR endeavors to consult with NOAA Fisheries and the NMSP in granting any such permission. The Sanctuary will continue to participate in this consulting process to ensure that Sanctuary priorities and concerns are addressed to the maximum extent possible.





The State of Hawai‘i also regulates the operation of commercial and recreational thrill craft, water sledding, parasailing vessels, and high-speed motor craft that operate in State waters, including State waters within the Sanctuary. Section 13-256-16 of the Hawai‘i Administrative Rules (HAR) outlines the general provisions for thrill craft operations. Subsection (c), states, in part, “Thrill craft operations shall be curtailed in certain designated areas as described in subchapters two through eleven as necessary, to: 1) avoid possible adverse impacts on humpback whales or other protected marine life...” These protected areas are found in designated ocean recreation management areas (ORMA). In areas not designated as ORMAs, recreational thrill craft may only operate in waters between five hundred feet from the shoreline or the outer edge of the fringing reef whichever is greater to two miles off the islands of Kaua‘i, O‘ahu, Maui and Hawai‘i. Section 13-256-18 of the HAR outlines rules for commercial thrill craft operations, commercial high speed boating and water sledding operations. Another rule, Section 13-256-112, HAR, curtails the use of thrill craft use in the waters off Maui’s western shores during the whale season (December 15 through May 15) specifically to protect humpback whales. These regulations are an important step by the State of Hawai‘i to protect the humpback whale while in Hawaiian waters. The Sanctuary will work with the State, counties, and various interests to assess the long-term effectiveness of current and future laws, rules and regulations in protecting humpback whales from potential negative impacts posed by thrill craft, as well as other watercraft.

Activity E: Continue annual Ocean Users' Workshops, and expand target audience and workshop scope.

In order to broaden the audience that is reached by this successful workshop, target attendees may be expanded to include commercial boaters, kayak and other concessions, and whalewatching boat operators. Individuals, organizations, and companies that complete this workshop will receive a certificate from the Sanctuary.

Estimated Timeframe

See Figure 2 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: annually.
- Activity B: 2003.
- Activity C: 2004.
- Activity D: 2003.
- Activity E: annually.

Estimated Costs

See Table 5 for an overview of the anticipated costs of these strategies.

Products

- Violation baseline assessment.
- Database documenting violations and other whale-related incidents.
- Geographic information system data layers.
- Training/certification program.



Action Plans: Natural Resource Protection

Partners

- DLNR and other State of Hawai'i agency staff
- NOAA Fisheries
- U.S. Coast Guard

Related Strategies

- EO-1: Assess, enhance, and implement existing education and outreach programs.





NRP-5: DEVELOP AND IMPLEMENT A PROCESS THAT IDENTIFIES AND EVALUATES RESOURCES FOR POSSIBLE INCLUSION IN THE SANCTUARY

Strategy Summary

NRP-5 addresses Objective 7.1, to evaluate other resources for possible inclusion in the Sanctuary.

The HINMSA (Section 2304(b)(4)) required the Sanctuary to identify and evaluate resources and ecosystems of national significance for possible inclusion in the Sanctuary. However, several factors have delayed the Sanctuary's ability to focus on efforts to implement a process to identify other marine resource or ecosystems of national significance. The Sanctuary will address this requirement in the next five years, following the process developed in the original management plan. Public support to include other marine species, such as sea turtles (nā honu), other Hawaiian marine mammals (nā māmela kai), coral reefs (nā kohola), Hawaiian monk seals (nā 'ilioholoikauana), and other endangered species as resources of the Sanctuary has been expressed at recent (i.e., 2001) meetings of the Sanctuary Advisory Council.

If the Sanctuary decides that other resources are to be added to the Sanctuary, the boundary may need to be adjusted to ensure the new resources are adequately protected. The process to change the boundary is based on the same process used to designate the Sanctuary (since a term of designation would be changed), which includes scoping, preparation of a draft management plan and environmental impact statement, public review, and preparation of a final management plan and final environmental impact statement.

If the Sanctuary decides that other resources are to be added to the Sanctuary, all Sanctuary programs will need to be adjusted accordingly, including expansion of the scope and type of research, monitoring, education, and outreach programs; enforcement efforts; and the use of management tools such as zoning. Such new or expanded programs will be developed during the next five-year evaluation in 2007.

Activities

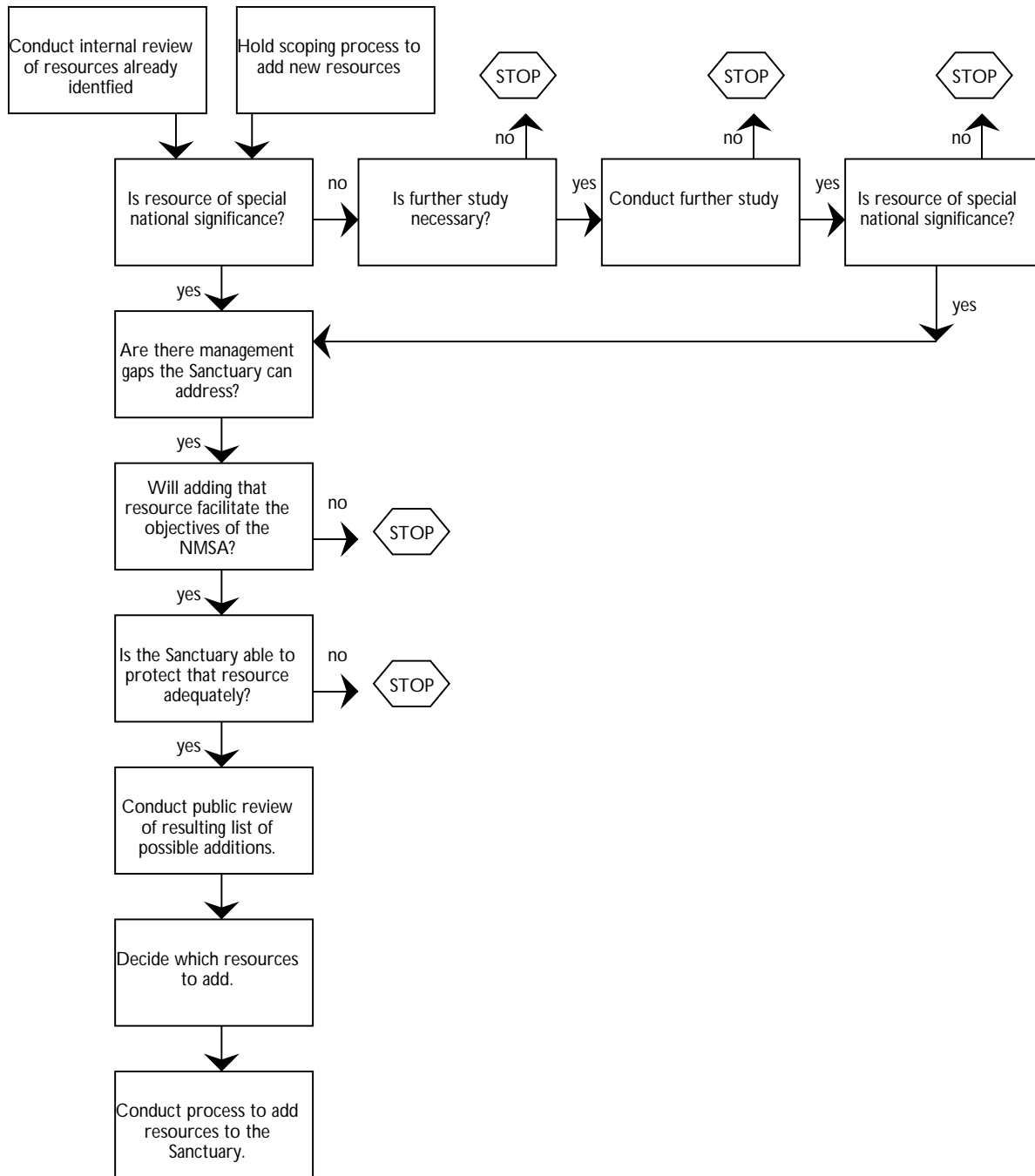
Activity A: Conduct review of resources already identified (see Figure 3 for an overview of this process).

A number of ecological, historical, and cultural resources were identified as possible Sanctuary resources, in addition to humpback whales and their habitat, during the Sanctuary's designation process. Priority will be given to review the resources that were identified in previous public meetings (from 1993 to 1995) and by the SAC. In examining these resources and their uses, the HIHWNMS will apply the Sanctuary designation standards described in the NMSA (§303(a)), consistent with the HINMSA. The following approach will be used by the Sanctuary in consultation with partner agencies and the SAC to assess whether other resources should qualify as Sanctuary resources and be included in the Sanctuary management regime.

1. Is the resource of special national significance? See NMSA §303(a)(2)(A) and §303(b)(1). If not, go to step 3.



Figure 3: Flowchart of Process to Consider Adding Resources to the Sanctuary.





2a. Are there *management gaps* which the NMSP can fill?

Management gaps for the purposes of this review will include any regulatory, administrative, or management deficiency. The review will specify whether the gaps result from shortfalls in regulatory authority or jurisdiction or from agency implementation constraints. Constraints may include, but are not limited to, limitations in non-regulatory management efforts such as education, research, monitoring, enforcement, and staffing. See NMSA §303(a)(2)(B),(D)]. If not, go to step 3.

2b. What are the management gaps and how can they be filled (research, monitoring, education, enforcement, regulation, staffing, etc.)? See NMSA §303(a)(2)(B),(D).

2c. Will the designation of the resource as a Sanctuary resource facilitate the objectives of the NMSA and the policies and purposes of the HINMSA? See NMSA §303(a)(1) and HINMSA §2304(b)(3).

3a. Should there be further study of the resource and its management because the resource may be of special national significance and suitable for Sanctuary management? If not, no further action is necessary.

3b. What other study is necessary to determine the significance of the resource and the need for additional management measures? Compile a list of research needs based upon this review.

Activity B: Conduct a scoping process to identify additional resources for possible inclusion in the Sanctuary.

This process will include holding meetings with the SAC, the public, and Federal and State agencies to help identify other resources for possible inclusion in the Sanctuary. Opportunities for general public comment will be provided at public meetings and also during an acceptance period of written public comments. A communications plan, including press releases and media packets, will be developed to support this process and help ensure wide public participation.

Activity C: Evaluate all candidate resources for national significance, and assess the ability of the Sanctuary to protect those resources.

The evaluation of resources for national significance will ensure that such resources are appropriate to be included in the Sanctuary under the requirements of the NMSA. The assessment of the ability of the Sanctuary to protect those resources will include feasibility and practicality of adding those resources, given current and projected funding and staff levels, and the effectiveness of the Sanctuary's existing programs.

Activity D: Conduct further public and agency review of the findings in Activity C, and decide which resources, if any, will be added to the Sanctuary.

Further public and agency review will be held prior to any action being taken to include additional resources, along with the proper resource protection and management regime, research, and education needs.



Action Plans: Natural Resource Protection

Activity E: Conduct the appropriate and necessary procedures to add resources to the Sanctuary, either during the next five-year review or at the appropriate time.

If necessary, a supplement to this management plan will be prepared and distributed for the review of proposed resources. The Sanctuary will work with the State of Hawai'i and other Federal agencies to assure that such additions are coordinated with the goals of these other agencies.

Estimated Timeframe

See Figure 2 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: one year, starting in 2004.
- Activity B: one year, starting in 2004.
- Activity C: one year, starting in 2005.
- Activity D: one year, starting in 2005.
- Activity E: starting in 2006 and beyond.

Estimated Costs

See Table 5 for an overview of the anticipated costs of these strategies.

Products

- Resource evaluation reports.
- Scoping comments and analysis.
- Potentially, description of resources to be added to Sanctuary.

Partners

- DLNR
- NOAA Fisheries
- U.S. Coast Guard
- Other Federal and State agencies as appropriate
- Sanctuary Advisory Council

Related Strategies

- AD-2: Enhance opportunities for Sanctuary Advisory Council participation in planning, education, research, and other appropriate activities.





Education and Outreach Action Plan

Introduction

Education and outreach programs have served as cornerstones of the Sanctuary. These programs, diverse in scope, content, and geographical coverage, have increased public awareness and provided other substantial benefits to local communities statewide. The Sanctuary targets a wide array of audiences, including local school children, divers, fishers, whalewatchers, visitors, and other ocean users. Of special value in many educational and outreach activities are volunteers who contribute unique skills and enthusiasm to accomplish a wide variety of important tasks. This action plan presents strategies (Tables 6 and 7A/B and Figure 4) that will preserve the best of current education and outreach programs as well as build new, complementary programs to most effectively achieve Goal 3, *Enhance public awareness, understanding, and appreciation of humpback whales, their habitat, and the Sanctuary*. Program planning, development and implementation will be optimized through systematic assessment of program needs and opportunities, and regular evaluation of program performance.

Outcomes and Performance Indicators

EO Outcome 1: By the end of 2006, the Sanctuary will enhance the protection of its resources by increasing awareness of its stewardship mission and fostering an ocean stewardship ethic, and will do so in a more effective manner, as indicated by:

- Increased awareness of and understanding of Sanctuary goals and other key facts and messages related to humpback whale protection and sustainable ocean use as shown by periodic surveys among educators, Sanctuary users and the general public (first survey completed by the end of 2004).
- A completed Strategic Education and Outreach Plan by end of 2004.
- A completed interpretive plan and/or handbook completed by end of 2005.

EO Outcome 2: By the end of 2007, the Sanctuary will clarify and augment its volunteer program, as indicated by:

- A completed volunteer handbook by end of 2004.
- A completed volunteer plan by end of 2005.
- Increasing numbers of volunteers and hours of volunteer participation increase throughout the plan period.
- Stable or increased satisfaction levels of volunteers as shown by surveys taken throughout the plan period.

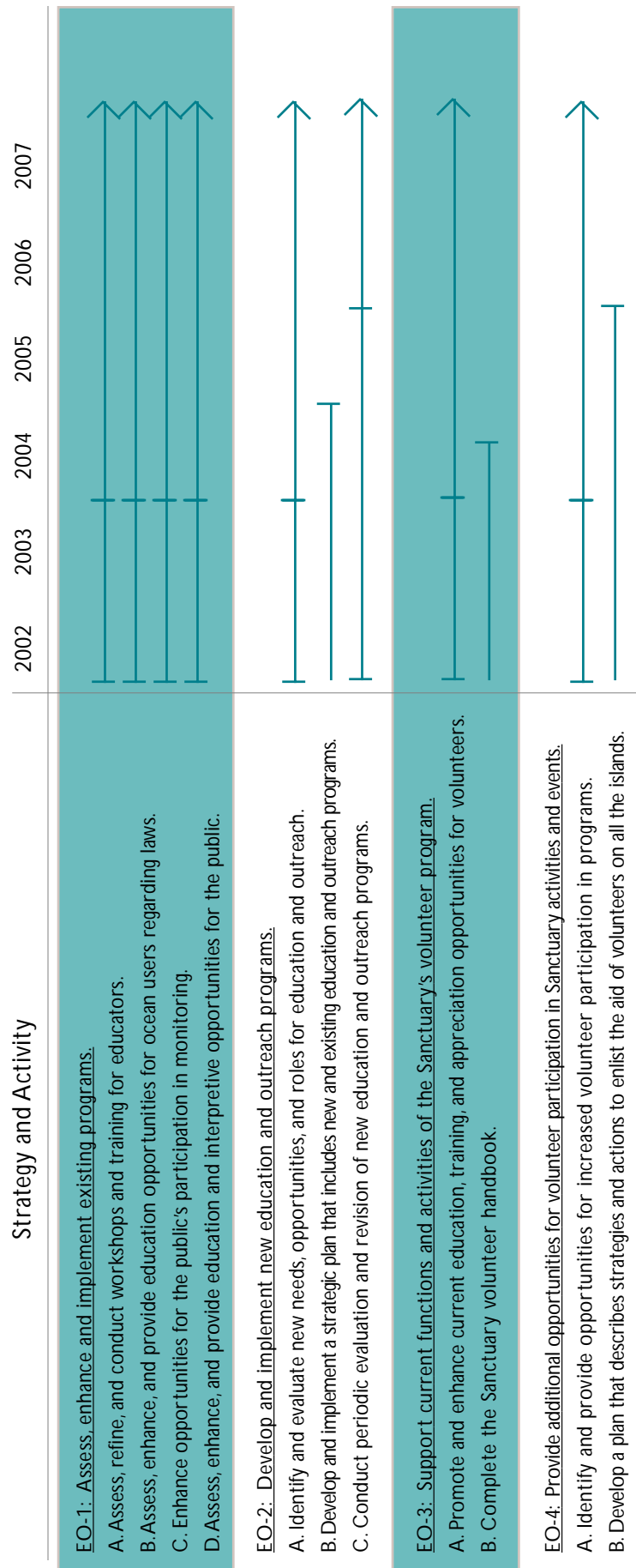


Table 6: Summary of Education and Outreach Strategies and Activities

Strategies	Activities
<p>EO-1: Assess, enhance, and implement existing education and outreach programs.</p>	<p>A. Assess, refine, and conduct workshops and training for educators. B. Assess, enhance, and provide education opportunities for ocean users regarding laws, rules, regulations, and practices. C. Enhance opportunities for public’s participation in monitoring resources and uses within the Sanctuary. D. Assess, enhance, and provide education and interpretive opportunities for the public.</p>
<p>EO-2: Develop and implement new education and outreach programs.</p>	<p>A. Identify and evaluate additional needs, opportunities, and roles for education and outreach. B. Develop and implement a strategic plan which includes new and existing education and outreach programs. C. Conduct periodic evaluation and revision of new education and outreach programs.</p>
<p>EO-3: Support current functions and activities of the Sanctuary’s volunteer program.</p>	<p>A. Promote and enhance current education, training, and appreciation opportunities for Sanctuary volunteers. B. Complete the Sanctuary volunteer handbook.</p>
<p>EO-4: Provide additional opportunities for volunteer participation in Sanctuary activities and events.</p>	<p>A. Identify and provide opportunities for increased volunteer participation in Sanctuary programs. B. Develop a plan that describes strategies and actions to enlist the aid of volunteers on all the islands.</p>



Figure 4: Timeframe of EO Strategies and Activities



Action Plans: Education and Outreach

Table 7A: Estimated One Time Only Costs (in \$1000s) for EO Strategies and Activities

Strategy and Activity		Personnel	Travel	Printing	Equipment & Supplies	Contract	One-Time Only Costs
EO-1 Enhance existing education and outreach programs							
EO-1A	Conduct training for educators.	-	-	-	-	-	-
EO-1B	Enhance education opportunities for ocean users.	-	-	-	-	-	-
EO-1C	Enhance opportunities fir public in monitoring.	-	-	-	-	-	-
EO-1D	Enhance educational opportunities to the public.	-	-	-	-	-	-
EO-2 Develop and implement new education and outreach programs							
EO-2A	Evaluate new education and outreach needs.	18.8	1.5	-	-	52.5	72.8
EO-2B	Develop and implement a strategic plan.	37.5	16.0	10.0	-	50.0	113.5
EO-2C	Conduct evaluation of new programs.	25.0	2.0	-	-	30.0	57.0
EO-3 Support current activities of the Sanctuary volunteer program							
EO-3A	Enhance current opportunities for volunteers.	-	-	-	-	-	-
EO-3B	Complete the volunteer handbook.	6.3	0.5	1.0	-	-	7.8
EO-4 Provide additional opportunities for volunteer participation in Sanctuary activities							
EO-4A	Provide additional opportunities for volunteers.	25.0	10.0	2.0	-	30.0	67.0
EO-4B	Develop a plan for volunteers on all islands.	8.8	1.0	1.0	-	15.0	25.8

Table 7B: Estimated Annual Costs (in \$1000s) for EO Strategies and Activities

Strategy and Activity		Personnel	Travel	Printing	Equipment & Supplies	Contract	Avg. Annual Costs
EO-1 Enhance existing education and outreach programs							
EO-1A	Conduct training for educators.	22.5	3.0	3.0	2.0	25.0	55.5
EO-1B	Enhance education opportunities for ocean users.	22.5	3.0	3.0	2.0	25.0	55.5
EO-1C	Enhance opportunities fir public in monitoring.	22.5	6.0	3.0	10.0	35.0	76.5
EO-1D	Enhance educational opportunities to the public.	45.0	4.0	5.0	28.0	35.0	117.0
EO-2 Develop and implement new education and outreach programs							
EO-2A	Evaluate new education and outreach needs.	11.3	0.8	-	-	26.3	38.3
EO-2B	Develop and implement a strategic plan.	11.3	4.0	2.5	-	12.5	30.3
EO-2C	Conduct evaluation of new programs.	3.8	0.3	-	-	3.8	7.8
EO-3 Support current activities of the Sanctuary volunteer program							
EO-3A	Enhance current opportunities for volunteers.	60.0	1.0	-	2.0	35.0	98.0
EO-3B	Complete the volunteer handbook.	-	-	-	-	-	-
EO-4 Provide additional opportunities for volunteer participation in Sanctuary activities							
EO-4A	Provide additional opportunities for volunteers.	3.8	1.3	0.3	-	3.8	9.0
EO-4B	Develop a plan for volunteers on all islands.	-	-	-	-	-	-





Strategies

EO-1: ASSESS, ENHANCE, AND IMPLEMENT EXISTING EDUCATION AND OUTREACH PROGRAMS

Strategy Summary

Strategy EO-1 address Objectives 3.1, 3.2, 3.4, and 3.5 to conduct and enhance education and outreach programs.

Continued implementation of successful Sanctuary education and outreach programs will help maintain the momentum of informed community participation in ocean stewardship, community service, and volunteer activities beneficial to the Sanctuary, its resources, and the people of Hawai'i. This strategy is aimed at maintaining the most effective aspects of existing programs while adapting and further optimizing these education and outreach efforts. The interrelated activities identified to implement this strategy entail assessing, improving, conducting, and evaluating the full range of existing successful programs utilizing input, guidance, and contributions from a variety of Sanctuary partners.

Activities

Activity A: Assess, refine, and conduct workshops and training opportunities for educators and facilitate efforts to teach others about Hawai'i's humpback whales, Hawai'i's marine environment, and ocean stewardship.

Sanctuary education and outreach programs that are directed toward Hawai'i's educators can be extremely effective in ultimately reaching a very large percentage of the population. Programs that have shown great promise include a variety of Educator's Workshops that provide materials and help teachers build skills that can be used to effectively teach marine science and promote ocean stewardship among Hawai'i's youth. Sanctuary efforts to provide materials and information to educators via broadcast and print media, and the Internet have also shown great potential to foster a generation that embraces sustainable ocean resource use and stewardship. This activity will begin by assessing the effectiveness of these programs with careful consideration given to current levels of educator awareness and the needs and roles of the Sanctuary in the broader, often changing governmental, environmental, and social contexts. Priority will be given to adapting curriculum materials to address and meet a wide array of State of Hawai'i Department of Education curriculum standards. The results of the assessment will be used to modify the nature and scope of existing programs as needed and to best carry out the programs once they are so modified.

Activity B: Assess, enhance, and provide education opportunities for ocean users regarding laws, rules, regulations, practices, and responsible wildlife viewing guidelines relating to protected marine species and use of Sanctuary waters.

Research suggests that a large majority of ocean users are very willing to follow ocean conservation and management laws and regulations once they understand the reasons that underlie them. The Sanctuary has made great strides in promoting this understanding among a wide range of Sanctuary users. The Ocean Users' Workshops, held annually on Kaua'i, O'ahu, Maui and the Big Island, have been conducted to inform commercial ocean tour operators and recreational boaters of the Federal humpback whale approach rule and other Federal and State laws and regulations related to marine



Action Plans: Education and Outreach

resources management and conservation. An Ocean Users' Handbook accompanies the workshops. The Sanctuary has also worked with NOAA's Office of Law Enforcement to conduct community-oriented outreach activities aimed at reducing violations of these protection measures. The Sanctuary has also partnered with NOAA Fisheries' Office of Protected Resources to help promote a Watchable Wildlife Campaign to promote responsible public enjoyment of Hawai'i's marine wildlife. Via this strategy, these and other related programs will be adapted as needed to continue to foster a ocean user community that is aware of and supports existing legal and regulatory conservation measures. Successful completion of this activity will also follow the process of integrated program assessment of existing public awareness and Sanctuary program effectiveness, refinement, implementation, and evaluation discussed in Activity A above.

Activity C. Enhance opportunities for public participation in monitoring resources and uses within the Sanctuary.

Many people who value the Sanctuary are eager to find ways they can meaningfully learn from and contribute to marine science and environmental research. The programs discussed in this strategy will be designed for integration with the Sanctuary's Research and Monitoring Action Plan, with the intention of further strengthening linkages between Sanctuary research and monitoring and education and outreach programs of the Sanctuary and Sanctuary partners. Existing programs that have proven successful in this area include the Sanctuary Ocean Count, Educator's Workshops, and various lecture series held around the State. The cyclical process of assessment, refinement, implementation, and evaluation will also be utilized in this strategy.

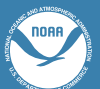
Activity D. Assess, enhance, and provide education and interpretation opportunities for the public on humpback whales, the marine environment, and ocean stewardship.

While the strategies discussed above focus on education and outreach for educators, improved awareness of the laws and regulations, and public participation in research and monitoring, the Sanctuary also sees an important need to provide general education and outreach to all sectors of the general public. This strategy is to a certain extent a "catch all" strategy for a very wide range of education and outreach programs from which virtually any member of the public might benefit. Many of these programs are best characterized as natural history interpretation. Sanctuary sponsorship of the Annual Kaua'i Family Ocean Fair and participation in other public events throughout the State exemplifies programs covered under this strategy. Facilitating articles and stories in print and broadcast media; publishing and distributing the Sanctuary newsletter, brochures and other materials; updating the website; and providing daily public access to various interpretive displays and materials at the Education Center on Maui and other Sanctuary offices, are other important examples of programs considered under this strategy. Here again, the Sanctuary will endeavor to build on the best of existing general education and outreach efforts by employing a cyclical assessment, refinement, implementation and evaluation process.

Estimated Timeframe

See Figure 4 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: First assessments and enhancements completed by end of 2003, refined programs implemented throughout plan period.





- Activity B: First assessments and enhancements completed by end of 2003, refined programs implemented throughout plan period.
- Activity C: First assessments and enhancements completed by end of 2003, refined programs implemented throughout plan period.
- Activity D: First assessments and enhancements completed by end of 2003, refined programs implemented throughout plan period.

Estimated Costs

See Table 7 for an overview of the anticipated costs of these strategies.

Products

- Educator's workshops
- Interpretive displays and signage
- Handbooks for educators
- Handbooks for ocean users
- Public events
- Event reports
- Educational materials (e.g., posters, brochures, etc.)
- Educational curriculum
- News, magazine, and newsletter articles
- Broadcast media coverage
- Lecture Series
- Videotapes of Sanctuary lectures
- Public broadcasts of lectures
- Program evaluation reports
- Website updates and upgrades

Partners

- U.S. Fish and Wildlife Service, Keālia Pond National Wildlife Refuge
- U.S. Fish and Wildlife Service, Kīlauea Point National Wildlife Refuge
- Haleakalā National Park
- Hawai'i DLNR
- Hawai'i Department of Education
- NOAA Fisheries
- Other Federal, State, and local government agencies with educational missions
- Academic institutions and schools
- Education and environmental non-governmental organizations
- Sanctuary Advisory Council

Related Strategies

- NRP-4: Reduce violations of Sanctuary regulations.
- RM-4: Enhance communications among researchers, between researchers and resource managers, and between researchers and the general public.



EO-2: DEVELOP AND IMPLEMENT NEW EDUCATION AND OUTREACH PROGRAMS



Strategy Summary

The Sanctuary recognizes that in addition to refined versions of existing efforts, overall effectiveness should be augmented with the introduction of entirely new education and outreach programs. This strategy is composed of activities that promote systematic development and implementation of these additional programs. An important product resulting from this strategy will be a mid-range (3-5 year) strategic education and outreach plan providing guidance for the entire Sanctuary education and outreach program. Of special importance in Sanctuary education and outreach is interpretive information on the Sanctuary program, its resources, impacts on resources by humans, and other topics which are provided by staff, volunteers, and other interactive or static means. Among other areas of focus, the strategic education and outreach plan will provide guidance on developing and delivering the most effective and appropriate interpretive methods and messages for Sanctuary visitors.

This strategy addresses Objectives 3.3 and 3.6, to conduct education and outreach programs.

Activities

Activity A: Identify and evaluate new needs, opportunities, and roles for education and outreach.

This activity will consider effectiveness assessments of existing education and outreach programs conducted in Strategy EO-1, further assessments of existing interpretive facilities and resources; and analysis of education plans and programs of other state, national, and international protected areas and organizations to identify needs, opportunities and appropriate roles of additional Sanctuary education and outreach programs.

Activity B: Develop and implement a strategic plan which includes new and existing education and outreach programs.

This activity will entail the design, development, and implementation of specific programs that address the roles, needs, and opportunities identified via the activity above. The strategic plan will present descriptions of new programs including: (1) critical evaluation of the effectiveness of current and proposed Sanctuary projects and the Sanctuary's role in education and outreach in Hawai'i; (2) strategies for improved cooperation between other education and outreach agencies; (3) strategies for improved overall effectiveness and results; (4) guidance for optimal alignment of the Sanctuary's program with national and state education standards; (5) ways to achieve improved coordination and expanded benefits to Hawai'i's people of other national education plans and programs; and (6) criteria for accurate and measurable indicators of program performance.

Activity C: Conduct periodic evaluation and revision of new education and outreach programs.

To ensure maximum effectiveness of Sanctuary education and outreach programs over the long-term, this activity will entail their periodic review, evaluation, and revision. Performance indicators that are linked to assessments and surveys of improved public awareness and understanding will be considered in the review, evaluation, and revision process.





Estimated Timeframe

See Figure 4 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: First iteration completed by end of 2003, annual completion thereafter.
- Activity B: Strategic plan completed by end of 2004; new programs initiated throughout plan period.
- Activity C: First iteration completed by end of 2005; annual completion thereafter.

Estimated Costs

See Table 7 for an overview of the anticipated costs of these strategies.

Products

- A strategic plan and other planning documents for Sanctuary's education and outreach programs
- Plan or handbook for the Sanctuary's interpretive activities
- New education and outreach programs

Partners

- Other agencies engaged in education and outreach in Hawai'i
- Interpretive specialists and organizations
- Sanctuary Advisory Council
- NMSP/NOAA/NOS education and outreach staff
- NOAA Fisheries
- Sanctuary volunteers
- Sanctuary Advisory Council
- National Marine Sanctuary Foundation

Related Strategies

AD-2: Establish agreements for agencies and organizations relevant to Sanctuary management to better protect humpback whales and their habitat.



EO-3: SUPPORT CURRENT FUNCTIONS AND ACTIVITIES OF THE SANCTUARY'S VOLUNTEER PROGRAM



Strategy Summary

The Sanctuary's goals and objectives cannot be realized without volunteer support. Current volunteers are members of the community including residents and visitors, students and senior citizens. They come from many different backgrounds and bring a variety of skills and gifts to the Sanctuary. Their diversity is one of the Sanctuary's greatest assets. Continual support of the functions and activities of the volunteers will promote understanding, appreciation, and involvement in Sanctuary activities that promote the protection of the humpback whale and its habitat.

This strategy addresses Objectives 6.3 and 6.4, to encourage volunteer participation in Sanctuary programs.

Activities

Activity A: Promote and enhance current education, training, and appreciation opportunities for Sanctuary volunteers.

This activity is intended to help maintain and strengthen existing efforts of the Sanctuary's Volunteer Coordinator and other staff to provide an attractive and diverse set of opportunities for Sanctuary volunteers. Existing programs and activities will be periodically assessed and refined as needed to achieve most effective implementation. Expand current opportunities for volunteers including those offered at the Sanctuary headquarters - Maui and the island liaison and State offices, and through the intern program for high school and college level students.

Activity B: Complete the Sanctuary volunteer handbook.

In consultation and coordination with NMSP headquarters and the National Team Ocean volunteer coordinator, the Sanctuary will produce a handbook for volunteers. The handbook will provide information and guidance on a range of topical, logistical, procedural, and administrative matters relevant to effectively serving as a Sanctuary volunteer.

Estimated Timeframe

See Figure 4 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: Throughout plan period; 1st refinement completed by end of 2003.
- Activity B: Completed by end of 2004.

Estimated Costs

See Table 7 for an overview of the anticipated costs of these strategies.





Products

- Continued and refined volunteer activities and opportunities
- Volunteer handbook
- Appreciation events

Partners

- Volunteers
- Team Ocean
- Sanctuary Advisory Council
- National Marine Sanctuary Foundation



EO-4: PROVIDE ADDITIONAL OPPORTUNITIES FOR VOLUNTEER PARTICIPATION IN SANCTUARY ACTIVITIES AND EVENTS



Strategy Summary

Sanctuary volunteers enhance the ability of staff to reach diverse segments of the community and increased numbers of the public. Volunteer efforts, which include collaboration with other community groups and organizations, lead to success in achieving common goals and mutual benefits. Volunteer activities can also enhance the sense of stewardship of the marine environment, humpback whales, and their habitat. At the same time, participation by volunteers in the Sanctuary program expands public knowledge of marine resource protection challenges and may increase funding opportunities. This strategy seeks to develop and implement new ways in which volunteers can contribute to and benefit from the Sanctuary. Special effort will be directed to expand volunteerism to better cover all the main Hawaiian Islands.

This strategy addresses Objectives 6.3 and 6.4, to encourage volunteer participation in Sanctuary programs.

Activities

Activity A: Identify and provide opportunities for increased volunteer participation in Sanctuary programs.

This activity will take into consideration the assessments of existing programs conducted in Strategy EO-3 to identify, develop, and implement new volunteer programs and activities. It will entail extensive communication and coordination with other local and national volunteer oriented programs. Developing and implementing a Sanctuary volunteer intern program will be a priority component of this activity. The Sanctuary also is considering developing a naturalist training program that would also expand opportunities for volunteers.

Activity B: Develop a plan that describes strategies and actions to enlist the aid of volunteers on all the islands, including potential new staffing to support volunteers.

Drawing on the results of Activity A above, a plan will be developed to keep new volunteer opportunities as effective, diverse, and widespread as possible over the long-term. The plan will present strategies and actions for a wide variety of types and levels of volunteer involvement, and include performance indicators to measure program success and volunteer satisfaction.

Estimated Timeframe

See Figure 4 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: First iteration completed by end of 2003, annual completion thereafter.
- Activity B: Volunteer plan completed by the end of 2005.

Estimated Costs

See Table 7 for an overview of the anticipated costs of these strategies.





Products

- New volunteer programs and activities.
- Strategic Sanctuary Volunteer Plan.

Partners

- Local universities and community colleges
- Local marine science organizations
- Sanctuary volunteers
- Team Ocean
- Sanctuary Advisory Council
- National Marine Sanctuary Foundation
- Other volunteer organizations

Related Strategies

- AD-3: Enhance the staffing and personnel resources of the Sanctuary.



Research and Monitoring Action Plan



Introduction

Research and long-term monitoring are essential to achieving the Sanctuary's primary goal. Although past research efforts have made significant advances in characterizing and monitoring humpback whales and their habitat, many unanswered questions and unknowns concerning habitat requirements, population size, distribution and dynamics, threats and impacts, and other important biological and ecological parameters remain. Research efforts funded or coordinated by the Sanctuary will focus on the Sanctuary and its surrounding area; efforts will be made as appropriate to collaborate with researchers working in other parts of the humpback whale's range around the world.

This action plan provides research and long-term monitoring strategies intended to help answer and clarify pressing scientific questions and unknowns. The interrelated strategies presented below are designed to (1) assess and monitor important population parameters of humpback whales and their endangered species recovery status; (2) assess and monitor the ecological condition of humpback whale habitat; (3) differentiate between natural and anthropogenic impacts on the whales and their habitat; (4) inform the development and implementation of effective conservation and management strategies; and (5) effectively administer and communicate the results of Sanctuary supported research projects.

This action plan provides the strategies (Tables 8 and 9A/B and Figure 5) that will be used to facilitate research and monitoring in the Sanctuary. The following sections discuss each strategy in detail. This action plan responds to Goal 2: *Promote and coordinate research to enhance the understanding of humpback whales and their habitat and to improve management decision-making.*

Outcomes and Performance Indicators

RM Outcome 1: By the end of 2005, the Sanctuary will maintain and improve its use of research and monitoring information in its decision-making processes, as indicated by:

- Periodic reports/estimates of humpback whale abundance in the main Hawaiian Islands.
- A completed research study on threats by the end of 2004.
- A completed workshop on threats completed by the end of 2005.
- A more prominent role for the SAC in providing recommendations related to research and monitoring.

RM Outcome 2: By the end of 2006, the Sanctuary will have improved its administration and promotion of research and monitoring projects, as indicated by:

- Increased numbers of research results published in peer-reviewed publications by the end of 2006.
- Developed data storage and management system(s) by the end of 2006.
- Improved coordination of research and monitoring activities with education and outreach activities.

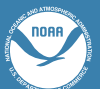




Table 8: Summary of Research and Monitoring Strategies and Activities

Strategies	Activities
<p>RM-1: Characterize and monitor the central North Pacific stock of humpback whales.</p>	<p>A. Continue to monitor and estimate the numerical abundance of humpback whales in the main Hawaiian Islands. B. Continue to examine and describe the spatial and temporal aspects of humpback whale distribution, movement, and demography in the main Hawaiian Islands. C. Continue to examine and describe the humpback whale life cycle, and the nature, frequency, and function of humpback whale behavior.</p>
<p>RM-2: Characterize and monitor whale habitat and behavior, including natural and anthropogenic factors affecting them.</p>	<p>A. Assess and monitor existing and potential threats and impacts to humpback whales and their habitat. b. Maintain a data and information system to store humpback whale research data.</p>
<p>RM-3: Improve the administration of research projects.</p>	<p>A. Establish administrative procedures of identifying, selecting, funding, and managing research projects. B. Determine the role of the SAC in research planning. C. Conduct ongoing project evaluation and management review to regularly update research needs and priorities.</p>
<p>RM-4: Enhance communications among researchers, resource managers, and the public.</p>	<p>A. Create opportunities for facilitating communication with research and education communities, user groups, and the public.</p>



Figure 5: Timeframe of RM Strategies and Activities

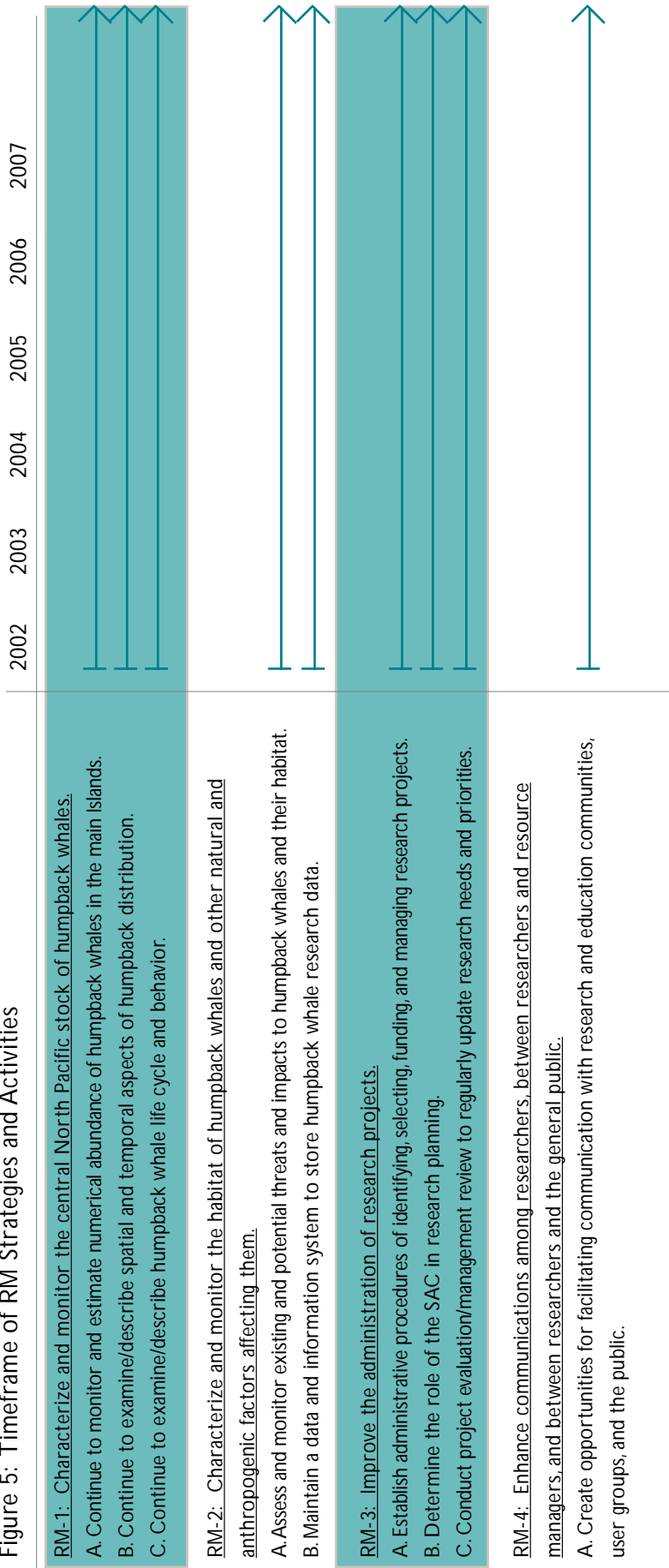


Table 9A: Estimated One Time Only Costs (in \$1000s) for RM Strategies and Activities

Strategy and Activity		Personnel	Travel	Printing	Equipment & Supplies	Contract	One-Time Only Costs
RM-1 Characterize and monitor humpback whales							
RM-1A	Continue to monitor humpback whales.	-	-	-	-	-	-
RM-1B	Continue to examine distribution.	-	-	-	-	-	-
RM-1C	Continue to examine life cycle and behavior.	-	-	-	-	-	-
RM-2 Characterize and monitor the habitat and factors affecting humpback whales							
RM-2A	Monitor threats/impacts to humpback whales.	-	-	-	-	-	-
RM-2B	Maintain a data and information system.	-	-	-	-	-	-
RM-3 Improve administration of research projects							
RM-3A	Establish administrative procedures for research.	12.5	-	-	-	-	12.5
RM-3B	Determine role of SAC in research planning.	5.0	-	-	-	-	5.0
RM-3C	Conduct review to update research priorities.	9.4	-	-	-	15.0	24.4
RM-4 Enhance communication among researchers and the public							
RM-4A	Create opportunities for enhancing communication.	-	-	5.0	-	-	-

Table 9B: Estimated Annual Costs (in \$1000s) for RM Strategies and Activities

Strategy and Activity		Personnel	Travel	Printing	Equipment & Supplies	Contract	One-Time Only Costs
RM-1 Characterize and monitor humpback whales							
RM-1A	Continue to monitor humpback whales.	-	-	-	-	-	-
RM-1B	Continue to examine distribution.	-	-	-	-	-	-
RM-1C	Continue to examine life cycle and behavior.	-	-	-	-	-	-
RM-2 Characterize and monitor the habitat and factors affecting humpback whales							
RM-2A	Monitor threats/impacts to humpback whales.	-	-	-	-	-	-
RM-2B	Maintain a data and information system.	-	-	-	-	-	-
RM-3 Improve administration of research projects							
RM-3A	Establish administrative procedures for research.	12.5	-	-	-	-	12.5
RM-3B	Determine role of SAC in research planning.	5.0	-	-	-	-	5.0
RM-3C	Conduct review to update research priorities.	9.4	-	-	-	15.0	24.4
RM-4 Enhance communication among researchers and the public							
RM-4A	Create opportunities for enhancing communication.	-	-	5.0	-	-	-



NATIONAL MARINE
SANCTUARIES



Strategies

RM-1: CHARACTERIZE AND MONITOR THE CENTRAL NORTH PACIFIC STOCK OF HUMPBACK WHALES

Strategy Summary

A primary goal of the Sanctuary's research and monitoring program is to improve understanding of the central North Pacific population of humpback whales and their wintering habitat. The Sanctuary will work to further develop and support comprehensive studies and surveys needed to better understand the humpback whale's population dynamics in breeding areas around the main Hawaiian Islands. The Sanctuary will seek to improve baseline information on a variety of important characteristics of humpback whale biology (e.g., abundance, distribution, movement, behavior, age at sexual maturity, pregnancy rates, variability in reproductive success, calving intervals, age-specific mortality and survivorship rates, longevity, and interrelationships with its Hawaiian habitat).

This strategy addresses Objective 2.1, to develop a detailed research and monitoring plan.

Activities

Activity A: Continue to monitor and estimate the numerical abundance of humpback whales in the main Hawaiian Islands.

To assist in stock assessment and related abundance measurements, the frequency and spatial coverage of aerial, vessel-based, and shore-based surveys should be increased. Other remote sensing and acoustical methods of measuring abundance should be examined.

Activity B: Continue to examine and describe the spatial and temporal aspects of humpback whale distribution, movement and demography in the main Hawaiian Islands.

Priority projects should examine and characterize (1) spatial distribution of whales in and around the Sanctuary at regular time intervals during the "whale season" (November through April); (2) temporal and spatial characteristics of the migratory parade to and from Hawai'i; and (3) variation in population demographics between habitats, in terms of sex, age and reproductive status.

Activity C: Continue to examine and describe the humpback whale life cycle, and the nature, frequency, and function of humpback whale behavior.

Priority research areas are: (1) effects of sex and reproductive status on individual whale movements; (2) characteristics and functions of social groupings; (3) long-term monitoring, using mark-recapture and other techniques, to identify and track individual whales to better understand life history, longevity and other demographic characteristics; (4) acoustic communication, including "singing," mother-calf vocal exchanges and other social sounds; and (5) mortality rates and calving intervals.



Estimated Timeframe

See Figure 5 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: throughout the plan period.
- Activity B: throughout the plan period.
- Activity C: throughout the plan period.

Estimated Costs

See Table 9 for an overview of the anticipated costs of these strategies.

Products

- Research reports
- Distribution maps and geographic information system layers
- Video and still images of habitat and resources
- Acoustic data
- Source information and images for education and outreach materials
- Lecture series

Partners

- DLNR and other State of Hawai'i agency staff
- NOAA Fisheries
- Sanctuary Advisory Council
- Academic institutions
- Other non-governmental and non-academic organizations conducting scientific research

Related Strategies

- EO-1: Assess, enhance, and implement existing education and outreach programs.



RM-2: CHARACTERIZE AND MONITOR THE HABITAT AND BEHAVIOR OF HUMPBACK WHALES INCLUDING THE NATURAL AND ANTHROPOGENIC FACTORS AFFECTING THEM

Strategy Summary

The Sanctuary will direct efforts to monitor humpback whales and their habitat to help detect and determine the probable or possible causes of changes (natural and human-caused) that may affect humpback whales including distinct changes in their distribution, abundance, age-sex composition, and habitat use patterns. Program efforts may also incorporate experimental designs that can help discern future changes and trends in the vital parameters and the important habitats and habitat components of the humpback population that winters in the Hawaiian Islands. These efforts will assist in determining any future boundary modifications that may become necessary to adequately protect humpback whales in Hawai'i.

This strategy addresses Objective 1.1, to identify and reduce threats to the humpback whale and its habitat, and Objective 2.1, to help develop a detailed research and monitoring program.

Activities

Activity A: Assess and monitor existing and potential threats and impacts to humpback whales and their habitat.

A research study and workshop will be conducted to assess current and potential threats to humpback whales and their habitat within and around the Sanctuary. Such threats may include acoustics, thrillcraft operation, overflights, degraded water quality, marine debris, ocean dumping, other ocean pollution, and increased human activity on the water. For example, studies may investigate cause and effect relationships of how noise, and vessel or aircraft movement, speed, type, and density impact humpback whales. The Sanctuary will conduct these activities in coordination with partner agencies and academic and research institutions.

Activity B: Maintain a data and information system to store humpback whale research data for the Sanctuary and surrounding areas, and collaborate with others on additional databases, including those for whale identification.

The Sanctuary will work with researchers and government agencies to determine the best way to facilitate research information storage and retrieval, including whale fluke identification photos.

Estimated Timeframe

See Figure 5 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: Throughout the plan period.
- Activity B: Throughout the plan period.



Estimated Costs

See Table 9 for an overview of the anticipated costs of these strategies.

Products

- Research reports.
- Data storage and management systems.
- Workshops, including a threat assessment workshop.
- Threat assessment study.

Partners

- DLNR and other State of Hawai'i agency staff
- NOAA Fisheries including the National Marine Mammal Laboratory
- Marine Mammal Commission
- Other Federal and State agency staff as appropriate
- Sanctuary Advisory Council
- Academic institutions

Related Strategies

- NRP-3: Obtain and share relevant information about Sanctuary uses, use policies, and regulations.



RM-3: IMPROVE THE ADMINISTRATION OF RESEARCH PROJECTS



Strategy Summary

Strategy RM-3 addresses the Sanctuary's Objective 2.2 to improve the administration of Sanctuary-funded research projects. The Sanctuary will work to establish procedures for identifying, selecting, and sponsoring research projects to ensure that the research topics are responsive to management concerns and that research results contribute to improved management decision-making in the Sanctuary.

Activities

Activity A: Establish administrative procedures of identifying, selecting, funding, and managing research projects.

The Sanctuary will hire a research coordinator to draft Sanctuary Requests for Proposals, establish selection criteria for research projects, establish policies to prevent conflict of interest, establish reporting and publishing guidelines, monitor the quality of ongoing research, and distribute preliminary findings for peer review (including select SAC members). The Research Coordinator will also be responsible for ensuring that all appropriate information regarding permit requirements for both Sanctuary and NOAA Fisheries permits are provided to researchers.

The Sanctuary will consult with NOAA Fisheries and the National Marine Mammal Laboratory to ensure that all proposed research supported by and/or conducted within the Sanctuary is complementary to other research efforts in the Pacific and consistent with the provisions of the Endangered Species Act and Marine Mammal Protection Act with regard to minimizing research-related negative impacts on humpback whales and their habitat.

Activity B: Determine the role of the SAC in research planning.

Clarify the SAC's and the SAC Research Working Group's role for providing advice on the identification, selection, and sponsorship of Sanctuary research projects.

Activity C: Conduct ongoing project evaluation and management review to regularly update research needs and priorities.

The Sanctuary will develop a process to annually evaluate the effectiveness and efficiency of Sanctuary research projects and its integration with other resource protection and education objectives.

The Sanctuary will also coordinate with NOAA Fisheries' Pacific Islands Area Office and the State of Hawai'i to monitor humpback whale research in the Sanctuary. The Sanctuary will assist NOAA Fisheries and the State of Hawai'i, as necessary, to maintain records of all current research, equipment being used on the site, frequency of researchers' visits to the site, and progress to date on each current research project.





Estimated Timeframe

See Figure 5 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: Throughout the plan period.
- Activity B: Throughout the plan period.
- Activity C: Throughout the plan period.

Estimated Costs

See Table 9 for an overview of the anticipated costs of these strategies.

Products

- Annual research and monitoring work plans.
- Annual research and monitoring priorities lists and descriptions.
- Report on administrative procedures for project selection and management.

Partners

- Sanctuary research staff
- NMSP HQ research staff
- Sanctuary Advisory Council
- NOAA Fisheries' Pacific Islands Area Office

Related Strategies

- NRP-2: Enhance project and permit review procedures.



RM-4: ENHANCE COMMUNICATIONS AMONG RESEARCHERS, RESOURCE MANAGERS, AND THE PUBLIC



Strategy Summary

Strategy RM-4 addresses the Sanctuary's Objective 2.3 to encourage information exchange among researchers, resource managers, and the public. The Sanctuary will explore ways to encourage information exchange among organizations and agencies undertaking management-related research in the Sanctuary to promote more informed management and decision-making.

Activities

Activity A: Create opportunities for facilitating communication with research and education communities, user groups, and the public.

The Sanctuary will explore opportunities to facilitate communication between researchers, educators, user groups, and the public to promote mutual understanding of each other's role in encouraging public knowledge and appreciation of humpback whales and their habitat. Such opportunities may include a research website, regularly produced research summary reports, a research newsletter, support for publication of research findings in peer-reviewed scientific journals, and informational workshops and seminars that include researchers, resource managers, educators, and the public. The Sanctuary will also continue to seek opportunities to broadcast coverage of Sanctuary activities including lecture series with researchers on public access television.

The Sanctuary will continue to develop cooperative teacher enrichment programs to facilitate the transfer of information in science, math, environmental and social studies (including the Hawaiian culture) in K-12 programs in partnership with local education and conservation organizations.

Estimated Timeframes

See Figure 5 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

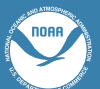
- Activity A: Throughout the plan period.

Estimated Costs

See Table 9 for an overview of the anticipated costs of these strategies.

Products

- Summary reports on Sanctuary-supported research and monitoring projects.
- Web pages regarding research and monitoring.
- Research and monitoring newsletter.
- Broadcasts of lectures and other research and monitoring activities.





Partners

- DLNR and other State of Hawai'i agency staff
- NOAA Fisheries and other Federal agency staff
- Sanctuary Advisory Council

Related Strategies

- EO-1: Assess, enhance, and implement existing education and outreach programs.



Cultural Resource Enhancement Action Plan



Introduction

Section 2306 of the HINMSA directs NOAA, in coordination with the State of Hawai‘i, to develop a Sanctuary management plan that “facilitates all public and private uses of the Sanctuary (including uses Hawaiian natives customarily and traditionally exercised for subsistence, cultural, and religious purposes) consistent with the primary objective of the protection of the humpback whales and their habitat.” The strategies contained in this action plan (Tables 10 and 11A/B and Figure 6) are devised to facilitate Native Hawaiian uses of the Sanctuary and to increase public understanding of Native Hawaiian practices and culture related to ocean use and conservation. A variety of education and research activities concerning Native Hawaiian uses, practices, and values are emphasized in the strategies presented below. The strategies are designed to support the Sanctuary’s existing cultural education program, while developing new activities to further increase the program’s scope and effectiveness. This plan addresses Goal 4, *Foster all uses of the Sanctuary compatible with protection of the humpback whales and their habitat (including uses Hawaiian natives customarily and traditionally exercised for subsistence, cultural, and religious purposes).*

Outcomes and Performance Indicators

CRE Outcome 1: By the end of 2007, the Sanctuary will maintain and supplement its role in facilitating, fostering, and communicating Native Hawaiian uses and traditions, as indicated by:

- Increased awareness among Sanctuary users of Native Hawaiian culture related to the marine environment and humpback whales as measured by awareness surveys (first survey to be completed by the end of 2005).
- Development of curriculum materials and educational tools incorporating Native Hawaiian cultural values by the end of 2006.
- Increased participation of Native Hawaiian organizations and individuals in Sanctuary activities and products by the end of 2007.

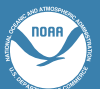




Table 10: Summary of Cultural Resource Enhancement Strategies and Activities

Strategy	Activities
<p>CRE-1: Conduct and facilitate Native Hawaiian events and traditions.</p>	<p>A. Maintain ongoing efforts by the Sanctuary's Hawaiian Cultural Educator and other Sanctuary staff and partners to establish programs and activities that nurture a cultural awareness.</p> <p>B. Continue to develop curriculum and educational tools about the Hawaiian culture and its components within the Sanctuary.</p> <p>C. Continue to establish a working relationship with Native Hawaiian community organizations to promote the Sanctuary, its resources, and the Hawaiian culture.</p>
<p>CRE-2: Nurture increased public awareness and appreciation of traditional Hawaiian values and practices related to ocean use, conservation, and respect for the ocean environment through additional education and outreach efforts.</p>	<p>A. Identify and incorporate, whenever feasible, traditional Native Hawaiian resource management strategies into Sanctuary programs.</p> <p>B. Increase cooperative education programs and materials that educate, preserve, and perpetuate Native Hawaiian traditional knowledge, values, language, culture, resource uses, religion and spiritual significance.</p> <p>C. Encourage the sharing of knowledge between traditional cultural practitioners and scientists to better understand the marine environment through a Hawaiian cultural perspective.</p> <p>D. Recruit volunteers who specialize in the Hawaiian culture and its practices to develop an interpretive program.</p>



Figure 6: Timeframe of CRE Strategies and Activities

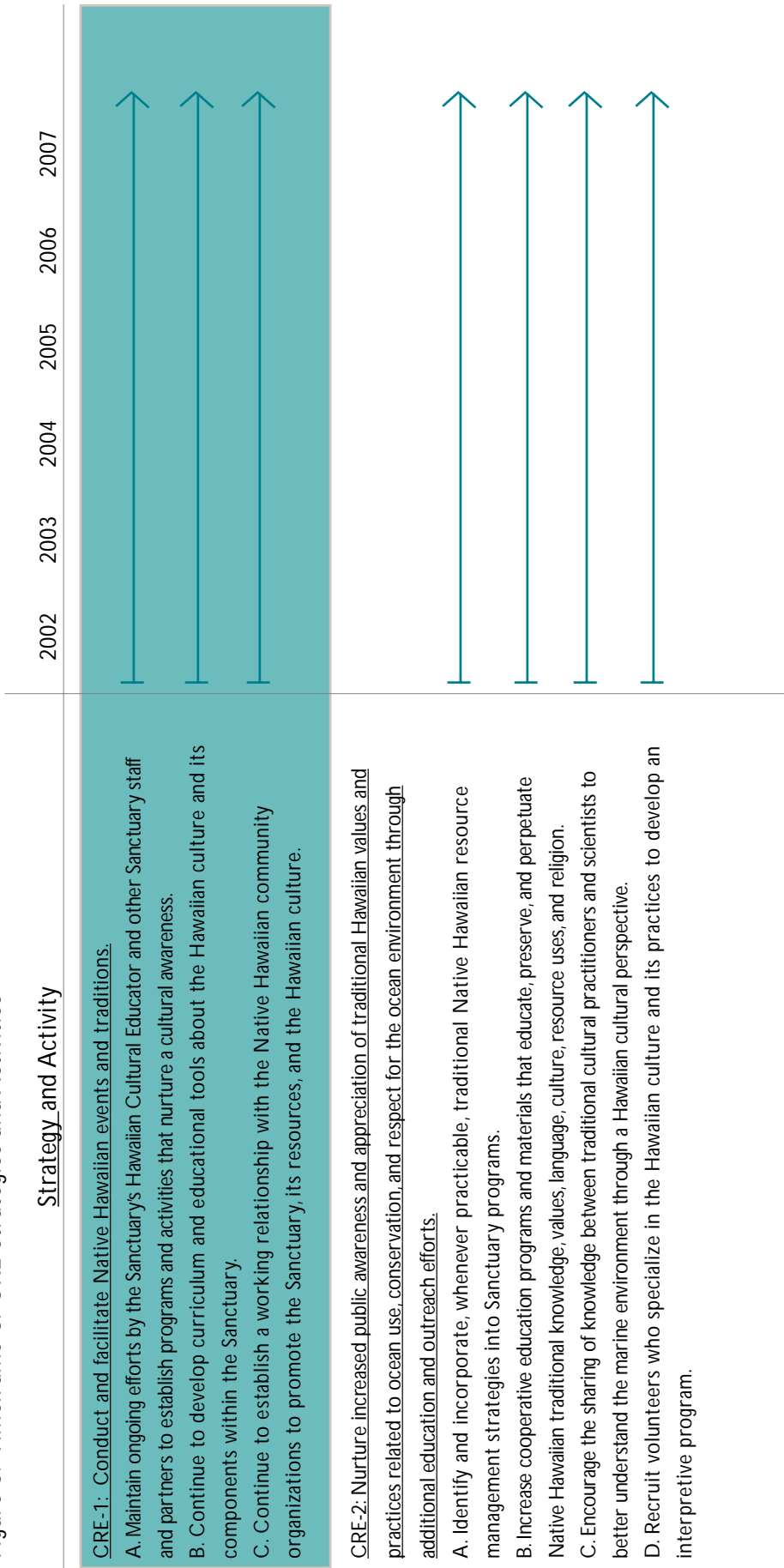




Table 11A: Estimated One Time Only Costs (in \$1000s) for CRE Strategies and Activities

Strategy and Activity	Personnel	Travel	Printing	Equipment & Supplies	Contract	One-Time Only Costs
CRE-1 Facilitate Native Hawaiian events and traditions						
CRE-1A Maintain efforts by Hawaiian Cultural Educator.	-	-	5.0	-	-	-
CRE-1B Continue to develop educational tools.	-	-	5.0	-	-	-
CRE-1C Continue relationships with Native Hawaiian community	-	-	1.0	-	-	-
CRE-2 Nurture increased awareness of Hawaiian values and practices						
CRE-2A Incorporate traditional practices into programs.	-	-	1.0	-	-	-
CRE-2B Increase cooperative cultural education programs.	-	-	3.0	-	-	-
CRE-2C Encourage the sharing of traditional knowledge.	-	-	-	-	-	-
CRE-2D Recruit Hawaiian culture volunteers.	-	-	-	-	-	-

Table 11B: Estimated Annual Costs (in \$1000s) for CRE Strategies and Activities

Strategy and Activity	Personnel	Travel	Printing	Equipment & Supplies	Contract	Avg. Annual Costs
CRE-1 Facilitate Native Hawaiian events and traditions						
CRE-1A Maintain efforts by Hawaiian Cultural Educator.	54.0	5.0	5.0	-	25.0	89.0
CRE-1B Continue to develop educational tools.	15.0	1.0	5.0	-	25.0	46.0
CRE-1C Continue relationships with Native Hawaiian community	15.0	2.0	1.0	-	10.0	28.0
CRE-2 Nurture increased awareness of Hawaiian values and practices						
CRE-2A Incorporate traditional practices into programs.	10.5	1.0	1.0	-	10.0	22.5
CRE-2B Increase cooperative cultural education programs.	10.5	5.0	3.0	-	10.0	28.5
CRE-2C Encourage the sharing of traditional knowledge.	10.5	6.0	-	-	10.0	26.5
CRE-2D Recruit Hawaiian culture volunteers.	6.0	3.0	-	-	-	9.0



Strategies

CRE-1: CONDUCT AND FACILITATE NATIVE HAWAIIAN EVENTS AND TRADITIONS

Strategy Summary

Continued support of established functions, projects, and activities of the Hawaiian Cultural Education Program will further promote understanding and appreciation of the Hawaiian culture (including its language) through education, research, public involvement in cultural activities, and events. The program will expand its reach to a wide spectrum of the public, including visitors, students, educators, and researchers. Continued emphasis will be placed on establishing cooperative education and outreach programs with Native Hawaiian groups and on developing programs that educate the general public about Native Hawaiian traditions, culture, resource uses, and religion as they relate to Hawai'i's marine environment.

This strategy addresses Objective 4.2, to work with the Native Hawaiian community to identify customary and traditional uses of the marine environment and educate the general public about these uses.

Activities

Activity A: Maintain ongoing efforts by the Sanctuary's Hawaiian Cultural Educator and other Sanctuary staff and partners to establish programs and activities that nurture a cultural awareness based upon the Native Hawaiian tradition of respect for the ocean and its resources with emphasis on the humpback whale.

Through community lectures, brochures, interpretive signage, and other products and activities, Native Hawaiian culture has been integrated with the Sanctuary's education and outreach efforts. These successful existing products and activities, refined and adapted as needed, will be continue to be key components of the Cultural Resources Enhancement Action Plan.

Activity B: Continue to develop curriculum and educational tools about the Hawaiian culture and its components within the Sanctuary.

Activity books and other elementary grade level educational materials have been developed during the first five years of Sanctuary operation. These materials will be enhanced and augmented during this plan implementation period to reach a broader range of students and to expand the scope of educational standards addressed. Optimal effectiveness in these efforts will be promoted via close consultation with the State Department of Education and other education experts.

Activity C: Continue to establish a working relationship with Native Hawaiian community organizations to promote the Sanctuary, its resources, and the Hawaiian culture.

In developing the products and activities mentioned above, the Sanctuary has established formal and informal collaborative relationships with several Native Hawaiian groups and individual Hawaiian cultural practitioners. Existing relationships will be maintained and new relationships will be developed to increase the reach and effectiveness of Hawaiian cultural resource enhancement.



Estimated Timeframe

See Figure 6 for an overview of the anticipated scheduling of these activities. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: throughout the plan period.
- Activity B: throughout the plan period
- Activity C: throughout the plan period.

Estimated Costs

See Table 11 for an overview of the anticipated costs of these strategies.

Products

- Education and outreach products and activities
- Native Hawaiian curriculum

Partners

- Native Hawaiian individuals and organizations
- Hawaiian Immersion Schools
- University of Hawai'i System
- Hawai'i Department of Education
- Sanctuary Advisory Council

Related Strategies

- NRP-3: Obtain and share relevant information on Sanctuary uses, use policies, and regulations.
- NRP-5: Develop and implement a process that identifies and evaluates resources for possible inclusion in the Sanctuary.
- EO-1: Assess, enhance, and implement existing education and outreach programs.
- AD-2: Enhance opportunities for Sanctuary Advisory Council participation in planning, education, research, and other appropriate activities.



CRE-2: NURTURE INCREASED PUBLIC AWARENESS AND APPRECIATION OF TRADITIONAL HAWAIIAN VALUES AND PRACTICES RELATED TO OCEAN USE, CONSERVATION, AND RESPECT FOR THE OCEAN ENVIRONMENT THROUGH ADDITIONAL EDUCATION AND OUTREACH EFFORTS



Strategy Summary

The Sanctuary will develop and sustain projects and activities that highlight elements of Hawaiian culture related to the ocean and humpback whales that previously have not been strongly emphasized. This strategy will expand the scope of the Hawaiian Cultural Education Program to include education and research that promote improved awareness and consideration of traditional ecological knowledge and natural resource management systems. The activities below will also entail developing cooperative education programs and materials, promoting dialogue between Hawaiian practitioners and scientists, and fostering enhanced participation of Sanctuary volunteers.

This strategy addresses Objective 4.2, to work with the Native Hawaiian community to identify customary and traditional uses of the marine environment and educate the general public about these uses.

Activities

Activity A: Identify and incorporate, whenever practicable, traditional Native Hawaiian resource management strategies (such as the *kapu* system and the *ahupua'a* system) into Sanctuary management and education and outreach programs.

Native Hawaiian traditions of natural resource management hold great promise in fostering sustainable resource use in modern times and are increasingly invoked and incorporated in contemporary management efforts. The Sanctuary will expand existing understanding and awareness of cultural constructs such as *kapu* (temporary or permanent prohibition of certain activities) and *ahupua'a* (land division extending from the mountains to the sea) and examine their applicability in Sanctuary management activities. The Sanctuary will also consult with Hawaiian *kūpuna* (elders) and cultural practitioners to develop protocols to be followed when conducting various activities that allow for the maximum level of inclusion and respect for Hawaiian cultural traditions and customs. Activities that will be affected by these protocols include responding to whale strandings and disposing of whale remains resulting from strandings and other mortality events.

Activity B: Increase cooperative education programs and materials that educate, preserve, and perpetuate Native Hawaiian traditional knowledge, values, language, culture, resource uses, religion, and spiritual significance as they relate to Hawai'i's marine environment.

These programs will be developed and implemented in close consultation with Native Hawaiian individuals and groups. Efforts may include working with community based organizations that concentrate on the Hawaiian culture and the marine environment, investigating and creating a database of and Native Hawaiian resources such as chants, stories, myths, legends, place names, and oral histories concerning the marine environment, and translation of Sanctuary education materials into the Hawaiian language.





Activity C: Encourage the sharing of knowledge between traditional cultural practitioners and scientists to better understand the marine environment through a Hawaiian cultural perspective to better educate the public about the culture.

This activity is intended to foster a mutually beneficial exchange of information and ideas between Hawaiian cultural practitioners and resource managers, researchers and educators who draw on Western scientific traditions. Through facilitated and culturally appropriate dialogue and information exchange, the Sanctuary will examine and promote the proper utilization of Hawaiian traditional ecological knowledge. This knowledge, such as that associated with ocean navigation and ocean-based place names, has been developed over numerous generations of intimate interaction with Hawai'i's unique natural environment and may offer insights for improved ecological understanding and management hitherto unrealized through Western science.

Activity D: Recruit volunteers who specialize in the Hawaiian culture and its practices to develop an interpretive program, which focuses on the preservation and perpetuation of traditional knowledge of the culture and its language including a SAC subcommittee or working group who will advise the Sanctuary on traditional knowledge.

The Sanctuary recognizes that Hawaiian cultural traditions related to ocean resource use and conservation may only be perpetuated via their ongoing practice by Hawaiian cultural practitioners in the appropriate cultural context. This activity is intended to build a group of *kūpuna* (elders) and other cultural experts who find benefit and utility in working with Sanctuary staff and volunteers on projects and activities related to Hawaiian cultural enhancement. In addition to highlighting the Hawaiian language as a means of cultural perpetuation, experiential, hands-on knowledge sharing activities will be promoted to address elements of Hawaiian culture not readily understood through verbal communication.

Estimated Timeframe

See Figure 6 for an overview of the anticipated scheduling of these activities. In general, each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: throughout the plan period.
- Activity B: throughout the plan period.
- Activity C: throughout the plan period.
- Activity D: throughout the plan period.

Estimated Costs

See Table 11 for an overview of the anticipated costs of these strategies.



Products

- New and revised cultural education and outreach materials (brochures, posters, signage, etc.).
- Interpretive volunteer program with emphasis on the Hawaiian culture.
- SAC working group or subcommittee on traditional knowledge.
- Partnerships with other Native Hawaiian organizations and individuals.
- Database of Native Hawaiian stories, myths, legends, and place names.
- Educational materials translated into the Hawaiian language.

Partners

- Native Hawaiian individuals and organizations
- Hawaiian cultural educators/specialists
- University of Hawai'i – Hawaiian Studies Department
- Bishop Museum and other cultural organizations
- Sanctuary Advisory Council

Related Strategies

- NRP-3: Obtain and share relevant information on Sanctuary uses, use policies, and regulations.
- NRP-5: Develop and implement a process that identifies and evaluates resources for possible inclusion in the Sanctuary.
- EO-1: Develop and implement an education/interpretation plan.





Administration Action Plan

Introduction

This action plan is a compilation of administration-related activities (Tables 12 and 13A/B and Figure 7) expected in the upcoming five-year period. This includes Federal-State co-management, agency coordination, Sanctuary Advisory Council operation, staffing, physical infrastructure, and management and operations. This action plan responds to Goal 5: *Establish mechanisms to foster coordination and collaboration among Federal, State, and local resource management agencies, Native Hawaiians, academia, private sector, general public, NGOs, and other organizations to achieve Sanctuary goals*; and Goal 6: *Develop and maintain infrastructure and resources to achieve Sanctuary goals*. The following sections discuss each strategy in detail.

Outcomes and Performance Indicators

AD Outcome 1: By the end of 2005, the Sanctuary will maintain and enhance its ability to protect its resources by better coordination and collaboration with its partners sharing jurisdiction for Sanctuary resources, as indicated by:

- Completion of all pending Memoranda of Understanding by the end of 2004.
- Defined and implemented roles for the Sanctuary in interagency responses to humpback whale strandings and scientific research by the end of 2005.

AD Outcome 2: By the end of 2005, the Sanctuary will enhance the support provided to the SAC and will benefit from increased SAC participation in appropriate Sanctuary activities, as indicated by:

- Development and implementation of an orientation package for new SAC members by the end of 2002.
- Completed SAC retreat by the middle of 2003 and annually thereafter.
- Development and distribution of a brochure identifying contact information for SAC members by the middle of 2003.
- Completed strategic plan and annual operating plan for the SAC in place by the end of 2003.
- Increased SAC member attendance at public events by the end of 2005.

AD Outcome 3: By the end of 2005, the Sanctuary will increase its operational efficiency by improving its physical and staff infrastructure, as indicated by:

- Completion of a prioritized list of new staff needed by the middle of 2003 and new staff hires, within personnel slot and budget limitations, made by the end of 2005.
- Development of a training plan for each employee of the Sanctuary by the middle of 2003.
- Prioritized list of equipment needs and ongoing action to acquire equipment by the end of 2003.
- Establishment of a satellite office on the Big Island, depending upon availability of funding and staff, by the end of 2004.
- Completion of a ten-year facilities plan for the Sanctuary by the end of 2005.

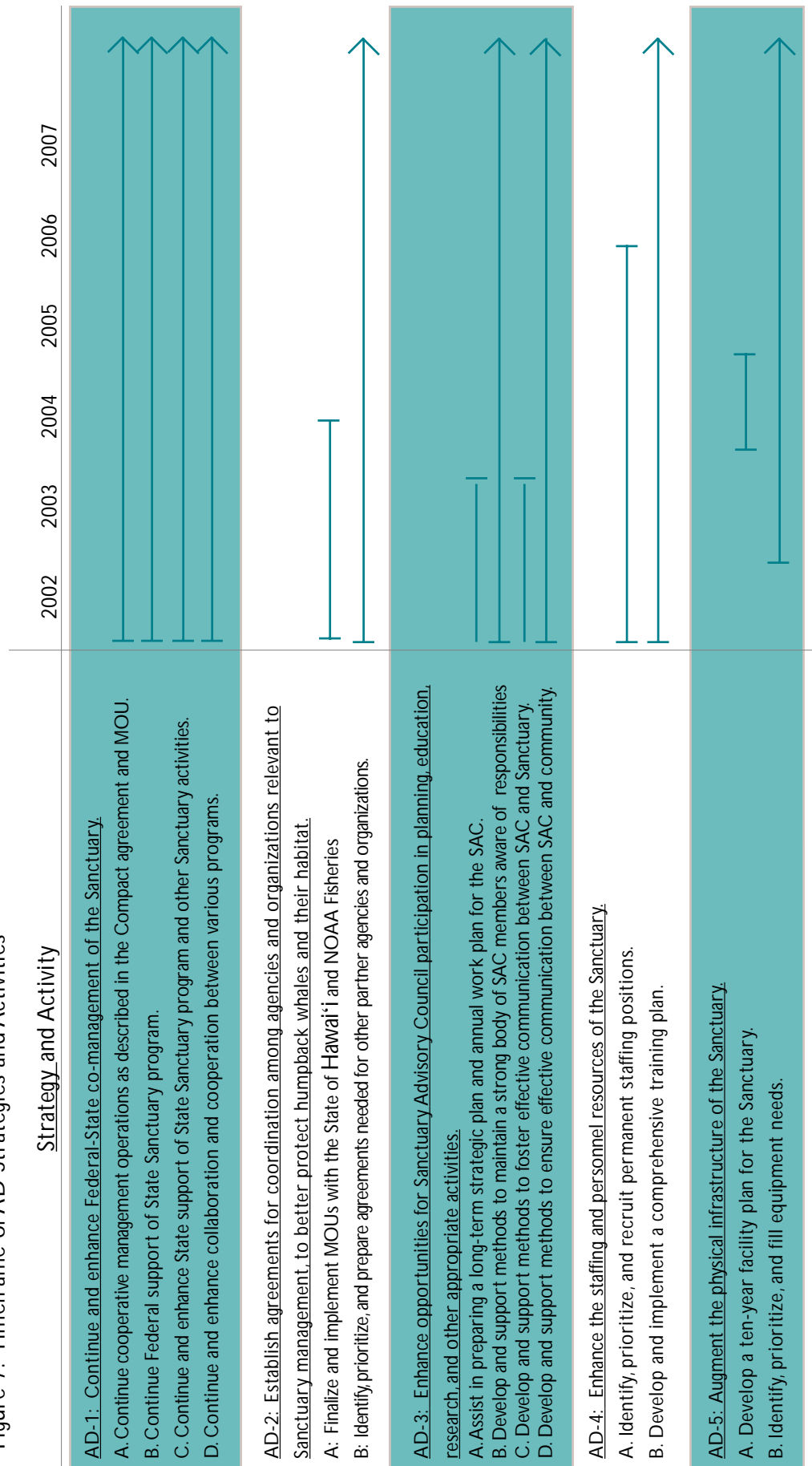


Table 12: Summary of Administration Strategies and Activities

Strategies	Activities
<p>AD-1: Continue and enhance Federal-State co-management of the Sanctuary.</p>	<p>A. Continue cooperative management operations as described in the Compact agreement and MOU. B. Continue Federal support of State Sanctuary program. C. Continue and enhance State support of State Sanctuary program and other Sanctuary activities. D. Continue and enhance collaboration and cooperation between various government and non-government programs.</p>
<p>AD-2: Establish agreements for coordination among agencies and organizations relevant to Sanctuary management, to better protect humpback whales and their habitat.</p>	<p>A. Finalize and implement MOUs with the State of Hawai'i and NOAA Fisheries. B. Identify, prioritize, and prepare agreements needed for other partner agencies and organizations.</p>
<p>AD-3: Enhance opportunities for Sanctuary Advisory Council participation in planning, education, research, and other appropriate activities.</p>	<p>A. Assist in preparing a long-term strategic plan and annual work plan for the SAC. B. Develop and support methods to maintain a strong body of SAC members aware of roles and responsibilities C. Develop and support methods to foster effective communication between SAC members and Sanctuary management. D. Develop and support methods to ensure effective communication between SAC members, their constituents, and the community.</p>
<p>AD-4: Enhance the staffing and personnel resources of the Sanctuary.</p>	<p>A. Identify, prioritize, and recruit staff positions. B. Develop and implement a comprehensive employee training plan.</p>
<p>AD-5: Augment the physical infrastructure of the Sanctuary.</p>	<p>A. Develop a ten-year facility plan for the Sanctuary. B. Identify, prioritize, and fill equipment needs.</p>



Figure 7: Timeframe of AD Strategies and Activities



Action Plans: Administration

Table 13A: Estimated One Time Only Costs (in \$1000s) for AD Strategies and Activities

Strategy and Activity		Personnel	Travel	Printing	Equipment & Supplies	Contract	One-Time Only Costs
AD-1 Enhance Federal-State co-management of the Sanctuary							
AD-1A	Continue cooperative management operations.	-	-	-	-	-	-
AD-1B	Continue Federal support of State program.	-	-	-	-	-	-
AD-1C	Enhance State support of Sanctuary activities.	-	-	-	-	-	-
AD-1D	Enhance cooperation between various programs.	-	-	-	-	-	-
AD-2 Establish agreements for coordination among agencies and organizations							
AD-2A	Finalize & implement MOU's.	3.8	-	-	-	-	3.8
AD-2B	Prepare agreements for other partner agencies.	12.5	-	-	-	-	12.5
AD-3 Enhance opportunities for SAC participation							
AD-3A	Assist in preparing strategic plan.	-	-	-	-	-	-
AD-3B	Maintain strong body of SAC members.	-	-	-	-	-	-
AD-3C	Foster effective communication w/Sanctuary.	-	-	-	-	-	-
AD-3D	Ensure effective communication w/ community.	-	-	15.0	-	-	-
AD-4 Enhance the staffing and personnel resources of the Sanctuary							
AD-4A	Identify & recruit permanent staffing positions.	3.8	6.0	-	-	-	9.8
AD-4B	Develop & implement a training program.	25.0	20.0	-	-	46.7	91.6
AD-5 Augment the physical infrastructure of the Sanctuary							
AD-5A	Develop a ten-year facility plan.	12.5	-	-	-	50.0	62.5
AD-5B	Identify, prioritize, and fill equipment needs.	-	-	-	200.0	-	200.0

Table 13B: Estimated Annual Costs (in \$1000s) for AD Strategies and Activities

Strategy and Activity		Personnel	Travel	Printing	Equipment & Supplies	Contract	Avg. Annual Costs
AD-1 Enhance Federal-State co-management of the Sanctuary							
AD-1A	Continue cooperative management operations.	15.0	7.0	-	-	-	22.0
AD-1B	Continue Federal support of State program.	10.5	12.0	-	-	180.0	202.5
AD-1C	Enhance State support of Sanctuary activities.	1.5	1.0	-	-	-	2.5
AD-1D	Enhance cooperation between various programs.	10.5	7.0	-	-	15.0	32.5
AD-2 Establish agreements for coordination among agencies and organizations							
AD-2A	Finalize & implement MOU's.	1.5	-	-	-	-	1.5
AD-2B	Prepare agreements for other partner agencies.	-	-	-	-	-	-
AD-3 Enhance opportunities for SAC participation							
AD-3A	Assist in preparing strategic plan.	10.5	6.0	-	-	2.0	18.5
AD-3B	Maintain strong body of SAC members.	22.5	0.5	-	-	-	23.0
AD-3C	Foster effective communication w/Sanctuary.	7.5	-	-	-	2.0	9.5
AD-3D	Ensure effective communication w/ community.	7.5	-	15.0	-	25.0	47.5
AD-4 Enhance the staffing and personnel resources of the Sanctuary							
AD-4A	Identify & recruit permanent staffing positions.	-	-	-	-	-	-
AD-4B	Develop & implement a training program.	16.9	11.3	-	-	26.3	54.4
AD-5 Augment the physical infrastructure of the Sanctuary							
AD-5A	Develop a ten-year facility plan.	-	-	-	-	-	-
AD-5B	Identify, prioritize, and fill equipment needs.	10.5	-	-	20.0	-	30.5





Strategies

AD-1: CONTINUE AND ENHANCE FEDERAL-STATE CO-MANAGEMENT OF THE SANCTUARY

Strategy Summary

Drawing on a history of productive collaboration, the Sanctuary will continue to be managed as a Federal-State partnership. The co-management relationship between NOAA and the State of Hawai'i will continue to be guided by the Compact Agreement and draft MOU (see Appendix 1). The lead NOAA management agency will continue to be the NMSP and the lead State agency will continue to be the DLNR. These two agencies will continue to serve as points of contact in building further collaboration and partnerships between Federal and State conservation and natural resource management agencies and organizations.

This strategy addressed Objective 5.1, relating to management coordination.

Activities

Activity A: Continue cooperative management operations as described in the Compact agreement and MOU.

The Federal Sanctuary Manager and State Sanctuary Co-Manager will continue to work cooperatively and collaboratively in making decisions related to implementation of the management plan and other Sanctuary-related activities. Federal and State Sanctuary staff will continue to work productively together as teams under the guidance of the Manager and Co-Manager, respectively.

Activity B: Continue Federal support of State Sanctuary program.

Federal funding will continue to be made available (subject to available appropriated funds) to the State for personnel and other costs associated with State involvement in implementing the management plan and other activities directly related to the Sanctuary.

Activity C: Continue and enhance State support of State Sanctuary program and other Sanctuary activities.

The State will continue to provide office facilities and other administrative assistance, as well as supervisory, administrative, legal, and technical staff assistance in support of management plan implementation and related activities. State Sanctuary staff will continue to promote and pursue alternative means of funding from State and other sources.

Activity D: Continue and enhance collaboration and cooperation between various government and non-government programs.

Sanctuary management and staff will continue to facilitate interagency cooperation and collaboration in the course of various multi-agency projects and activities (e.g., public events, education and outreach products, conferences, permit reviews).



Action Plans: Administration

Estimated Timeframe

See Figure 7 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: throughout the plan period.
- Activity B: throughout the plan period.
- Activity C: throughout the plan period.
- Activity D: throughout the plan period.

Estimated Costs

See Table 13 for an overview of the anticipated costs of these strategies.

Products

- Improved products of other strategies via enhanced Sanctuary co-management arrangements

Partners

- Sanctuary Manager
- Sanctuary Co-Manager
- Sanctuary staff
- NMSP HQ staff
- DLNR and other State of Hawai'i agency staff
- NOAA Fisheries
- Other Federal and State agencies
- Sanctuary Advisory Council





AD-2: ESTABLISH AGREEMENTS FOR COORDINATION AMONG AGENCIES AND ORGANIZATIONS RELEVANT TO SANCTUARY MANAGEMENT, TO BETTER PROTECT HUMPBACK WHALES AND THEIR HABITAT

Strategy Summary

The Sanctuary has many partners, many on an informal basis for which no written agreement for coordination has yet been prepared. Such formal agreements will be prepared with those whom the Sanctuary works most closely and frequently. The Sanctuary already has such formal agreements with the foremost of these partners—the State of Hawai‘i and NOAA Fisheries—which could be enhanced. Also, the Sanctuary should identify other partners with whom it is appropriate and desirable to establish formal agreements. These types of agreements will enhance the Sanctuary’s ability to meet its primary purpose of protecting the humpback whale and its habitat in Hawai‘i.

This strategy addresses Objective 5.1, related to management coordination.

Activities

Activity A: Finalize and implement Memoranda of Understanding (MOUs) with the State of Hawai‘i and NOAA Fisheries, including stranding protocols, education and outreach programs, media coordination, and research roles and responsibilities.

As a co-trustee in humpback whale protection, the Sanctuary may well become a more effective partner in facilitating humpback whale stranding response by executing MOUs or other interagency agreements with the State of Hawai‘i and NOAA Fisheries. Coordination on research policies and activities would also be facilitated with additional MOUs between these two agencies. The Sanctuary will continue to work with the State of Hawai‘i and NOAA Fisheries to develop these MOUs.

Activity B: Identify, prioritize, and prepare agreements needed for other partner agencies and organizations.

The Sanctuary anticipates that developing MOU’s or other agreements with other agencies and organizations may be helpful in allowing all those concerned to become even more effective in facilitating interagency and multi-sectoral collaboration in humpback whale conservation. The Sanctuary will enhance its communications with a variety of governmental agencies, nonprofit organizations, research institutions and other groups to identify and execute these agreements.

Estimated Timeframe

See Figure 7 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: MOUs finalized by the end of 2004.
- Activity B: Agreements identified and finalized throughout the plan period as needed.



Action Plans: Administration

Estimated Costs

See Table 13 for an overview of the anticipated costs of these strategies.

Products

- Enhanced Sanctuary co-management arrangements

Partners

- DLNR and other State of Hawai'i agency staff
- NOAA Fisheries
- U.S. Coast Guard
- Other Federal agencies
- Sanctuary Advisory Council

Related Strategies

- NRP-2: Enhance permit and project review procedures.





AD-3: ENHANCE OPPORTUNITIES FOR SANCTUARY ADVISORY COUNCIL PARTICIPATION IN PLANNING, EDUCATION, RESEARCH, AND OTHER APPROPRIATE ACTIVITIES

Strategy Summary

In order to ensure that local concerns are addressed in the ongoing development and management of the HIHWNMS, a 24-member Sanctuary Advisory Council was established in March 1996. The SAC has broad representation and has been instrumental in advising NOAA and the State on matters pertaining to the continued development of the Sanctuary. The SAC represents the coordination link between the Sanctuary and the many State and Federal management agencies, Native Hawaiians, user groups, researchers, educators, policy makers, and others which serve the function of focusing efforts and attention on the humpback whale and its habitat.

The SAC is a critical part of the Sanctuary's identity and function because it provides a forum by which Sanctuary management issues can be raised and addressed in an ongoing and relatively informal manner, thereby enhancing the efforts of the Sanctuary in managing and protecting humpback whales and its habitat. Given the significance of the SAC's role in Sanctuary management, more efforts need to be taken to gather expert advice, promote public involvement, and use the SAC to its fullest potential. The Sanctuary has recognized the U.S. Navy as a valuable partner in meeting the goals of the Sanctuary and therefore will add a seat on the SAC and invite the U.S. Navy to send a representative.

This strategy addresses Objective 5.2, to provide opportunities to engage the SAC in planning, evaluation, and other appropriate activities.

Activities

Activity A: Assist in preparing a long-term strategic plan and annual work plan for the SAC.

Preparing a long-term strategic plan and annual operating plan, coordinated with and flowing from the Sanctuary's annual operating plan, will help the Sanctuary and SAC work together to fully utilize the SAC's many talents and experiences, and ensure more effective and viable results from SAC activities and meetings.

Activity B: Develop and support methods to maintain a strong body of SAC members that is aware of its roles and responsibilities with regard to supporting Sanctuary management.

SAC members should have full understanding in their responsibilities to their constituents, Sanctuary management, and other SAC members. Such understanding can be fostered in a number of ways, which may include:

- Developing a training package for new member orientation. A one-day orientation session for incoming members would provide them with necessary background information to facilitate their participation on the SAC.
- Holding an annual retreat with the SAC. This would provide a venue for SAC members to address more lengthy issues (that do not require a vote or that will benefit from public discussion), as well as become better acquainted with fellow SAC members and Sanctuary staff.
- Recording presentations by guest speakers at SAC meetings on video tape for future reference. Recording and archiving presentations at SAC meetings will allow members who were absent at a meeting to see informational presentations on various Sanctuary-related issues for themselves.



Action Plans: Administration

Such presentations can also be used at Sanctuary or SAC events or other events that might be attended by the interested public. The video tapes might also be used on statewide cable access television.

Activity C: Develop and support methods to foster effective communication between SAC members and Sanctuary management.

Proper communication between the SAC and Sanctuary management is essential to Sanctuary development. Such communication can be enhanced by the development of an interactive SAC page on the Sanctuary website. This page will provide information to SAC members on various issues and events. A calendar of events, meeting minutes, reference documents, and other information can be included on such a page, for ease of access by SAC members. In addition, the page can be used as a forum for SAC members to post comments and questions to the SAC Chair and Sanctuary Manager, as well as to one another.

Activity D: Develop and support methods to ensure effective communication between SAC members, their constituents, and the community.

Providing communication support for SAC members enhances their ability to bring constituent and community views and concerns to the Sanctuary, and also helps SAC members share Sanctuary information and decisions with their constituents and the community. This will also help to ensure that all views are fairly and adequately communicated to the Sanctuary. Communications support can include:

- Developing a brochure to be distributed to the public, relaying how individual SAC members represent a specific function or constituency can be contacted.
- Promoting SAC member attendance at various community events. Having SAC members attend such events (both those sponsored by the Sanctuary and others) will provide more visibility for the Council and help stimulate interaction between the SAC, constituents, and other members of the community.
- Preparing press releases/public service announcements after SAC meetings. This will help share key recommendations and other actions taken by the SAC at each meeting. Such press releases could also be posted to the Sanctuary website. This will help keep the public informed about SAC and Sanctuary activities and decisions.

Estimated Timeframe

See Figure 7 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: nine months, completed by mid-2003.
- Activity B: starting in 2002 and ongoing (or annually) thereafter.
- Activity C: nine months, completed by mid-2003.
- Activity D: starting in 2002 and ongoing thereafter.

Estimated Costs

See Table 13 for an overview of the anticipated costs of these strategies.



Products

- long-term strategic plan for the SAC.
- annual operating plan for the SAC.
- orientation package.
- brochure providing SAC member contact information.
- video tape library.

Partners

- SAC Executive Subcommittee
- Sanctuary Advisory Council



AD-4: ENHANCE THE STAFFING AND PERSONNEL RESOURCES OF THE SANCTUARY



Strategy Summary

In response to the geographical distribution of the State's population and the Sanctuary boundary configuration around six of the eight main Hawaiian Islands, the Sanctuary has four offices. These offices, three Federal offices and one State office, are staffed by twelve positions, including four Federal employees, two State employees, and five contracted employees. Existing staff has responded to increased demands by taking on a variety of functions that could be better performed by new specialist positions. The Sanctuary needs to increase its staff in order to meet the growing responsibilities and roles of the Sanctuary, to improve scientific and educational programs, to establish a presence on the Island of Hawai'i, and to respond to increasing interest by community volunteers. New hires will be dependent upon available personnel slots, NMSP appropriations, and the Sanctuary's annual budget allocation.

This strategy addresses Objectives 6.1 and 6.3, relating to the development and enhancement of Sanctuary staff.

Activities

Activity A: Identify, prioritize, and recruit staff positions.

The Sanctuary needs to evaluate its current personnel and responsibilities, and determine where new staff members are needed, in a priority order. The Sanctuary will also need to consider what functions must be filled by a permanent employee and what functions might be filled by NOAA Corps officers, temporary contractors, volunteers, or other resources. Anticipated new hires might include a research coordinator, education coordinator, Hawaiian cultural educator, Big Island liaison, and vessel operator. Though new hires will be dependent upon available personnel slots, NMSP appropriations, and the Sanctuary's annual budget allocation, having a well-developed and supported recruitment plan will play a strong role in obtaining agency support for new hires.

Activity B: Develop and implement a comprehensive employee training plan.

The increasing roles and responsibilities of the Sanctuary and ever evolving marine protected area management techniques require that the skill sets of present and future employees continue to grow as well. The Sanctuary will examine the current skills of employees, and determine what training is necessary and appropriate for each employee. The Sanctuary will also determine what capacities are presently missing from its operational regime and ensure the development of that capacity through appropriate staff training. Such training is anticipated to include bankcard and procurement procedures, supervisory and leadership training, contracting, facilitation and consensus building, NOAA diving certification, computer skills, and university/academic courses.

Estimated Timeframe

See Figure 7 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:





- Activity A: One year, completed by the middle of 2003; new personnel in place by the end of 2005.
- Activity B: Starting in 2002 and ongoing thereafter.

Estimated Costs

See Table 13 for an overview of the anticipated costs of these strategies.

Products

- Prioritized list of hires
- Training plan for each employee

Partners

- NOS personnel staff

Related Strategies

- EO-3: Support current functions and activities of the Sanctuary's volunteer program.
- EO-4: Provide additional opportunities for volunteer participation in Sanctuary activities and events.



AD-5: AUGMENT THE PHYSICAL INFRASTRUCTURE OF THE SANCTUARY



Strategy Summary

The success of the Sanctuary can be attributed in no small part to early decisions to establish a headquarters on NOAA property on the island of Maui (where the density of whales is the highest) and to establish site offices on the islands of O‘ahu (Hawai‘i’s population and government center) and Kaua‘i (part of the original boundaries designated by Congress). The presence of resident Sanctuary staff on these islands has nurtured strong community-based networks of volunteers, partnerships, and support. The Sanctuary’s presence on the Big Island of Hawai‘i has been maintained by staff from other islands, Big Island-based SAC members, and volunteers who organize and participate in a variety of community events, such as the annual Ocean Count, annual Ocean Users’ Workshop, annual lecture series, county fairs, ocean fairs, and special events for teachers and students. Building new or renovating existing facilities will be dependent upon NMSP appropriations and the Sanctuary’s annual budget allocation

This strategy addresses Objective 6.2, to maintain and develop additional facilities and equipment.

Activities

Activity A: Develop a ten-year facility plan for the Sanctuary.

A ten-year facilities plan, building on and flowing from the NMSP ten-year facilities plan, will inventory and prioritize all physical office and visitor center projects. The projects may include a site office on the Big Island, permanent site offices on O‘ahu and Kaua‘i, implementation of Maui’s ten-year facilities upgrade plan, and exhibits development or upgrades. Vessel(s) and the facilities to support them should also be included. Though building new or renovating existing facilities will be dependent upon NMSP appropriations and the Sanctuary’s annual budget allocation, having a well-developed and supported facilities plan will play a strong role in obtaining agency support for such new projects.

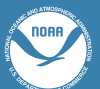
Activity B: Identify, prioritize, and fill equipment needs.

The Sanctuary will survey each existing facility to determine what equipment and technical support is necessary, including full computer work stations for each employee, guest work stations, geographic information system stations, Internet access lines, and adequate copiers and fax machines for the functions of each office. The needs of each office will be prioritized and new equipment purchased as funding allows.

Estimated Timeframe

See Figure 7 for an overview of the anticipated scheduling of these strategies. In general each of the activities in this strategy are expected to take the following amounts of time:

- Activity A: One year, to be completed by the end of 2004.
- Activity B: Starting in 2003 and ongoing.





Estimated Costs

See Table 13 for an overview of the anticipated costs of these strategies.

Products

- Ten-year facility plan for the Sanctuary
- Prioritized equipment needs list

Partners

- NOS, NOAA, and GSA facilities experts
- NOSADP specialists



Appendices

Appendix 1: Compact Agreement/Memorandum of Understanding

Appendix 2: Final Rule for the HIHWNMS

Appendix 3: Environmental Assessment

Appendix 4: Response to Comments

Appendix 5: Bibliography

Appendix 6: Hawaiian Glossary

Appendix 7: Acronyms





Appendix 1: Compact Agreement for the Coordinated Management of the Hawaiian Islands Humpback Whale National Marine Sanctuary

This Intergovernmental Compact Agreement (hereinafter "Compact") is made between the State of Hawai'i and the National Oceanic and Atmospheric Administration (NOAA) of the United States Department of Commerce (hereinafter collectively referred to as "Parties") for the purpose of clarifying the relative jurisdiction, authority, and conditions of the NOAA-State partnership for managing the Sanctuary. It clarifies the State's continuing authority and jurisdiction over its State waters, submerged lands, and other resources within the Sanctuary. The Compact further establishes provisions with respect to NOAA's collaboration with the State of Hawai'i on Sanctuary management issues.

I. RECITALS

Whereas, Hawai'i is an Ocean State with over 750 miles of coastline, estuaries, harbors, and embayments adjoining an 829,122 square-mile Exclusive Economic Zone;

Whereas, the marine environment of the Hawaiian Archipelago supports abundant and biologically diverse aquatic communities with extensive conservation, recreational, commercial, ecological, historical, research, educational, economic, and aesthetic values paramount to the Nation, the State, and the people of Hawai'i;

Whereas, the waters of the Hawaiian Islands provide essential habitat for breeding, calving, and nursing activities of the endangered North Pacific Humpback Whale;

Whereas, the humpback whales' habitat in Hawaiian waters is dependent upon a healthy marine environment;

Whereas, the economy of the State is also dependent upon a healthy marine environment and the quality of its marine resources to support its commercial and recreational fisheries and water-related visitor industry;

Whereas, the State has taken steps to protect unique marine communities found in its waters to include the establishment of Marine Life Conservation Districts, Natural Area Reserves, Fishery Management Areas, and Subsistence Fishing Zones;

Whereas, Congress, by passage of the Hawaiian Islands National Marine Sanctuary Act in Hawaiian waters, Subtitle C, Title III of Public Law 102-587 (Act), designated the Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary) in Hawaiian waters;

Whereas, the Act required that NOAA develop a comprehensive management plan with implementing regulations, in concert with the State, local, and other Federal interests, and a means for integrating existing authorities to govern the management of the Sanctuary.

Whereas, the Sanctuary covers approximately 1,420 square miles of Federal and State waters within the Main Hawaiian Islands.



Appendix 1: Compact Agreement/MOU

Whereas, the primary purposes of the Sanctuary's Designation Document, implementing regulations, and management plan are to: (1) protect humpback whales and their habitat in Hawaiian waters; (2) educate and interpret for the public the relationship of species to their wintering habitat in the Hawaiian Islands; (3) coordinate the management of uses of the Sanctuary's resources consistent with the Act and other existing State and Federal laws, including all public and private uses, uses customarily and historically practiced by indigenous Hawaiians for subsistence, cultural, and religious purposes; (4) identify research needs and establish a long-term monitoring program with respect to the whales and their habitat; (5) ensure coordination and cooperation between Sanctuary managers and other relevant State, Federal, and local authorities; and (6) sensitize users of the Sanctuary's resources and the general public to the needs for protecting marine ecosystems and the principles of sustainable use;

Whereas, the Act was amended in 1996 to, inter alia provide that the Secretary of Commerce shall not institute any user fee under the Act for any activity within the Sanctuary or any use of the Sanctuary or its resources;

Whereas, the Sanctuary's management plan sets forth a process for cooperative Federal-State management and protection of the humpback whale and its habitat;

Whereas, this Compact will form the foundation for subsequent interagency and intergovernmental cooperative agreements and other less formal interagency and institutional work efforts.

II. DEFINITIONS

Civil Action—means actions arising under the National Marine Sanctuaries Act or under authorities supporting state claims within the Sanctuary, including civil penalties recovered under section 307, and amounts recovered under section 312.

Emergency Regulations—means any temporary regulation, including prohibitions necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource.

Governor—means the Governor of the State of Hawai'i, or designee.

Management Plan—means the final management plan and regulations for the Hawaiian Islands Humpback Whale National Marine Sanctuary.

NOAA—means the National Oceanic and Atmospheric Administration.

Regulations—means the final Sanctuary regulations implementing the Management Plan.

Sanctuary—means the Hawaiian Islands Humpback Whale National Marine Sanctuary.

Sanctuary Resource—means any humpback whale, or the humpback whale's habitat within the Sanctuary, defined as those areas that provide space for individual and population growth and normal behavior of humpback whales, and include sites used for reproductive activities, including breeding, calving and nursing.

State—means the State of Hawai'i.





III. AUTHORITIES

Under the Hawaiian Islands National Marine Sanctuary Act, as amended (subtitle C, title II, P.L. 102-587, Nov. 4, 1992) and the National Marine Sanctuaries Act, as amended (16 U.S.C. § 1431 et seq.; also known as title III of the Marine Protection, Research, and Sanctuaries Act), the Secretary of Commerce, through NOAA, has been vested with the jurisdiction and authority to protect and manage the resources of this Sanctuary in trust for the People of the United States and is specifically charged with implementation of the policy of the United States.

The executive power of the State of Hawai'i is vested in the Governor under Section 1, Article V of the State Constitution and other applicable provisions of law. The Governor is entrusted by the People of Hawai'i to hold in trust the land and water resources of the State, including submerged lands, the uses of which benefit the public. In recognition of these obligations to uphold the Public Trust and acting as the State's chief steward for the environment, the Governor enters into this Intergovernmental Compact Agreement.

IV. NOW, THEREFORE, BE IT RESOLVED BY THE UNDERSIGNED THAT:

A. The Parties recognize the Federal-State cooperative arrangement for management of the Sanctuary and its resources and that no Federal, State, or local title or authority to manage and regulate submerged lands, resources, or activities has been limited, conveyed or relinquished through this Compact.

B. The Governor of Hawai'i has not conveyed title to nor relinquished authority over any State-owned submerged lands and waters or other State-owned resources by agreeing to include State-owned resources within the Sanctuary boundary.

C. The Sanctuary Management Plan will apply throughout the Sanctuary, including the portion of the Sanctuary within the seaward boundary of the State.

D. NOAA and the State will collaborate in the management of the Sanctuary and its resources consistent with the Act, NMSA, Sanctuary Management Plan, and Memoranda of Agreements and Protocols developed thereunder, including but not limited to the following:

1. Memorandum of Understanding between NOAA and the State Department of Health and State Department of Land and Natural Resources, establishing mutually agreeable procedures and mechanisms for coordinating the review of State permits for activities that might impact humpback whales or their habitat; and

2. Cooperative Enforcement Agreement, to be negotiated, establishing procedures and mechanisms for coordinating State and Federal enforcement activities within the Sanctuary. To the extent permitted by law, there shall be mutual agreement regarding enforcement policies and priorities.

E. No State or local funding is required to implement the Sanctuary Management Plan, its implementing regulation, or any of the provisions of the Compact.



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F. 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.

G. The imposition, extension, or renewal of Federal Sanctuary emergency regulations in State waters shall not be authorized without the Governor's approval.

H. The Governor reserves the right to propose changes to the Sanctuary Management Plan and, if necessary, NOAA shall initiate the Federal rule promulgation process required to make revisions requested by the Governor to the regulations implementing the management plan.

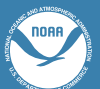
I. Civil penalties recovered under Section 307 of the National Marine Sanctuaries Act shall be used by NOAA consistent with the requirements and priorities of the Sanctuary Management Plan. Amounts recovered under section 307 with respect to incidents within areas subject to State jurisdiction shall be used in consultation and agreement with the State consistent with the Plan. Similarly, to the maximum extent consistent with section 312(d) of the referenced Federal statute, any monetary recovery that may result from any civil action shall be used for the exclusive benefit of the Sanctuary.

J. The Sanctuary's Management Plan, Designation Document and its implementing regulations do not list commercial or recreational fishing as activities subject to regulation. No Sanctuary fishing regulation in the Hawaiian Islands Humpback Whale National Marine Sanctuary shall take effect in State waters until established by the Board of Land and Natural Resources.

K. Section 304(e) of the National Marine Sanctuaries Act requires the Secretary of Commerce to review the Sanctuary's Management Plan and implementing regulations every five years to evaluate the substantive progress toward implementing the management plan and goals for the Sanctuary, especially the effectiveness of site-specific management techniques, and revise the management plan as necessary to fulfill the purposes and policies of the Act. When the Management Plan and implementing regulations for the Sanctuary are reevaluated, the Secretary of Commerce will repropose the management plan and regulations in their entirety and the State of Hawai'i will have the opportunity to review the Management Plan and regulations, in their entirety, and indicate if any or all of the terms are unacceptable, in which case the unacceptable terms shall not take effect in State waters.

L. The Governor shall designate a State employee as his representative to work in consultation with the Sanctuary manager as an equal partner in the oversight of Sanctuary operations. The State of Hawai'i and NOAA shall manage the Sanctuary through a cooperative partnership and consult on all management activities throughout the Sanctuary. The intent of this partnership is that the final resolution of any management issues resulting in policy conflicts between the State and NOAA shall be decided by the managing partners consistent with State and Federal laws.

M. The goals and objectives of the Sanctuary management plan were developed to complement and coordinate existing management efforts, and, in part, to address some of the objectives and policies contained in NOAA Fisheries' Final Recovery Plan (Recovery Plan) for the Humpback Whale. Throughout the implementation of the management plan, therefore, Sanctuaries & Reserves Division in coordination with the State, will consult with NOAA Fisheries to evaluate the effective-





ness of existing management efforts in achieving those objectives and policies, including whether additional measures (e.g., regulations or critical habitat) to protect the humpback whale and its habitat are needed. Prior to making a final decision on whether to designate critical habitat for humpback whales in Hawai'i State waters under the Endangered Species Act, NOAA will fully involve and consult with the State.

N. The boundaries of the Sanctuary within State waters shall encompass approximately 1,420 square miles of Federal and State waters from the highwater mark seaward to the 100-fathom depth contour around portions of Kaua'i, O'ahu, Moloka'i, Lāna'i, Maui, Hawai'i, the Pailolo Channel, and the area known as Penguin Bank.

O. The designation of the Sanctuary does not limit or restrict in any way State or Federal government actions to respond to oil or hazardous material spills. The Sanctuary will work within established procedures of the Oceania Regional Response Team for oil or hazardous material spill response and planning.

V. SPENDING AUTHORITY

The Secretary, may apply Federal Sanctuary funds to support any activity in the State regardless of location with respect to the Sanctuary's boundary, provided that such activity is consistent with the terms of the designation and Sanctuary Management Plan.

VI. RESERVATION OF RIGHTS

The Parties each retain full authority and reserve all rights to take whatever actions deemed necessary to pursue, preserve, and protect any legal right, interest, or remedy. Nothing in this Compact is intended nor shall be construed to waive or foreclose any such authority, right, interest, or remedy.

VII. MODIFICATION PROVISIONS

It is the expressed intent of the Parties to revise and make additions to this Compact to reflect the continuing development of the cooperative relationship of the Parties in the protection and management of Sanctuary resources through the implementation of the Sanctuary Management Plan. Any modifications, revisions, or amendments to this Compact shall be in writing and executed by the Parties and shall be incorporated into the Compact and become effective only upon the signature of the Parties.

VIII. PERIOD

This Compact will be effective on the date of the last signature of the approving official of either of the Parties and shall continue in force unless and until terminated in conjunction with the five-year review of the Sanctuary Management Plan.

IX. SAVINGS CLAUSE

A. Nothing herein is intended to conflict with current State or Federal laws, policies, regulations, or directives. If any of the terms of this Compact are inconsistent with existing Federal



Appendix 1: Compact Agreement/MOU

or State laws, policies, regulations, or directives, then those portions of this Compact which are determined to be inconsistent shall be invalid. The remaining terms of this Compact not affected by the inconsistency shall remain in full force and effect.

B. At the first opportunity for review of the Compact, all necessary changes will be accomplished by either an amendment to this Compact or by entering into a new Compact or other agreement.

C. Should disagreement arise on the interpretation or implementation of the provisions of this Compact or amendments and/or revisions thereto that cannot be resolved at the program operations level, the matter shall be forwarded to higher authority for resolution.

D. All requirements of this Compact are subject to the availability of the funds of the parties.

X. SIGNATURES

D. James Baker
Under Secretary for Oceans and Atmosphere
National Oceanic and Atmospheric Administration
Dated: 2/12/98

Benjamin Cayetano
Governor
State of Hawai'i
Dated: 5/4/98





Draft
Memorandum of Understanding
Between the
National Oceanic and Atmospheric Administration
National Ocean Service
National Marine Sanctuary Program
and the
State of Hawai'i
Department of Land and Natural Resources

This Memorandum of Understanding (MOU) is between the National Marine Sanctuary Program (NMSP), National Ocean Service, National Oceanic and Atmospheric Administration of the United States Department of Commerce, and the Department of Land and Natural Resources (DLNR) of the State of Hawai'i (hereafter jointly referred to as "the Parties").

I. Purpose

This MOU establishes procedures and protocols for the coordinated management of the Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary) between the NMSP and DLNR. Both entities share the commitment to protect the endangered humpback whale (*Megaptera novaeangliae*) and its habitat as specified in the Sanctuary Management Plan and the Compact Agreement for the Coordinated Management of the Hawaiian Islands Humpback Whale National Marine Sanctuary (Compact Agreement).

Section IV.L. of the Compact Agreement states that "the State of Hawai'i and NOAA shall manage the Sanctuary through a cooperative partnership and consult on all management activities throughout the Sanctuary." The Compact Agreement also states that the Governor's representative will "work in consultation with the Sanctuary manager as an equal partner in the oversight of Sanctuary operations."

The main purpose of this MOU is to specify the various means by which the Compact Agreement and Sanctuary Management Plan will be implemented at the level of program operations and interactions between NMSP and DLNR personnel.

II. References and Authorities

NMSP administers the Sanctuary pursuant to 16 U.S.C. 1431 et seq., and enters into this agreement pursuant to 16 U.S.C. 1442 (a).

Chapter 171, Section 3 of the Hawai'i Revised Statutes authorizes the DLNR to manage, administer, and exercise control over Hawai'i's aquatic resources and ocean waters.

The Governor of Hawai'i has designated DLNR as the lead State agency for coordinated management of the Sanctuary, and has appointed the Sanctuary co-manager of DLNR as the Governor's representative referred to in Section IV.L of the Compact agreement.

Section 195D-5, Chapter 195D of the Hawai'i Revised Statutes authorizes DLNR to enter into MOU's with agencies of the Federal government for administration and management of any area established for the protection of indigenous aquatic life.



Section E of the Sanctuary Management Plan states that “SRD [now the National Marine Sanctuary Program, NMSP] will develop a cooperative partnership with the State of Hawai‘i and NOAA Fisheries to implement components of this Final Management Plan. SRD will coordinate its on-site activities through cooperative agreements and/or specific MOUs.”



III. General Considerations

The Parties recognize the following considerations underlying this MOU:

- Both Parties have public trust responsibility and statutory authority to protect humpback whales and their habitat in Hawaiian waters.
- Both Parties wish to maximize, and benefit from, each other’s strengths, and eliminate duplication of effort to ensure the wisest use and expenditure of public resources.
- Both Parties are accountable to stakeholders and communities who have a right to expect timeliness, efficiency, professionalism, and progress toward achieving the goals of the Sanctuary.
- Both Parties wish to elicit and incorporate private and civic sector input, expressed locally and nationally, into Sanctuary priority-setting, planning and ongoing management.
- Both Parties wish to continuously improve the products and services they provide.
- Both Parties require flexibility, as allowed by law and best management practices, in developing and implementing Sanctuary management activities and related marine resources management activities to meet local needs and expectations regarding the Sanctuary.
- NMSP retains its authority and responsibility to ensure consistent and effective implementation of national laws and policies related to the Sanctuary.

IV. Shared Responsibilities of the Parties

a. Resource Protection

The parties will form a working partnership to achieve a higher level of protection for the humpback whales and their habitat than can be achieved by either of the parties working alone.

Both Parties will:

1. Participate cooperatively in the development and implementation of any management program or plan to achieve the purposes of the Sanctuary.
2. Notify the other Party immediately of emergencies and provide an opportunity to participate in any response.
3. Participate in the protection role of each party as identified by the management plan, as revised.

b. Communication and Coordination

To facilitate the cooperative partnership and shared oversight stipulated in the Compact Agreement, the Parties agree to promote effective communication and coordination between their respective agencies. To this end, the Parties agree to adhere to the following set of mutual expectations or provisions regarding Sanctuary operations and staff interactions.

Both Parties will be given an opportunity to:

1. Review and comment on all public documents, press releases, educational and other





outreach materials produced by either Party in all cases where the theme of the document, press release, educational and other material is directly related to the Sanctuary.

2. Review and comment on agenda, programs and other plans for any public meeting or event produced and/or sponsored by either Party, within a reasonable period of time, prior to the meeting or event in all cases where the theme of the meeting or event is directly related to the Sanctuary.
3. Participate cooperatively in national and local meetings hosted by either Party where the Sanctuary is the primary topic of the meeting.
4. Freely meet with any other agency when developing party-specific positions on Sanctuary-related issues.
5. Ensure that all communication with the public, e.g., public presentations, documents for public use, and communications with media, will acknowledge the cooperative management arrangement described herein and in the Compact Agreement. In general, this acknowledgment will entail a brief description of the cooperative management arrangement, and of the respective responsibilities and authorities of each party. In the case of written materials, this acknowledgment may be expressed via the following statement, "NOAA and the State of Hawai'i, a partnership for protection." While the logos of both Parties will be prominently displayed on all Sanctuary documents, each party retains the right to exclude the use of its logo should it deem necessary.

c. Research and Monitoring

Both Parties will be given an opportunity to:

1. Review and comment on all proposed scientific research activities supported by either Party in all cases where the research is directly related to the Sanctuary.
2. Participate in the research role of each party to be identified by the management plan, as revised.

d. Education and Outreach

Both Parties will be given an opportunity to:

1. Review and comment on all proposed education and outreach activities supported by either Party in all cases where the research is directly related to the Sanctuary.
2. Participate in the education role of each party to be identified by the management plan, as revised.

e. Operations

Both Parties will be given an opportunity to:

1. Be advised of and comment on any Sanctuary personnel management changes proposed by either Party prior to finalization of the change. Sanctuary personnel changes include hiring, dismissal, and changes in general duties or responsibilities of any paid State or Federal



Appendix 1: Compact Agreement/MOU

employee or contractor whose primary duties are directly related to the Sanctuary. Both parties recognize and understand the final hiring authority for State and Federal positions lies with DLNR and NOAA respectively.

2. Be advised of and comment on annual Sanctuary budget allocations development and subsequent annual operating plan changes.
3. Meet to develop annual operating plans, modifications to such plans, and long term planning sessions and to identify the roles and responsibilities of each Party in implementing such plans, activities and operations.
4. Participate in performance evaluation as defined by the management plan, as revised.
5. Participate in the operational role of each party to be identified by the revised management plan.

d. Performance Evaluation

The Parties agree to jointly develop a process by which each Party's performance in adhering to the provisions of this MOU is fairly and accurately evaluated on a regular basis.

e. Points-of-Contact

The NMSP Sanctuary Manager and DLNR co-manager are the principal points-of-contact (see addresses below) for official communications between NMSP and DLNR respectively, regarding the Sanctuary. Copies of all written communications regarding the Sanctuary that are sent from NMSP to any State agency shall be furnished in a timely manner to the Sanctuary co-manager. Copies of all written communications regarding the Sanctuary that are sent from DLNR to any Federal agency shall be furnished in a timely manner to the Sanctuary manager.

NMSP:	Naomi Mcintosh 6700 Kalaniana'ole Highway #104 Honolulu, HI 96825 (808) 397-2651 (808) 397-2650 fax Naomi.mcintosh@noaa.gov	DLNR: Jeffrey Walters, Ph.D. 1151 Punchbowl Street #330 Honolulu, HI 96813 (808) 587-0106 (808) 587-0115 fax jeffrey_s_walters@exec.state.hi.us
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V. Period

This MOU will become effective on the date of the last signature of the approving official of either of the Parties and shall continue in force unless terminated (1) by mutual written consent by the Parties; (2) 90 days written notice by either Party, or (3) in conjunction with any review of the Sanctuary Management Plan.

VI. Modification

It is the expressed intent of the Parties to revise and make additions to this MOU to reflect continuing development of the cooperative relationship of the Parties in managing the Sanctuary. Any modifications, revisions, or amendments to this MOU shall be in writing and executed by the Parties and shall be incorporated into the MOU and become effective only upon signature of the Parties.



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Appendix 2: Final Rule for the Hawaiian Islands Humpback Whale National Marine Sanctuary

06566 Federal Register / Vol. 64, No. 228 / Monday, November 29, 1999 / Rules and Regulations

Alaskan VOR Federal airways are published in paragraph 6010(b) of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Alaskan VOR Federal airways listed in this document will be published subsequently in the Order.

The Rule

This action amends part 71 by establishing three VOR Federal airways, V-609, V-617, and V-621 located in the State of Alaska.

Prior to this action there were a number of uncharted nonregulatory routes that used the same routings as these VOR Federal airways. Those nonregulatory routings were used daily by air carrier and general aviation aircraft. The FAA is taking this action to establish these three VOR Federal airways for the following reasons: (1) The conversion of these uncharted nonregulatory routes to VOR Federal airways will add to the instrument flight rules (IFR) airway and route infrastructure in Alaska; (2) pilots will be provided with minimum en route altitudes and minimum obstruction clearance altitudes information; (3) this amendment will establish controlled airspace, thus eliminating some of the commercial IFR operations in uncontrolled airspace; and (4) addition of these routes will improve the management of air traffic operations and thereby enhance safety.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9585, 3 CFR, 1959-1963 Comp., p.349.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

Paragraph 6010(b)—Alaskan VOR Federal Airways

* * * * *

V-609 [New]

From Eisee, AK, NDB, 20 AGL, to Dillingham, AK.

* * * * *

V-617 [New]

From Homer, AK, to Johnstone Point, AK.

* * * * *

V-621 [New]

From Barrow, AK, VOR, to Atkasuk, AK, NDB.

* * * * *

Issued in Washington, DC, on November 22, 1999.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 99-30889 Filed 11-26-99; 8:45 am]

BILLING CODE 4910-11-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 990914255-9255-01]

RIN 0648-AN28

Hawaiian Islands Humpback Whale National Marine Sanctuary

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Final rule; effective date and modifications.

SUMMARY: Pursuant to the Hawaiian Islands National Marine Sanctuary Act and the National Marine Sanctuaries

Act, NOAA developed the comprehensive final management plan for the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS or the Sanctuary). NOAA issued final regulations on March 28, 1997, to implement that plan and govern the conduct of activities within the Sanctuary. Congress and the Governor of the State of Hawaii (Governor) had forty-five days of continuous session of Congress beginning on the day on which the final regulations were published to review those regulations and management plan. After the forty-five day review period, the regulations would become final and take effect, except that any term or terms of the regulations or management plan the Governor certified to the Secretary of Commerce as unacceptable would not take effect in the area of the Sanctuary lying within the seaward boundary of the State.

During the forty-five day review period the Governor submitted to the Secretary of Commerce a certification that implementation of the management plan and certain regulations were unacceptable unless specific amendments were made to the regulations. In response to the Governor's certification, NOAA amended those regulations certified as unacceptable to incorporate the Governor's changes. Consequently, upon their effective date the regulations, as modified by this rule, and management plan, in their entirety, will apply throughout the Sanctuary, including within State waters of the Sanctuary.

This rule amends the regulations published in the March 28, 1997, Federal Register, in response to the Governor's certification, and announces the effective date of the regulations.

EFFECTIVE DATE: The final rule published on March 28, 1997, at 62 FR 14799 as amended by the revision of 15 CFR part 922, subpart Q in this document is effective December 29, 1999.

ADDRESSES: The Final Environmental Impact Statement/Management Plan (FEIS/MP) prepared to implement the Sanctuary designation was released on February 18, 1997. Copies of the FEIS/MP, and the March 28, 1997, Federal Register document are available on request to the Hawaiian Islands Humpback Whale National Marine Sanctuary Office, 726 South Kihai Road, Kihel, Maui, Hawaii, 96753; or the Marine Sanctuaries Division (MSD), Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East-West





Highway, SSMC-4, 11th Floor, Silver Spring, Maryland, 20910.

FOR FURTHER INFORMATION CONTACT:

Allen Tom, Sanctuary Manager, Kihel, Maui, Hawaii, (808) 879-2818 (Maui), (808) 541-3184 (Oahu) or (800) 831-4888 (inter-island toll-free).

SUPPLEMENTARY INFORMATION:

I. Introduction

The HIIWNMS was designated by the Hawaiian Islands National Marine Sanctuary Act (HINMSA; Title II, Subtitle C, Pub. L. No. 102-587) which was signed into law on November 4, 1992. The HINMSA directed the Secretary of Commerce to develop a comprehensive management plan and regulations for the Sanctuary pursuant to sections 303 and 304 of the National Marine Sanctuaries Act (NMSA) (also known as Title III of the Marine Protection, Research, and Sanctuaries Act of 1972), as amended, 16 U.S.C. 1431 *et seq.* The NMSA authorizes the designation of national marine sanctuaries and the development of management plans and regulations for national marine sanctuaries to protect their conservation, recreational, ecological, historical, research, educational, or aesthetic qualities.

The authority of the Secretary to designate national marine sanctuaries and implement designated sanctuaries was delegated to the Under Secretary of Commerce for Oceans and Atmosphere by the Department of Commerce, Organization Order 10-15, § 3.01(x) (Jan. 26, 1996). The authority to administer the other provisions of the NMSA was delegated to the Assistant Administrator for Ocean Services and Coastal Zone Management of NOAA by NOAA Circular 83-38, Directive 06-50 (Sept. 21, 1989, as amended).

II. Forty-five Day Review Period Under the National Marine Sanctuaries Act and Hawaiian Islands National Marine Sanctuary Act

NOAA published final regulations on March 28, 1997, (62 FR 14799) to implement the HIIWNMS management plan and govern the conduct of activities within the HIIWNMS. Under the NMSA and HINMSA, Congress and the Governor had forty-five days of continuous session of Congress beginning on the day on which the final regulations were published to review the terms of designation (i.e., management plan and regulations). After forty-five days, the regulations would become final and take effect, except that any term or terms the Governor certified within the forty-five day period to the Secretary of

Commerce as unacceptable would not take effect in the area of the Sanctuary lying within the seaward boundary of the State. The following discusses the Governor's actions during the forty-five day period and corresponding modifications to the final regulations made by NOAA in response to those actions.

Certification by the Governor of Hawaii

On June 5, 1997, during the forty-five day review period under the NMSA and HINMSA, the Governor of the State of Hawaii certified by letter to the Secretary of Commerce that implementation of the management plan and certain regulations were unacceptable in State waters. However, the management plan and regulations certified as unacceptable would be acceptable if NOAA amended the regulations and the intergovernmental Compact Agreement (Compact), developed by the State and NOAA, as requested in the Governor's certification letter. NOAA has amended the regulations and the Compact to incorporate the modifications requested by the Governor in his letter. By doing so, the regulations and management plan, as modified, are acceptable to the Governor and, therefore, will apply within State waters of the Sanctuary upon the effective date of these regulations.

The following is the text of the June 5, 1997, letter from the Governor of Hawaii to the Secretary of Commerce.

June 5, 1997.

Dr. D. James Baker,
Under Secretary and Administrator, National
Oceanic and Atmospheric Administration,
Herbert C. Hoover Building, Room 5128,
14th Street and Constitution Avenue, N.W.,
Washington, D.C. 20230.

Dear Dr. Baker: This is to inform you that I have agreed to include selected portions of State waters within the boundary of the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIIWNMS). It is our intention to create a State-Federal partnership with the National Oceanic and Atmospheric Administration (NOAA) for management of the Sanctuary under the provisions of the HIIWNMS management plan, implementing regulations, and the intergovernmental compact agreement, with certain conditions to be applied to the portions of the Sanctuary within State waters. It is my understanding that if the conditions set forth below are not met, the Sanctuary designation and regulations shall not take effect and become final in State waters.

It is also my understanding that the inclusion of State waters within the Sanctuary boundary does not convey title to the Federal government; nor does the State relinquish authority over any State-owned submerged lands, waters or other State-

owned resources, including the power to lease or otherwise encumber the same.

In accordance with subsection 304(b)(1) of the National Marine Sanctuaries Act, the following terms are certified as unacceptable in state waters:

1. Sanctuary emergency regulations unless and until first approved by the Governor. Accordingly, the following sentence shall be added to section 922.185 CFR as published on March 28, 1997: "Emergency regulations shall not take effect in Hawaii territorial waters until approved by the Governor of Hawaii."

2. Sanctuary fees for allowed public uses unless first approved by the Governor.

3. Requirements for the State of Hawaii or county governments to provide funding for the implementation of the Sanctuary management plan, regulations, or the intergovernmental compact agreement.

4. Sanctuary fishing regulations in State waters unless established by the Board of Land and Natural Resources.

5. NOAA's Preferred Sanctuary boundary in State waters except the waters:

- a. from Kailua Point eastward to Mokolae Pt. on Kauai;
- b. from Puana point northward to Mahie Point (just south of Kahana Bay) and from the Ala Wai Canal (Diamond Head side) eastward to Makapuu Pt. on Oahu;
- c. from Eio Pt. south and eastward to Cape Halswa on Molokai;
- d. from Lipos Point south to Hanamania Lighthouse on Maui;
- e. all State waters surrounding Lanai;
- f. from Upolu Pt. south to Keahole Pt. on Hawaii.

Accordingly, NOAA shall amend 15 C.F.R. Section 181 and Appendix A to the HIIWNMS Sanctuary Regulations to reflect the State Boundary Selected.

6. Implementation of the management plan in its entirety unless the intergovernmental Compact Agreement includes the following:

a. The Governor shall designate a State employee to serve as an equal partner to work in consultation with the Sanctuary Manager for the oversight of Sanctuary operations. The State of Hawaii and NOAA shall manage the Sanctuary through a cooperative partnership and consult on all management activities throughout the Sanctuary. The intent of this partnership is that the final resolution of any management issues resulting in policy conflicts between the State and NOAA shall be decided by the managing partners consistent with State and Federal laws.

b. The State reserves the right to initiate proposed changes to the management plan, and NOAA, if necessary, shall initiate the Federal rule promulgation process required to make revisions to Sanctuary regulations requested by the State.

c. The goals and objectives of the Sanctuary management plan were developed to complement and coordinate existing management efforts, and, in part, to address some of the objectives and policies contained in the National Marine Fisheries Service (NMFS) Final Recovery Plan (Recovery Plan) for the Humpback Whale. Throughout the implementation of the management plan, therefore, NOAA's Sanctuaries & Reserves





Division in coordination with the State, will consult with NMFS to evaluate the effectiveness of existing management efforts in achieving those objectives and policies, including whether additional measures (e.g., regulations or critical habitat) to protect the humpback whale and its habitat are needed. Prior to making a final decision on whether to designate critical habitat for humpback whales in Hawaii state waters under the Endangered Species Act, NOAA will fully involve and consult with the State.

d. The designation of the Sanctuary does not limit or restrict in any way State or federal government actions to respond to oil or hazardous material spill. The Sanctuary will work within established procedures of the Oceania Regional Response Team for oil or hazardous material spill response and planning.

a. Section 304(e) of the National Marine Sanctuaries Act requires the Secretary of Commerce to review the Sanctuary's Management Plan and implementing regulations every five years, evaluate the substantive progress toward implementing the management plan and goals for the Sanctuary, especially the effectiveness of the site-specific management techniques, and revise the management plan as necessary to fulfill the purposes and policies of the Act. When the Management Plan and implementing regulations for the HHHWNMS are re-evaluated, the Secretary of Commerce will re-propose the management plan and regulations in their entirety and the State of Hawaii will have the opportunity to review the Management Plan and regulations, in their entirety, and indicate if any of all of the terms are unacceptable, in which case the unacceptable terms shall not take effect in State waters.

Accordingly, the following provisions shall be added to 15 CFR section 922.180: "Section 304(e) of the National Marine Sanctuaries Act requires the Secretary to review management plans and regulations every five years, and make necessary revisions. Upon completion of the five year review of the Sanctuary management plan and regulations, the Secretary will re-propose the Sanctuary regulations in their entirety with any proposed changes thereto. The Governor of the State of Hawaii will have the opportunity to review the re-proposed regulations before they take effect and if the Governor certifies such regulations as unacceptable, they will not take effect in State waters of the Sanctuary."

We believe that implementation of the plan provides for balanced protection of Hawaii's endangered State marine mammal and its marine habitat, and advances the state and federal commitment to jointly manage these resources. We look forward to that continuing relationship.

With warmest personal regards,

Aloha,

Benjamin J. Cayetano.

cc: Mr. Allen Tom, NOAA

NOAA's Response to Governor's Certification

In response to the Governor's certification of June 5, 1997, NOAA has amended those regulations certified by the Governor as being unacceptable in

State waters. With the modifications, the entire regulations and management plan are accepted by the Governor and will apply throughout the Sanctuary, including within State waters of the Sanctuary, upon their effective date. The basis and purpose of the changes to the regulations are as follows.

(1) Per item number 1 of the Governor's letter which certified as unacceptable in State waters emergency regulations unless first approved by the Governor, § 922.185 of subpart Q is amended by adding "Emergency regulations shall not take effect in Hawaii State waters until approved by the Governor of Hawaii." This is consistent with the management plan which provides that any new regulation or substantive modification to existing Sanctuary regulations will require the Governor's approval in order to take effect in State waters of the Sanctuary.

(2) Item 2 of the Governor's certification certified as unacceptable in State waters Sanctuary user fees unless first approved by the Governor. However, by law NOAA is precluded from instituting any user fees under the HHHNMSA or NMSA for any activity within the Sanctuary or any use of the Sanctuary or its resources.

Consequently, no amendment to the Sanctuary regulations is necessary. By law, the term "user fee" does not include any fee authorized by section 310 of the NMSA (Special Use Permits); any gift or donation received under section 311 of the NMSA; or any monetary or in-kind contributions under section 316 of the NMSA.

(3) Item 3 of the Governor's certification certified as unacceptable in State waters requirements for the State of Hawaii or County governments to provide funding for the implementation of the management plan, regulations or Intergovernmental Compact Agreement. No changes were made to the regulations as regards this item of the Governor's certification because there is no regulatory component necessary for its implementation. There is no mandate in the management plan for the State or counties to provide funding for the Sanctuary. Further, as stated in the March 28, 1997, **Federal Register** document, the final regulations contain no Federal mandates and therefore are not subject to the Unfunded Mandates Reform Act of 1995.

(4) Per item number 4 of the Governor's letter which certified as unacceptable in State waters Sanctuary fishing regulations unless established by the State of Hawaii's Board of Land and Natural Resources, NOAA amended § 922.184 of subpart Q by adding a new paragraph (c) to read "Any Sanctuary fishery regulations shall not take effect

in Hawaii State waters until established by the State Board of Land and Natural Resources." The Governor's certification did not specify a particular regulation to be amended, but NOAA determined that an appropriate place for such provision is in the Sanctuary specific regulations at a new § 922.184(c) of subpart Q. Again, this provision is consistent with the portion of the management plan that provides that any new regulation must be approved by the State (Governor) in order to take effect in State waters of the Sanctuary.

(5) Per item number 5 of the Governor's letter which certified as unacceptable in State waters NOAA's preferred Sanctuary boundary, except the waters:

- a. from Kailiu Point, eastward to Mokolos Point on Kauai;
- b. from Puaena Point northward to Mahie Point (just south of Kahana Bay) and from the Ala Wai Canal (Diamond Head side) eastward to Makapuu Point on Oahu;
- c. from Ilio Point south and eastward to Cape Halawa on Molokai;
- d. from Lipos Point south to Hanamama Lighthouse on Maui;
- e. all State waters around Lanai;
- f. from Upolu Point south to Keahole Point on Hawaii;

NOAA has amended § 922.181 and Appendix A to subpart Q to reflect the modified final Sanctuary boundary to accommodate the Governor's requested changes and to clarify boundary end points. The following list summarizes the changes made, in consultation with the state, to NOAA's preferred alternative boundary listed in the final management plan and regulations. Unless otherwise stated, the boundary goes from the shoreline to the 100 fathom (600 feet) isobath.

Kauai

The location of the western boundary point (Kailiu Point) remains unchanged. The eastern boundary point was changed from Makahuena Point to Mokolos Point to reflect the Governor's letter. Both Hanamaulu Bay and Nawiliwili Harbor were removed from the excluded harbors list since they are no longer physically located within the Sanctuary boundary.

North Oahu

No changes were made to the location of Puaena Point and Mahie Point as identified in the final management plan. However, the final language states from "Puaena Point eastward to Mahie Point (just south of Kahana Bay)" using eastward instead of northward to more





accurately reflect the location of the point.

South Oahu

The Governor's letter requested that the Oahu western boundary point start from the Ala Wai Canal (Diamond Head side). Further consultation with the State of Hawaii clarified the location of this point to be at the Kapahulu Groin in Waikiki, which is the intersection of a perpendicular line from where the Ala Wai Canal begins (near Diamond Head) and the ocean. The Ala Wai Small Boat Basin was removed from the excluded harbors list since it no longer is physically located within the Sanctuary boundary. NOAA also generated two closure bounds (see bounds #21 and #22 on Figure 2 in Appendix A to the final rule) to clarify that Kaupa Pond (Hawaii Kai) is not included in the boundary. The original boundary file given to NOAA from the state mistakenly included this area. The two closure bounds were drawn at the outer side of the bridges for the coast highway crossing the two outlets.

Maui County (Maui, Molokai, Lanai, Penguin Bank)

The final boundary around Maui County was modified to reflect the Governor's request to include the areas from Cape Hakawa, Molokai south and westward to Ilio Point, and from Lipoa Point, Maui south to the Hanamanoia Lighthouse. No changes were made to the boundary around Lanai or Penguin Bank. In consultation with the State of Hawaii, the boundary between Cape Hakawa, Molokai and Lipoa Point, Maui (across the deepwater Pailolo Channel) was redrawn as a straight line to simplify the boundary. NOAA generated additional boundary coordinates to construct the boundary around the northeast shore of Kahoolawe. This line follows a 3 nautical mile arc around the island of Kahoolawe, which is not included within the Sanctuary, and intersects the 100 fathom line. NOAA also provided some coordinates for a technical closure correction of the boundary in an area north of Kahoolawe (see bound #11 in Figure 2, Appendix A to the final rule). This is an area of complex bathymetry, where the 100 fathom isobath varies tremendously. NOAA and the State agreed to simplify the boundary in the area by drawing a line across the area, thus eliminating the area of complex bathymetry. This was depicted in both the draft and final environmental impact statements and management plans. Kahului Harbor on Maui was removed from the excluded harbors list since it no longer is

physically located within the Sanctuary boundary.

Hawaii (Big Island)

The Sanctuary boundary around the Big Island was modified to reflect the Governor's letter requesting that the boundary start at Upolu Pt. and go south to Keshole Point, Hilo Harbor, Honokohau Boat Harbor, and Keauhou Bay boat harbors were removed from the excluded harbor list since they are no longer physically located within the Sanctuary boundary.

These boundary changes made in response to the Governor's certification are within the range of boundary alternatives contained in the draft and final environmental impact statements/management plans for the Sanctuary, and within the scope of the boundary identified in the final regulations published on March 28, 1997. The list of ports and harbors excluded from the Sanctuary boundary has also been modified according to the revised final Sanctuary boundary.

(6) Per item number 6 of the Governor's letter which certifies as unacceptable in State waters the implementation of the management plan unless the Intergovernmental Compact Agreement and § 922.180 is amended to add a provision regarding a five year review of the management plan and regulations, § 922.180 of subpart Q is amended by adding:

Section 304(e) of the NMSA requires the Secretary to review management plans and regulations every five years, and make necessary revisions. Upon completion of the five year review of the Sanctuary management plan and regulations, the Secretary will repropose the Sanctuary management plan and regulations in their entirety with any proposed changes thereto. The Governor of the State of Hawaii will have the opportunity to review the re-proposed management plan and regulations before they take effect and if the Governor certifies any term or terms of the management plan or regulations as unacceptable, the unacceptable term or terms will not take effect in State waters of the Sanctuary.

A corresponding amendment, as well as other amendments to address elements of item 6 of the Governor's letter, have also been made to the Compact Agreement which was signed by the Governor on May 4, 1998. The modification to the regulation essentially codifies the requirement under the NMSA to conduct reviews of Sanctuary management plans and regulations every five years. In the HIHWNMS context, NOAA has determined that at the conclusion of the five year review of the Sanctuary, it will repropose the regulations and

management plan for the Governor's review, similar to the forty-five day review period under the NMSA that preceded this notice.

For clarity, this document publishes the revised Sanctuary specific regulations at 15 CFR part 922, subpart Q in their entirety, which will replace subpart Q as published in the March 28, 1997 Federal Register document. Consequently, subpart Q as published in this rule and all remaining regulations in the March 28, 1997, rule shall become effective December 29, 1999.

III. Summary of the Changes to the Final Regulations at Subpart Q

The following summarizes the Sanctuary regulations at 15 CFR part 922, subpart Q, as modified by this document. Except as noted below, this section remains the same as in the March 28, 1997, Federal Register document. With the changes, the final rule published on March 28, 1997, at 62 FR 14799, and the revision of 15 CFR part 922, subpart Q, in this document shall apply throughout the Sanctuary, including within State waters of the Sanctuary, on December 29, 1999.

Section 922.180 sets forth the purpose of the regulations—to implement the designation of the Hawaiian Islands Humpback Whale National Marine Sanctuary by regulating activities affecting the resources of the Sanctuary or any of the qualities, values, or purposes for which the Sanctuary was designated, in order to protect, preserve, and manage the conservation, ecological, recreational, research, educational, historical, cultural, and aesthetic resources and qualities of the area. Section 922.180 also describes the five-year review of the management plan and regulations for the Sanctuary.

Section 922.181 and Appendix A to subpart Q set forth the boundary of the Sanctuary. Appendix A provides a text description of the Sanctuary boundary with specific lateral closure points and exclusion areas. The Sanctuary boundary is also depicted in Figures 1–3. Digital files, available in three common formats (ESRI Shape File, MapInfo Tables, and an ASCII Exchange Format) are available from the Sanctuary office in Kihui, Maui, at the address listed above. These digital geographies are the best available representation of the verbal legal delineation and were derived from: the Hawaiian shoreline as supplied by State of Hawaii through the Office of Planning GIS Office, the agreed lateral boundary and exclusion areas, and the 100 fathom





isobath digitized from the following 1:80,000 scale NOAA nautical charts:
 19327—West Coast of Hawaii (9th ED, 4/29/89).
 19347—Channels between Molokai, Maui, Lanai, and Kahoolawe (17th ED, 12/13/97).
 19351—Channels between Oahu, Molokai, and Lanai (9th ED, 7/01/1989).
 19357—Island of Oahu (20th ED, 9/21/1996), and
 19361—Island of Kauai (8th ED, 7/17/1993).

For the portion of the Lanai region of the HILWVMS west of Chart 19351, [157°42.8' west] the 100 fathom contour was derived from the 1:250,000 chart 19360—Hawaii to Oahu (24th ED, 1/09/1993).

All digital geography data have been referenced to WGS84 (NAD83) and have been converted to geographic (latitude and longitude) coordinates.

Section 922.184(c) provides that any Sanctuary fishing regulations will not take effect in State waters until established by the State Board of Land and Natural Resources.

Section 922.185 provides that where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource, or imminent risk of such destruction of, loss of, or injury to, any and all activities are subject to immediate temporary regulation, including prohibition. No emergency regulation will take effect in State waters of the Sanctuary until approved by the Governor of Hawaii.

IV. Miscellaneous Rulemaking Requirements

Except as noted below, this section remains the same as in the March 28, 1997 Federal Register notice.

National Marine Sanctuaries Act

Section 304 of the National Marine Sanctuaries Act provides that Congress and the Governor have forty-five days of continuous session of Congress beginning on the day on which the final regulations were published to review the terms of designation (i.e., regulations and management plan). After forty-five days, the regulations would become final and take effect, except that any term or terms of the regulations or management plan the Governor certified to the Secretary of Commerce as unacceptable would not take effect in the State waters portion of the Sanctuary. The forty-five day review period began on March 28, 1997, the date the final regulations were published in the Federal Register, and concluded on June 6, 1997. During that period the Governor submitted to the Secretary a certification that the management plan and certain regulations were unacceptable unless

specific amendments were made to such regulations. NOAA amended those regulations certified as unacceptable by incorporating the Governor's changes. Consequently, upon their effective date the regulations, as revised by this Federal Register document, and management plan, in their entirety, will apply throughout the Sanctuary, including within State waters of the Sanctuary.

Administrative Procedure Act

The final Sanctuary regulations at 15 CFR part 922, subpart Q, which were promulgated on March 28, 1997, through notice and comment rulemaking, have been amended pursuant to and consistent with the procedures required under the National Marine Sanctuaries Act and Hawaiian Islands National Marine Sanctuary Act. The NMSA and HINMSA provide that during the review period of forty-five day continuous session of Congress, the Governor may certify to the Secretary of Commerce any regulation as unacceptable and, if the Governor so certifies, the regulation shall not take effect in the State waters portion of the Sanctuary. As the changes requested by the Governor and herein made by NOAA are within the scope of the proposed and final rules, additional prior notice and opportunity for public comment are not required by 5 U.S.C. 553. The basis and purpose of the changes to the final regulations requested by the Governor have been set forth above.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Education, Environmental protection, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

Dated: October 29, 1999.

Ted Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

Accordingly, for the reasons set forth above, 15 CFR part 922 is amended by revising subpart Q to read as follows:

Subpart Q—Hawaiian Islands Humpback Whale National Marine Sanctuary

Section
 922.180 Purpose.
 922.181 Boundary.
 922.182 Definitions.
 922.183 Allowed activities.
 922.184 Prohibited activities.

922.185 Emergency regulations.
 922.186 Penalties; appeals.
 922.187 Intergovernmental cooperation.

Appendix A to Subpart Q—Hawaiian Islands Humpback Whale National Marine Sanctuary Boundary Description and Coordinates of the Lateral Boundary Closures and Excluded Areas

Authority: 16 U.S.C. 1431 et seq. and subtitle C, title II, Pub. L. 102-587, 106 Stat. 5055.

Subpart Q—[Revised]

§ 922.180 Purpose.

(a) The purpose of the regulations in this subpart is to implement the designation of the Hawaiian Islands Humpback Whale National Marine Sanctuary by regulating activities affecting the resources of the Sanctuary or any of the qualities, values, or purposes for which the Sanctuary was designated, in order to protect, preserve, and manage the conservation, ecological, recreational, research, educational, historical, cultural, and aesthetic resources and qualities of the area. The regulations are intended to supplement and complement existing regulatory authorities, to facilitate to the extent compatible with the primary objective of protecting the humpback whale and its habitat, all public and private uses of the Sanctuary, including uses of Hawaiian natives customarily and traditionally exercised for subsistence, cultural, and religious purposes, as well as education, research, recreation, commercial and military activities, to reduce conflicts between compatible uses; to maintain, restore, and enhance the humpback whale and its habitat; to contribute to the maintenance of natural assemblages of humpback whales for future generations; to provide a place for humpback whales that are dependent on their Hawaiian Islands wintering habitat for reproductive activities, including breeding, calving, and nursing, and for the long-term survival of their species; and to achieve the other purposes and policies of the HINMSA and NMSA.

(b) These regulations may be modified to fulfill the Secretary's responsibilities for the Sanctuary, including the provision of additional protections for humpback whales and their habitat, if reasonably necessary, and the conservation and management of other marine resources, qualities and ecosystems of the Sanctuary determined to be of national significance. The Secretary shall consult with the Governor of the State of Hawaii on any modification to the regulations contained in this part. For any modification of the regulations





contained in this part that would constitute a change in a term of the designation, as contained in the Designation Document for the Sanctuary, the Secretary shall follow the applicable requirements of sections 303 and 304 of the NMSA, and sections 2305 and 2306 of the HINMSA.

(c) Section 304(e) of the NMSA requires the Secretary to review management plans and regulations every five years, and make necessary revisions. Upon completion of the five year review of the Sanctuary management plan and regulations, the Secretary will repropose the Sanctuary management plan and regulations in their entirety with any proposed changes thereto. The Governor of the State of Hawaii will have the opportunity to review the re-proposed management plan and regulations before they take effect and if the Governor certifies any term or terms of such management plan or regulations as unacceptable, the unacceptable term or terms will not take effect in State waters of the Sanctuary.

§ 922.181 Boundary.

(a) Except for excluded areas described in paragraph (b) of this section, the Hawaiian Islands Humpback Whale National Marine Sanctuary consists of the submerged lands and waters off the coast of the Hawaiian Islands seaward from the shoreline, cutting across the mouths of rivers and streams:

(1) To the 100-fathom (183 meter) isobath from Kailiu Point eastward to Mokolae Point, Kauai;

(2) To the 100-fathom (183 meter) isobath from Puaena Point eastward to Mahie Point, and from the Kapahuu Groin in Waikiki eastward to Makapuu Point, Oahu;

(3) To the 100-fathom (183 meter) isobath from Cape Halawa, Molokai, south and westward to Ilio Point, Molokai; southwestward to include Penguin Banks; eastward along the east side of Lanai; to the waters seaward of the three nautical mile limit north of Kahoolawe, to the Hanamanoia Lighthouse on Maui, and northward along the shoreline to Lipoa Point, Maui;

(4) To the deep water area of Pailolo Channel from Cape Halawa, Molokai, to Lipoa Point, Maui, and southward;

(5) To the 100-fathom (183 meter) isobath from Upolu Point southward to Keahele Point, Hawaii.

(b) Excluded from the Sanctuary boundary are the following commercial ports and small boat harbors:

Hawaii (Big Island)

Kawaihae Boat Harbor & Small Boat Basin

Lanai

Kaumalapau Harbor, Manele Harbor

Mau

Lahaina Boat Harbor
Maalaea Boat Harbor

Molokai

Hale o Lono Harbor
Kaunakakai Harbor

Oahu

Kuapa Pond (Hawaii Kai)

(c) The coordinates of the lateral extents of each boundary area within the Sanctuary boundary appear in Appendix A of this subpart Q.

§ 922.182 Definitions.

(a) *Acts* means the Hawaiian Islands National Marine Sanctuary Act (HINMSA; sections 2301–2307 of Pub. L. 102–587), and the National Marine Sanctuaries Act (NMSA; also known as Title III of the Marine Protection, Research, and Sanctuaries Act (MPRSA), as amended, 16 U.S.C. 1431 et seq.).

Adverse impact means an impact that independently or cumulatively damages, diminishes, degrades, impairs, destroys, or otherwise harms.

Alteration of the seabed means drilling into, dredging, or otherwise altering a natural physical characteristic of the seabed of the Sanctuary; or constructing, placing, or abandoning any structure, material, or other matter on the seabed of the Sanctuary.

Habitat means those areas that provide space for individual and population growth and normal behavior of humpback whales, and include sites used for reproductive activities, including breeding, calving and nursing.

Military activities means those military activities conducted by or under the auspices of the Department of Defense and any combined military activities carried out by the Department of Defense and the military forces of a foreign nation.

Sanctuary means the Hawaiian Islands Humpback Whale National Marine Sanctuary.

Sanctuary resource means any humpback whale, or the humpback whale's habitat within the Sanctuary.

Shoreline means the upper reaches of the wash of the waves, other than storm or seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves.

Take or taking a humpback whale means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or injure a humpback whale, or to attempt to engage in any such conduct. The term includes, but is not limited to, any of the following activities: collecting any dead or injured humpback whale, or any part thereof; restraining or detaining any humpback whale, or any part thereof, no matter how temporarily; tagging any humpback whale; operating a vessel or aircraft or doing any other act that results in the disturbing or molesting of any humpback whale.

(b) Other terms appearing in the regulations in this subpart are defined at 15 CFR 922.3, and/or in the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. 1401 et seq., and 16 U.S.C. 1431 et seq.

§ 922.183 Allowed activities.

(a) All activities except those prohibited by § 922.184 may be undertaken in the Sanctuary subject to any emergency regulations promulgated pursuant to § 922.185, subject to the interagency cooperation provisions of section 304(d) of the NMSA [16 U.S.C. 1434(d)] and § 922.187 of this subpart, and subject to the liability established by section 313 of the NMSA and § 922.46 of this part. All activities are also subject to all prohibitions, restrictions, and conditions validly imposed by any other Federal, State, or county authority of competent jurisdiction.

(b) Included as activities allowed under the first sentence of paragraph (a) of this § 922.183 are all classes of military activities, internal or external to the Sanctuary, that are being or have been conducted before the effective date of these regulations, as identified in the Final Environmental Impact Statement/Management Plan. Paragraphs (a)(1) through (a)(5) of § 922.184 do not apply to these classes of activities, nor are these activities subject to further consultation under section 304(d) of the NMSA.

(c) Military activities proposed after the effective date of these regulations are also included as allowed activities under the first sentence of paragraph (a) of this § 922.183. Paragraphs (a)(1) through (a)(5) of § 922.184 apply to these classes of activities unless—

(1) they are not subject to consultation under section 304(d) of the NMSA and § 922.187 of this subpart, or

(2) upon consultation under section 304(d) of the NMSA and § 922.187 of this subpart, NOAA's findings and recommendations include a statement that paragraphs (a)(1) through (a)(5) of





§ 922.184 do not apply to the military activity.

(d) If a military activity described in paragraphs (b) or (c)(2) of this § 922.183 is modified such that it is likely to destroy, cause the loss of, or injure a Sanctuary resource in a manner significantly greater than was considered in a previous consultation under section 304(d) of the NMSA and § 922.187 of this subpart, or if the modified activity is likely to destroy, cause the loss of, or injure any Sanctuary resource not considered in a previous consultation under section 304(d) of the NMSA and § 922.187 of this subpart, the modified activity will be treated as a new military activity under paragraph (c) of this section.

(e) If a proposed military activity subject to section 304(d) of the NMSA and § 922.187 of this subpart is necessary to respond to an emergency situation and the Secretary of Defense determines in writing that failure to undertake the proposed activity during the period of consultation would impair the national defense, the Secretary of the military department concerned may request the Director that the activity proceed during consultation. If the Director denies such a request, the Secretary of the military department concerned may decide to proceed with the activity. In such case, the Secretary of the military department concerned shall provide the Director with a written statement describing the effects of the activity on Sanctuary resources once the activity is completed.

§ 922.184 Prohibited activities.

(a) The following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted.

(1) Approaching, or causing a vessel or other object to approach, within the Sanctuary, by any means, within 100 yards of any humpback whale except as authorized under the Marine Mammal Protection Act, as amended (MMPA), 16 U.S.C. 1361 *et seq.*, and the Endangered Species Act, as amended (ESA), 16 U.S.C. 1531 *et seq.*;

(2) Operating any aircraft above the Sanctuary within 1,000 feet of any humpback whale except as necessary for takeoff or landing from an airport or runway, or as authorized under the MMPA and the ESA;

(3) Taking any humpback whale in the Sanctuary except as authorized under the MMPA and the ESA;

(4) Possessing within the Sanctuary (regardless of where taken) any living or dead humpback whale or part thereof taken in violation of the MMPA or the ESA;

(5) Discharging or depositing any material or other matter in the Sanctuary; altering the seabed of the Sanctuary; or discharging or depositing any material or other matter outside the Sanctuary if the discharge or deposit subsequently enters and injures a humpback whale or humpback whale habitat, provided that such activity:

(i) requires a Federal or State permit, license, lease, or other authorization; and

(ii) is conducted:
(A) without such permit, license, lease, or other authorization, or
(B) not in compliance with the terms or conditions of such permit, license, lease, or other authorization.

(6) Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of either of the Acts or any regulations issued under either of the Acts.

(b) The prohibitions in paragraphs (a)(1) through (a)(5) of this § 922.184 do not apply to activities necessary to respond to emergencies threatening life, property or the environment; or to activities necessary for valid law enforcement purposes. However, while such activities are not subject to paragraphs (a)(1) through (a)(5) of this § 922.184, this paragraph (b) does not exempt the activity from the underlying prohibition or restriction under other applicable laws and regulations (e.g., MMPA, ESA, and CWA).

(c) Any Sanctuary fishery regulations shall not take effect in Hawaii State waters until established by the State Board of Land and Natural Resources.

§ 922.185 Emergency regulations.

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource, or to minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate temporary regulation, including prohibition. Before issuance of such regulations the Director shall consult to the extent practicable with any relevant Federal agency and the Governor of the State of Hawaii. Emergency regulations shall not take effect in State waters of the Sanctuary until approved by the Governor of Hawaii.

§ 922.186 Penalties; appeals.

(a) Pursuant to section 307 of the NMSA, each violation of either of the Acts, or any regulation in this subpart is subject to a civil penalty of not more than \$100,000. Each such violation is subject to forfeiture of property or Sanctuary resources seized in

accordance with section 307 of the NMSA. Each day of a continuing violation constitutes a separate violation.

(b) Regulations setting forth the procedures governing the administrative proceedings for assessment of civil penalties for enforcement reasons, issuance and use of written warnings, and release or forfeiture of seized property appear at 15 CFR Part 904.

(c) A person subject to an action taken for enforcement reasons for violation of these regulations or either of the Acts may appeal pursuant to the applicable procedures in 15 CFR Part 904.

§ 922.187 Interagency Cooperation.

Under section 304(d) of the NMSA, Federal agency actions internal or external to a national marine sanctuary, including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Director. The Federal agency proposing an action shall determine whether the activity is likely to destroy, cause the loss of, or injure a Sanctuary resource. To the extent practicable, consultation procedures under section 304(d) of the NMSA may be consolidated with interagency cooperation procedures required by other statutes, such as the ESA. The Director will attempt to provide coordinated review and analysis of all environmental requirements.

Appendix A to Subpart Q—Hawaiian Islands Humpback Whale, National Marine Sanctuary Boundary Description and Coordinates of the Lateral Boundary Closures and Excluded Areas.

Appendix A provides a text and pictorial (see Figures 1–3) description of the Sanctuary boundary with specific lateral closure points and exclusion areas. The lateral extents (bounds) of each boundary area are closed by straight lines defined by at least two points. It may be necessary to extend these lines beyond the defining points to intersect the actual 100 fathom contour or the shoreline. Each point corresponds to a bounds number indicated in Figure 2. Digital files of the Sanctuary boundary (available in three common formats, ESRI Shape File, MapInfo Table, and an ASCII Exchange Format) are available from the Sanctuary office in Kihui, Maui, at the address listed above or by calling (808) 879-2818. These digital geographies are the best available representation of the verbal legal delineation and were derived from: the Hawaiian shoreline as





supplied by State of Hawaii through the Office of Planning GIS Office, the NOAA and State of Hawaii agreed upon lateral boundary and exclusion areas, and the 100 fathom isobath digitized from the following 1:80,000 scale NOAA nautical charts-19327—West Coast of Hawaii (9th ED, 4/29/89),

19347—Channels between Molokai, Maui, Lanai, and Kahoolawe (17th ED, 12/13/87),

19351—Channels between Oahu, Molokai, and Lanai (8th ED, 7/01/1989),

19357—Island of Oahu (20th ED, 9/21/1999), and

19361—Island of Kauai (8th ED, 7/17/1993)].

For the portion of the Lanai region of the HIIWNMS west of Chart 19351 [157°42.8' west] the 100 fathom contour was derived

from the 1:250,000 chart 19340—Hawaii to Oahu (24th ED, 1/09/1993).

All digital geography data have been referenced to WGS84 (NAD83) and have been converted to geographic (latitude and longitude) coordinates.

Sanctuary Boundary

A. As defined by the specific lateral boundaries in B, and except for excluded areas described in paragraph C of this section, the Hawaiian Islands Humpback Whale National Marine Sanctuary consists of the submerged lands and waters off the coast of the Hawaiian Islands seaward from the shoreline, cutting across the mouths of rivers and streams (see Figure 1):

1. To the 100-fathom (183 meter) isobath from Kailu Point eastward to Mōkolea Point, Kauai;

2. To the 100-fathom (183 meter) isobath from Pūanā Point eastward to Mahie Point, and from the Kapahulu Groyne in Waikiki eastward to Makapuu Point, Oahu;

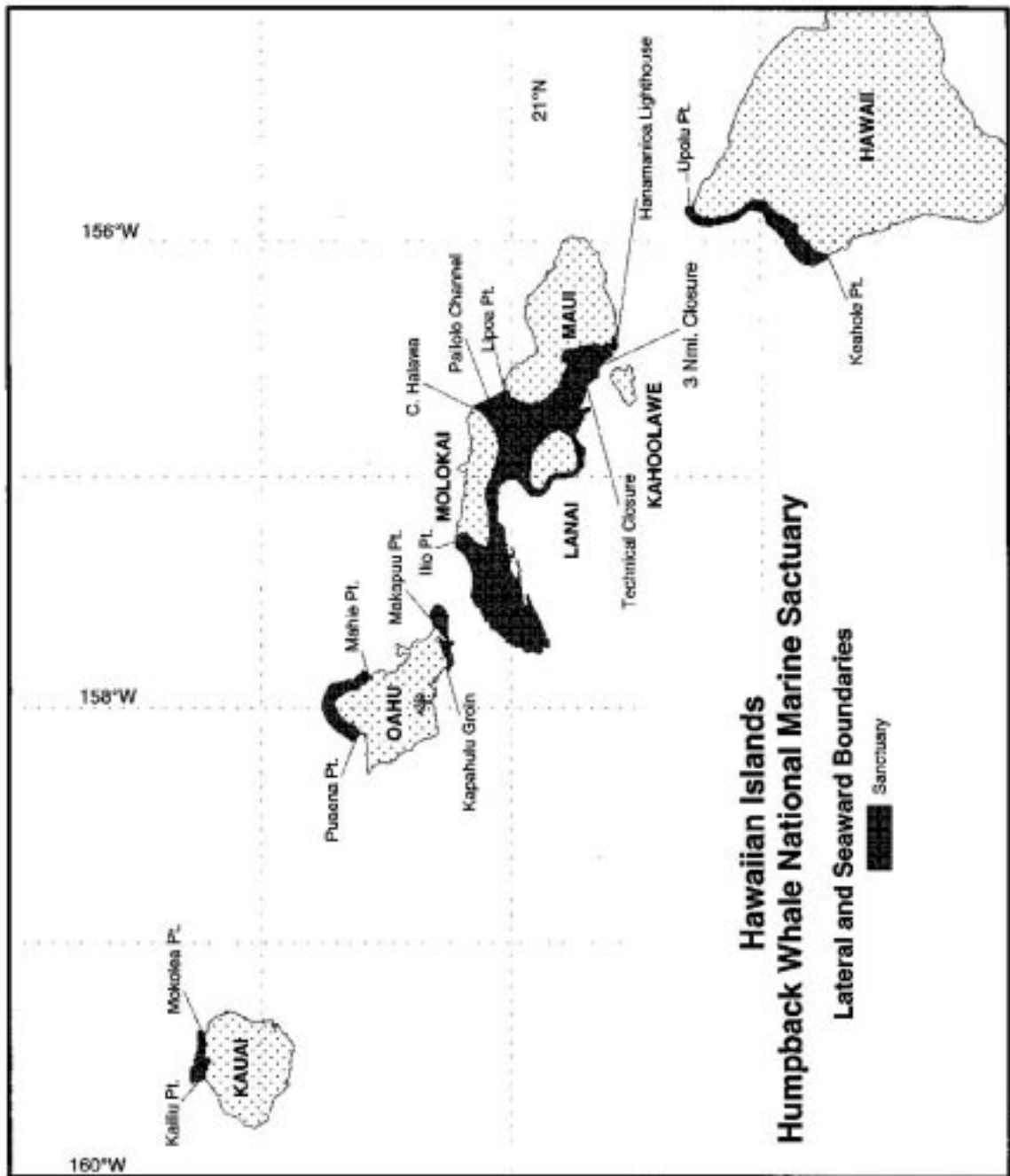
3. To the 100-fathom (183 meter) isobath from Cape Halawa, Molokai, south and westward to Ilio Point, Molokai; southwestward to include Penguin Banks; eastward along the east side of Lanai; to the waters seaward of the three nautical mile limit north of Kahoolawe, to the Hanalei Lighthouse on Maui, and northward along the shoreline to Lipoa Point, Maui;

4. To the deep water area of Pailolo Channel from Cape Halawa, Molokai, to Lipoa Point, Maui, and southward;

5. To the 100-fathom (183 meter) isobath from Upolu Point southward to Keahole Point, Hawaii.

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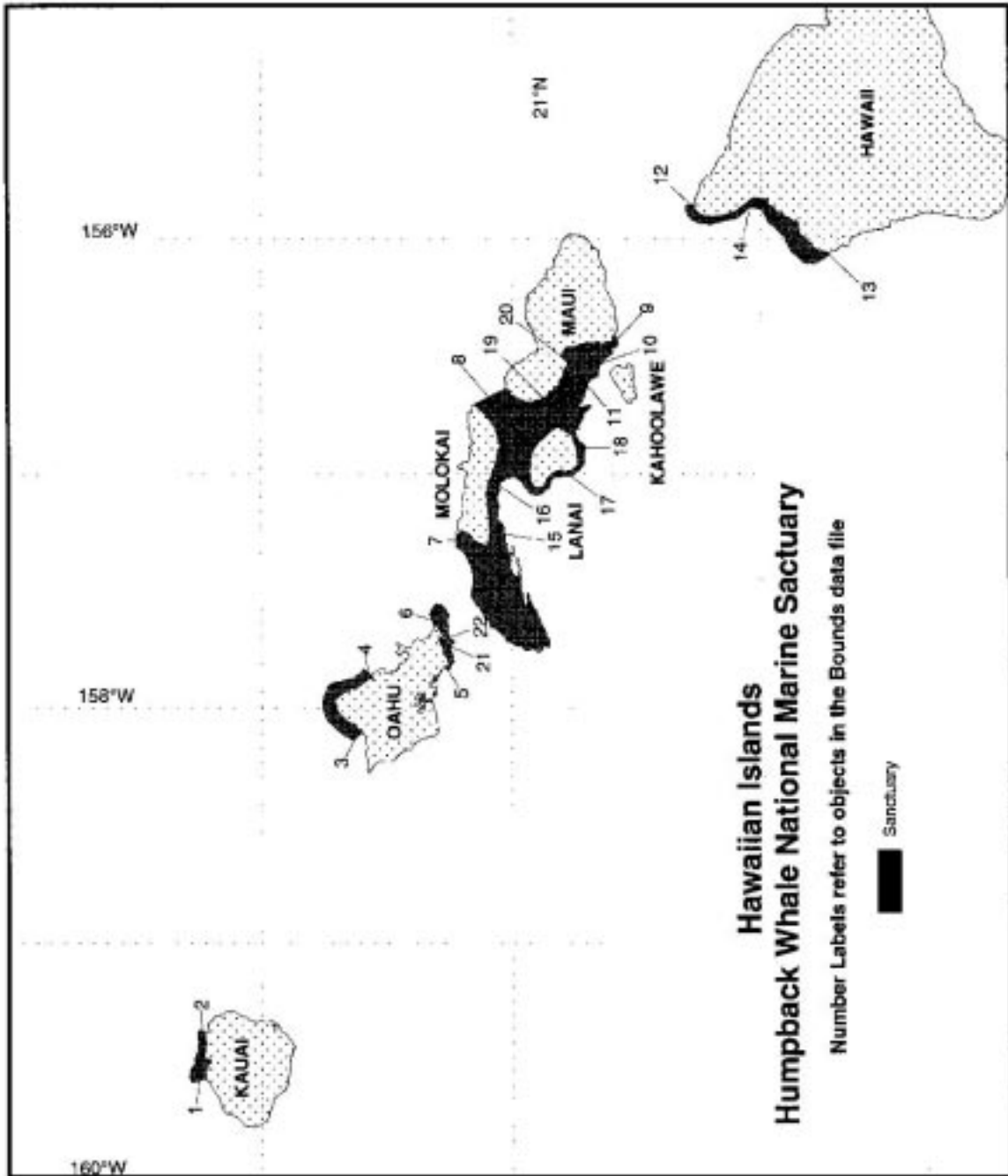


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B. Lateral Closure Bounds for the Hawaiian Islands Humpback Whale National Marine Sanctuary Boundary (see Fig. 2).



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Bound No (Fig. 2)	Geographic name	No. of points	Latitude	Longitude
1	Kaliu Pt., Kauai	2	22°13'24.7"	-159°34'52.2"
			22°16'33.5"	-159°35'59.4"
2	Mokolea Pt., Kauai	2	22°13'29.9"	-159°22'55.8"
			22°14'55.4"	-159°22'19.3"
3	Puuena Pt., N. Oahu	2	21°38'24.8"	-158°8'26.0"
			21°36'8.4"	-158°6'24.5"
4	Mahie Pt., N. Oahu	2	21°33'37.3"	-157°51'51.9"
			21°35'32.2"	-157°50'56.5"
5	Kapahulu Groin, S. Oahu	3	21°15'5.7"	-157°50'27.5"
			21°16'8.1"	-157°49'25.7"
			21°16'8.2"	-157°49'23.8"
6	Mokapu Pt., S. Oahu	2	21°18'39.6"	-157°38'56.7"
			21°19'44.7"	-157°35'46.1"
7	Ilio Pt., Molokai	2	21°13'25.7"	-157°18'45.8"
			21°13'27.0"	-157°15'14.4"
8	Pailolo Channel, C. Halawa to Lipoa Pt.	2	21°11'29.8"	-156°38'22.0"
			21°9'29.5"	-156°42'37.2"
9	Hanamaoia Lighthouse, Maui	2	20°34'21.8"	-156°26'51.1"
			20°34'58.4"	-156°24'45.2"
10	3 Nmi. closure around Kahoolawe	51	20°35'58.1"	-156°29'32.0"
			20°35'59.9"	-156°29'33.0"
			20°36'3.9"	-156°29'35.5"
			20°36'6.8"	-156°29'36.9"
			20°36'16.3"	-156°29'43.1"
			20°36'25.7"	-156°29'49.9"
			20°36'34.6"	-156°29'57.3"
			20°36'39.9"	-156°30'2.2"
			20°36'43.8"	-156°30'5.5"
			20°36'50.8"	-156°30'12.1"
			20°36'59.0"	-156°30'16.5"
			20°37'8.7"	-156°30'22.7"
			20°37'18.1"	-156°30'29.5"
			20°37'27.0"	-156°30'36.8"
			20°37'35.5"	-156°30'44.8"
			20°37'43.4"	-156°30'53.4"
			20°37'50.9"	-156°31'2.4"
			20°37'56.4"	-156°31'10.0"
			20°37'59.0"	-156°31'13.2"
			20°38'6.0"	-156°31'22.7"
			20°38'8.6"	-156°31'26.8"
			20°38'10.8"	-156°31'29.9"
			20°38'17.2"	-156°31'39.9"
			20°38'18.9"	-156°31'43.0"
			20°38'23.4"	-156°31'48.4"
			20°38'30.3"	-156°31'58.0"
			20°38'36.6"	-156°32'7.9"
			20°38'42.4"	-156°32'18.3"
			20°38'43.4"	-156°32'20.5"
			20°38'46.4"	-156°32'25.9"
			20°38'51.5"	-156°32'36.7"
			20°38'56.0"	-156°32'47.7"
			20°38'59.8"	-156°32'59.1"
			20°39'3.0"	-156°33'10.7"
			20°39'4.0"	-156°33'15.7"
			20°39'4.4"	-156°33'17.0"
			20°39'5.3"	-156°33'21.1"
			20°39'6.8"	-156°33'26.7"
			20°39'8.8"	-156°33'40.7"
			20°39'8.9"	-156°33'44.4"
			20°39'9.7"	-156°33'49.6"
			20°39'10.1"	-156°33'53.6"
			20°39'11.0"	-156°34'0.3"
			20°39'12.1"	-156°34'12.4"
			20°39'12.5"	-156°34'24.4"
			20°39'12.4"	-156°34'25.4"
			20°39'12.6"	-156°34'30.5"
			20°39'12.2"	-156°34'42.6"
			20°39'11.8"	-156°34'47.7"
			20°39'11.7"	-156°34'48.9"
			20°39'11.3"	-156°34'55.8"
11	Technical Closure	2	20°41'39.2"	-156°37'7.5"
	North of Kahoolawe		20°41'45.0"	-156°38'3.6"



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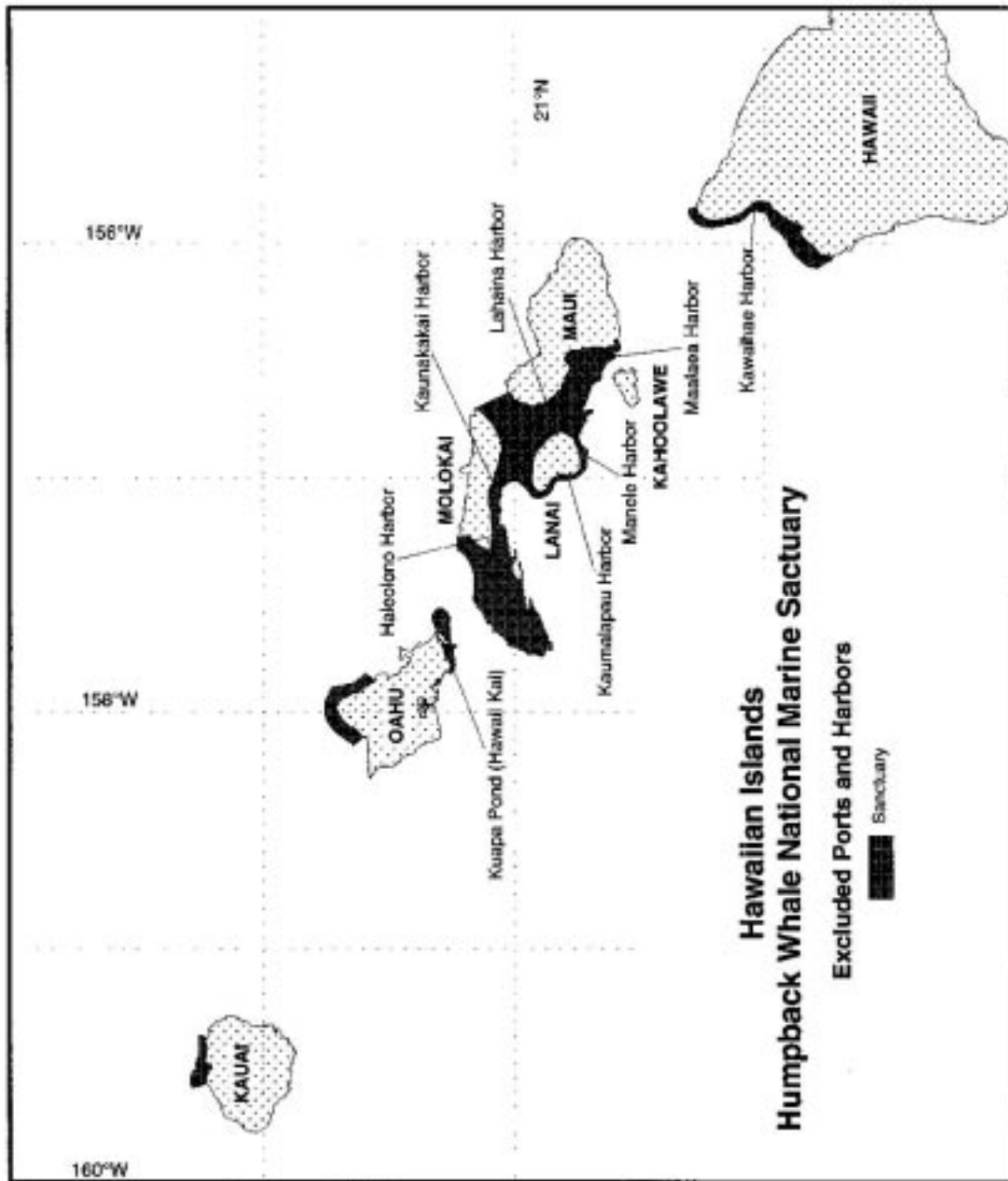


Bound No. (Fig. 2)	Geographic name	No. of points	Latitude	Longitude
12	Upolu Pt., Hawaii (Big Island)	2	20°16'5.3" 20°17'59.9"	-155°51'0.5" -155°51'17.2"
13	Keshole Pt., Hawaii (Big Island)	2	19°43'39.6" 19°43'41.5"	-156°3'42.7" -156°4'14.5"

C. Excluded Ports and Harbors Bounds (see Figure 3).

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Figure 3





Bound No. (Fig 2)	Geographic Name	No. of Points	Latitude	Longitude
14	Kaunohae Harbor, Big Island exclusion	2	20°2'14.3" 20°2'25.3"	-155°50'2.5" -155°49'57.7"
15	Haleolono Harbor, Molokai exclusion	2	21°5'3.5" 21°5'4.8"	-157°14'59.6" -157°14'55.2"
16	Kaunakakai Harbor, Molokai exclusion	4	21°5'13.9" 21°4'49.2" 21°4'38.5" 21°5'7.4"	-157°1'35.7" -157°1'58.3" -157°1'41.2" -157°1'15.0"
17	Kaumalapau Harbor, Lanai exclusion	2	20°47'9.2" 20°47'1.1"	-156°59'32.2" -156°59'31.3"
18	Manele Harbor, Lanai exclusion	2	20°44'33.2" 20°44'35.2"	-156°53'12.9" -156°53'14.1"
19	Lahaina Harbor, Maui exclusion	2	20°52'18.3" 20°52'18.8"	-156°40'45.0" -156°40'44.0"
20	Maalea Harbor, Maui exclusion	2	20°47'32.1" 20°47'24.8"	-156°30'35.0" -156°30'39.6"
21	Western closure Kuapa Pond (Hawaii Kai), Oahu	2	21°17'7.0" 21°17'8.5"	-157°43'7.7" -157°43'7.0"
22	Eastern closure Kuapa Pond (Hawaii Kai), Oahu	2	21°16'53.3" 21°16'51.9"	-157°42'42.7" -157°42'40.3"

IFR Doc. 99-29567 Filed 11-26-99; 8:45 am)
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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1000

Statement of Organization and Functions

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission is amending its statement of organization and functions to reflect the division of the Directorate for Epidemiology and Health Sciences into separate directorates for epidemiology and for health sciences.

EFFECTIVE DATE: November 29, 1999.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301-504-0980.

SUPPLEMENTARY INFORMATION: The Commission has separated the former Directorate for Epidemiology and Health Sciences into a separate Directorate for Epidemiology and a separate Directorate for Health Sciences. To reflect this change, § 1000.27 is being revised to remove descriptions of the health sciences functions that have been incorporated in a new § 1000.28. Some editorial changes have also been made. Section 1000.12(c), listing the organizational units reporting to the Assistant Executive Director for Hazard Identification and Reduction, is being revised to separately list the Directorate

for Epidemiology and the Directorate for Health Sciences.

Since this rule relates solely to internal agency management, pursuant to 5 U.S.C. 553(b), notice and other public procedures are not required and it is effective immediately upon publication in the Federal Register. Further, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612, and, thus, is exempt from the provisions of the Act.

List of Subjects in 16 CFR Part 1000

Organization and functions (government agencies).

Accordingly, part 1000 is amended as follows:

PART 1000—[AMENDED]

1. The authority citation for part 1000 continues to read as follows:

Authority: 5 U.S.C. 552(a).

2. Paragraph (c) of section 1000.12 is revised to read as follows:

§ 1000.12 Organizational structure.

* * * * *

(c) The following units report directly to the Assistant Executive Director for Hazard Identification and Reduction:

- (1) Directorate for Economic Analysis;
- (2) Directorate for Epidemiology;
- (3) Directorate for Health Sciences;
- (4) Directorate for Engineering Sciences;
- (5) Directorate for Laboratory Sciences.

§§ 1000.28 and 1000.29 [Redesignated as §§ 1000.29 and 1000.30]

3. Sections 1000.28 and 1000.29 are redesignated as sections 1000.29 and 1000.30 respectively.

4. Section 1000.27 is revised to read as follows:

§ 1000.27 Directorate for Epidemiology.

The Directorate for Epidemiology, managed by the Associate Executive Director for Epidemiology, is responsible for the collection and analysis of data on injuries and deaths associated with consumer products. The Directorate has two divisions: the Data Systems Division and the Hazard Analysis Division. The Data Systems Division operates the national data collection systems which provide the data that serve as the basis for the Commission's estimates of the numbers of deaths and injuries associated with consumer products. These data systems include the National Electronic Injury Surveillance System, a nationally representative sample of hospital emergency departments; a death certificate file, which contains data obtained from death certificates on deaths associated with consumer products; and the Injury and Potential Injury Incident file, which contains information on incidents associated with consumer products, based on news clips, medical examiner reports, hotline reports, internet complaints, referrals, etc. The Hazard Analysis Division conducts statistical analysis of these data and conducts epidemiologic studies to estimate the numbers of injuries and deaths associated with various consumer products and to examine factors associated with these injuries and deaths. In addition, staff in





Appendix 3: Environmental Assessment for the Revised Management Plan for the Hawaiian Islands Humpback Whale National Marine Sanctuary

Purpose and Need

National Marine Sanctuary Program

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Sanctuary Program (NMSP) is a national system of 13 sites that protect over 13,000 square nautical miles of marine resources, and range in all sizes and shapes from 0.25 to 4,024 square nautical miles. The mission of the NMSP is to serve as the trustee for this system of marine protected areas, and to conserve, protect, and enhance their biodiversity, ecological integrity, and cultural legacy. Its goals are appropriate to the unique diversity contained within individual sites. They may include restoring and rebuilding marine habitats or ecosystems to their natural condition or monitoring and maintaining already healthy areas.

The National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1431 *et seq.*) authorizes the Secretary of Commerce to designate and manage areas of the marine environment with nationally significant aesthetic, ecological, historical, or recreational values as National Marine Sanctuaries. The primary objective of this law is to protect marine resources, such as coral reefs, sunken historical vessels or unique habitats, while facilitating all public and private uses of those resources that are compatible with the primary objective of resource protection. Sanctuaries, frequently compared to underwater parks, are managed according to Management Plans, prepared by the NMSP on a site-by-site basis.

Hawaiian Islands Humpback Whale National Marine Sanctuary

The Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary) was Congressionally designated by the Hawaiian Islands National Marine Sanctuary Act (HINMSA) on November 4, 1992 (Subtitle C of Public Law 102-587, the Oceans Act of 1992).

Section 2304 of the HINMSA establishes the Sanctuary's purposes as follows:

- to protect humpback whales and their habitat within the Sanctuary;
- to educate and interpret for the public the relationship of humpback whales to the Hawaiian Islands marine environment;
- to manage human uses of the Sanctuary consistent with the HINMSA and NMSA; and
- to provide for the identification of marine resources and ecosystems of national significance for possible inclusion in the Sanctuary.

Need For This Environmental Assessment

During the original designation process for the Sanctuary, during which boundaries were chosen and regulations developed, a draft Management Plan/Environmental Impact Statement (EIS) (NOAA 1997) was developed. The EIS portion examined alternatives and presented environmental and socioeconomic analyses of those alternatives.

At the time of designation, NOAA made a commitment to the State of Hawai'i, that five years after the management plan and regulations had become effective, NOAA, in consultation with the State



Appendix 3: Environmental Assessment

of Hawai'i, would evaluate the progress made toward implementing the management plan, regulations, and goals for the Sanctuary. NOAA also agreed that after the evaluation was complete, NOAA would then resubmit the management plan and regulations in their entirety, as far as they effect State waters, to the Governor for his approval.

The Sanctuary began its five-year review about two years ago, by conducting a review of the existing management plan with staff and members of the Sanctuary Advisory Council. In reviewing the original management plan, it became clear that although a completely rewritten management plan was not necessary, some restructuring and revising of the document would be beneficial to the Sanctuary. First, the Sanctuary has accomplished many of the tasks outlined for it in the original management plan that can be removed. Second, the goals and objectives originally outlined needed to be revised to reflect the current and future direction of the Sanctuary and the 2000 amendment of the NMSA. Finally, the structure of the original management plan did not follow the formats developed in the last three years for ongoing management plan reviews at other Sanctuaries. The NMSP and the State of Hawai'i decided to revise certain parts of the original management plan and reformat the document, during the five-year review. The review also led to a summary of the Sanctuary's accomplishments that have been prepared in a State of the Sanctuary Report (NOAA 2001).

Once the vision, goals, and objectives had been revised, Sanctuary staff and members of the Sanctuary Advisory Council met in several structured workshops to revise and update the tasks and projects outlined in the management plan, and then reorganize the management plan into action plans, a format more in keeping with the template used for current Sanctuary management plans.

Specifically, changes made to the management plan include:

- Sanctuary description updated;
- New vision statement adopted;
- Goals and objectives updated to reflect the new vision statement and current status of Sanctuary resources and efforts;
- Management plan restructured into a series of action plans (natural resource protection, education and outreach, research and monitoring, cultural resource enhancement, and administration) in keeping with the templates of current Sanctuary management plans;
- New set of outcomes and performance indicators included;
- Most short-term objectives involving development of staff and infrastructure removed (since they have been accomplished); those remaining--revenue enhancement and identification of other resources for possible inclusion in the Sanctuary--incorporated into the draft revised management plan;
- Emphasis on cultural resources expanded;
- Less emphasis placed on development of SAC infrastructure and more on enhancement of SAC operation;
- More emphasis placed on volunteer programs;
- Strategic educational plan to be developed;
- Administrative procedures related to research projects to be planned; and
- Ten-year facility plan to be developed.

The draft revised management plan was prepared by NOAA and the State of Hawai'i, and released for public review on March 19, 2002, for approximately 60 days (67 FR 12525). During that time, seven public meetings were held in the main Hawaiian Islands, on O'ahu, Kaua'i, Maui, two on Hawai'i (the Big Island), Lāna'i, and Moloka'i. Approximately 70 people attended and over 300 comments





were collected. During the same time period, approximately 40 written comments were received by email and regular mail. A synthesis of comments is available on the Sanctuary's website at www.hihwnms.nos.noaa.gov/planreview/ (please see Appendix 4 for a response to the comments received).

In response to staff, SAC, and public comments, a number of changes were made to produce the final revised management plan. A description detailing the public meeting process for the five-year management plan review has been added. In response to the overwhelming public comments received to protect additional resources and species, the process to include new species has been accelerated and better detailed. The intent to develop a cultural protocol to respond to strandings has been incorporated into Strategy CRE-2 *Nurture increased public awareness and appreciation of traditional Hawaiian values and practices related to ocean use*. Two new appendices, the Final Rule as published in the *Federal Register* on November 19, 1999, detailing the Sanctuary's boundaries and regulations, and the response to comments received, have been incorporated as Appendices 2 and 4 respectively. The remainder of changes were minor and include such information as updating partner lists and the inclusion of cost estimates.

The final revised management plan does not include any regulatory or boundary changes.

The final revised management plan will be submitted to the Governor for his consideration as far as it applies in State waters. Appropriate action will be taken upon receipt of the Governor's decision later in 2002.

Description of Alternatives

The original Management Plan/Environmental Impact Statement (NOAA 1997) described a number of alternatives for the management framework of the Sanctuary, among them:

- a Sanctuary with differing boundary options;
- a Sanctuary with differing regulatory options; and
- a Sanctuary with differing management regimes, including one that would only be seasonal in nature to coincide with the presence of the humpback whales in Hawai'i.

Extensive analyses of possible environmental and socioeconomic impacts were conducted for each alternative before the current boundaries, regulations, and management regime were selected.

Early in the five-year review process, NOAA considered preparing a whole new management plan, but decided this was unwarranted due to:

- existing boundaries and regulations are adequate to protect humpback whales and their habitat;
- the issues facing the Sanctuary are largely the same; and
- there are a number of ongoing and unfinished projects outlined in the existing management plan that NOAA and the State wish to continue.

Therefore, during this five-year evaluation, there are only two alternatives being considered: leaving the current management plan in place or revising the current management plan to reflect those changes as noted above. A discussion of each of those alternatives follows.



Alternative A: Take No Action

This alternative would keep the existing management plan from February 1997 in place in the out of date format for older Sanctuary management plans and including all tasks that have already been completed, and existing goals and objectives. Keeping the existing management plan will prevent the Sanctuary from incorporating new performance measures to help gauge its effectiveness and will make the task more difficult when the Sanctuary prepares to write a complete new management plan in approximately five years.

Alternative B: Propose a Revised Management Plan (Preferred)

This alternative proposes the revisions and updates contained in this document. The updates reflect the current context of the Sanctuary and NMSP, shortening and streamlining the document; updating the vision, goals, and objectives; removing old tasks and incorporating new and planned projects; reformatting the document so it is in line with the preferred format of Sanctuary management plans; laying out performance measure with which to better evaluate the Sanctuary's effectiveness; and laying the groundwork for drafting a complete new management plan in approximately five years.

Affected Environment

A complete, referenced description of the affected environment is contained in the existing Management Plan/Environmental Impact Statement for the Sanctuary (NOAA 1997), and has been updated in this revised management plan. The following information is presented for the ease of individuals reading this Environmental Assessment.

Boundary

The boundary of the Sanctuary consists of the submerged lands and waters off the coast of the Hawaiian Islands seaward from the shoreline, cutting across the mouths of rivers and streams:

- (1) To the 100-fathom (183 meter) isobath from Kāilio Point eastward to Mōkōlea Point, Kaua'i;
- (2) To the 100-fathom (183 meter) isobath from Pua'ena Point eastward to Māhie Point, and from the Kapahulu Groin in Waikīkī eastward to Makapu'u Point, O'ahu;
- (3) To the 100-fathom (183 meter) isobath from Cape Hālawā, Moloka'i, south and westward to 'Īlio Point, Moloka'i; southwestward to include Penguin Banks; eastward along the east side of Lāna'i to the waters seaward of the three nautical mile limit north of Kaho'olawe, to the Hanamanaio Light-house on Maui, and northward along the shoreline to Līpoa Point, Maui;
- (4) To the deep water area of Pailolo Channel from Cape Hālawā, Moloka'i, to Līpoa Point, Maui, and southward;
- (5) To the 100-fathom (183 meter) isobath from 'Upolu Point southward to Keāhole Point, Hawai'i.

All commercial ports and small boat harbors in the State of Hawai'i are excluded from the Sanctuary boundary.





The establishment of the Sanctuary in no way conveys, or intends to convey, to NOAA any title or ownership of Hawai'i's submerged lands. These lands, including those known as ceded lands, continue to be held in trust by the State of Hawai'i. The Sanctuary will exist as a co-steward of the Sanctuary and its resources. Should the status of the submerged lands change at some time in the future (i.e., lands are conveyed to a sovereign Hawaiian nation), the Sanctuary will work with the appropriate entities to redefine its role if necessary.

Sanctuary Resources

Humpback Whale

The HINMSA designated the Sanctuary for the primary purpose of protecting endangered humpback whales (*Megaptera novaeangliae*) and their habitat within the Hawaiian Islands marine environment. Recent research indicates that the population of humpback whales in Hawaiian waters during the 1999-2000 season was between approximately 4,500 and 6,500 individuals (Mobley, in press). The same research indicates that the population has increased an average of approximately 7% per year from 1993 through 2000.

The Sanctuary will focus its management efforts to protect humpback whales in their Hawaiian habitat by supporting resource protection, research, long-term monitoring, education, and interpretation programs and by supporting efforts to improve coordination among the management agencies, researchers, educators, and various user groups.

Humpback Whale Habitat

The marine waters surrounding the Hawaiian Islands comprise only a portion of the overall habitat of the humpback whale (i.e., Alaskan feeding grounds, migration routes, etc.). But these waters are essential because they provide breeding, calving, nursing, and resting areas for the majority of the endangered North Pacific humpback whale population. Thus, Hawai'i is one of the most important humpback whale breeding grounds in the world. Most humpbacks can be found in the warm, protected nearshore waters less than 100 fathoms (600 feet) deep (NOAA Fisheries 1991, Nitta and Naughton 1989). Cows with calves tend to be distributed in more nearshore waters on the leeward sides of islands, often within the 10-30 fathom isobath (60-180 feet) depth (NOAA Fisheries 1991). The NMSP has defined humpback whale habitat, for purposes of Sanctuary management, as:

“those areas in the waters around Hawai'i that provide space for individual and population growth and normal behavior of humpback whales, and include sites used for reproductive activities, including breeding, calving and nursing.”



Impacts of Alternatives

Alternative A: Take No Action

Environmental Impacts

Taking no action would result in *status quo* of the current management regime of the HIHWNMS. The existing Management Plan/Environmental Impact Statement contains a full analysis of the environmental impacts of each alternative discussed therein.

Socioeconomic Impacts

Taking no action would result in no additional socioeconomic impacts than those already associated with the operation of the HIHWNMS. The existing Management Plan/Environmental Impact Statement contains a full analysis of the socioeconomic impacts of each alternative discussed therein.

Alternative B: Propose the Revised Management Plan (Preferred)

Environmental Impacts

The revised management plan makes no boundary or regulatory changes; however, existing and new non-regulatory programs would be updated and enhanced. NOAA expects this would have a positive environmental effect, by reaching more people and expanding the stewardship message of the Sanctuary.

Socioeconomic Impacts

Since the revised management plan makes no boundary or regulatory changes, NOAA and the State of Hawai'i expect it would result in no additional socioeconomic impacts than those already associated with the operation of the HIHWNMS.

Finding of No Significant Impact

NOAA Administrative Order (NAO) 216-6 (revised May 20, 1999) provides eleven criteria for determining the significance of the impacts of a proposed action. These criteria are discussed below with respect to the proposed action:

1. Impacts may be both beneficial and adverse — a significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

The final revised management plan makes no boundary or regulatory changes, but does update and enhance non-regulatory programs. NOAA expects this will result in a non-significant but positive environmental effect, by reaching more people and expanding the stewardship message of the Sanctuary.

2. What is the degree to which public health or safety is affected by the proposed action?

Public health and safety will not be affected by the proposed action.



3. Are there unique characteristics of the geographic area in which the proposed action is to take place?

The Hawaiian Islands are unique in providing such extensive habitat for humpback whales.

4. What is the degree to which effects on the human environment are likely to be highly controversial?

The final revised management plan is considered to be non-controversial. The plan has enjoyed wide public support.

5. What is the degree to which effects are highly uncertain or involve unique or unknown risks?

The final revised management plan is not considered to involve highly uncertain, unique, or unknown risks.

6. What is the degree to which the action establishes a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

The final revised management plan lays the groundwork for how the Sanctuary will be managed for the next five years. Included in the plan are some projects that may consider adding new species and/or extending the boundary of the Sanctuary. Any such actions that may be undertaken would involve public review and the appropriate steps required under the National Marine Sanctuaries Act and the National Environmental Policy Act.

7. Does the proposed action have individually insignificant but cumulatively significant impacts?

The final revised management plan makes no boundary or regulatory changes, but does update and enhance non-regulatory programs. NOAA does not expect this will result in cumulatively significant impacts.

8. What is the degree to which the action adversely affects entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources?

The proposed action will not adversely affect any entity listed in or eligible for listing in the National Register of Historic Places. Nor will the proposed action cause the loss of or destroy any significant scientific, cultural, or historic resources.

9. What is the degree to which endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973, are adversely affected?

NOAA does not believe that the revised final management plan will have any adverse impact on an endangered or threatened species. The original management plan for the HIHWNMS was subject to a consultation under the Endangered Species Act. Since the final revised management plan makes no boundary or regulatory changes, a new consultation was not required. NOAA Fisheries reviewed and provided comments on the revised management plan, which have been incorporated in the final document.



Appendix 3: Environmental Assessment

10. Is a violation of Federal, state, or local law for environmental protection threatened?

The final revised management plan does not violate any Federal, state, or local environmental protection law.

11. Will the proposed action result in the introduction or spread of a nonindigenous species?

The proposed action is not expected to result in the introduction or spread of a nonindigenous species.

FONSI STATEMENT

In view of the analysis presented in this document, the final revised management plan will not significantly affect the quality of the human environment, with specific reference to the criteria contained in Section 6.01 of NAO 216-6, Environmental Review Procedures for Implementing the National Environmental Policy Act (NEPA). Accordingly, the preparation of an Environmental Impact Statement for the proposed action is not necessary.

Margaret A. Davidson
Acting Assistant Administrator for Ocean Services
and Coastal Zone Management

Date





Appendix 4: Response to Comments

Issues identified during the public comment phase of the management plan review have been incorporated into their related Action Plans to produce this section of the plan. Issues raised during the public comment period are identified by Action Plans in this section to give the reader a better understanding of where these issues are addressed with their associated strategies and activities in the final revised management plan. Island specific comments and general comments received on the revised management plan are separated and follow the comments relating to the five Action Plans.

Resource Protection Programs

1. Comment: Expand Sanctuary boundary to include all main and Northwestern Hawaiian Islands and/or include all habitat and migration routes.

Response: Comments received during the public review period indicated a strong desire to expand Sanctuary boundaries. The NMSP manages resources on a site by site basis taking into account each area's size and resources, existing management authorities, accessibility to the site, types and impacts of human uses, suitability for research, and monitoring and enforcement activities. The boundaries for this Sanctuary were chosen after a long and complex decision-making process that took into account all of the factors described above, as well as the desires of the State of Hawai'i. As the Sanctuary evaluates current research and acquires new information on humpback whale habitat requirements, future boundary modification may become necessary to enhance resource protection. A SAC working group may be established to determine new boundary protection requirements based upon these scientific research findings. In addition, boundary modifications may result for the inclusion of new resources (see comment 2). Any future boundary changes will be made through the same public scoping process that designated the Sanctuary.

2. Comment: The Sanctuary needs to protect all ocean species. The process to consider adding new species to the Sanctuary needs to be both better explained and accelerated.

Response: In response to overwhelming public comment, NOAA has accelerated the process to identify and evaluate new species for possible inclusion in the Sanctuary. This goal and the strategy by which new resources will be identified for inclusion is addressed in Strategy NRP-5 of the Natural Resource Protection Action Plan. In addition, a flow chart better explaining the process has been included within this final revised management plan (Figure 3). The NMSP will work closely with the State of Hawai'i, the SAC, agency partners, and the public throughout the lengthy public scoping process and development of a Supplemental Environmental Impact Statement (EIS) to include additional resources within the Sanctuary. The Governor of Hawai'i will have the authority to decide whether those resources and associated management measures (e.g. regulations, boundary modification) would be included in State waters of the Sanctuary.

3. Comment: Commenters indicated concern about the impact of acoustics, such as LFA sonar and NPAL on humpback whales and their habitat.

Response: Research indicates that cetaceans can be negatively impacted by certain underwater sounds, although these impacts are not well understood in the case of large baleen whales such as humpbacks. The potential adverse effects of acoustics or human-generated underwater sounds will continue to be examined and minimized by the Sanctuary through scientific research and permit review activities. Strategy NRP-3, Activity A of this plan will study and document human activities (including those that generate underwater sounds) and examine the possible negative impacts of



Appendix 4: Response to Comments

these activities. Strategy NRP-3, Activities B and C will subsequently work to minimize these negative impacts as they are identified and better understood. In a complementary fashion, the activities of Strategy RM-2 of this plan will monitor and assess potential threats to humpback whales, including potential threats from underwater sounds.

As these potential impacts are identified and quantified, Strategy AD-2 of this plan will be used to coordinate and communicate with various agencies, including NOAA Fisheries and the State of Hawai'i, so that potential adverse impacts to humpback whales from underwater sounds (as well as impacts from other potential threats) are eliminated or minimized. This may be accomplished through existing Federal and State regulatory processes, such as permitting requirements associated with the Endangered Species Act, the Marine Mammal Protection Act, and the Hawai'i Coastal Zone Management Program. If these existing regulatory authorities combined with non-regulatory education and outreach activities prove insufficient to adequately protect humpback whales and their habitat, additional regulations may be considered by the Sanctuary under the authority of the National Marine Sanctuaries Act.

4. Comment: Commenters indicated concern about the impact of military activities on humpback whales and their habitat.

Response: NOAA formally consulted with DOD on their existing military activities during the designation of the Sanctuary and concluded that DOD had sufficient resource protection measures within their standard operating procedures to ensure the protection of humpback whales and their habitat. DOD activities proposed within the Sanctuary after designation have been subject to joint consultation reviews by NOAA Fisheries under provisions of the Marine Mammal Protection Act and the Endangered Species Act (ESA) and the NMSP under provisions of the National Marine Sanctuaries Act (NMSA). To avoid duplicative consultation requirements, NOAA Fisheries issues one NOAA response that fulfills both the ESA Section 7 and the NMSA Section 304(d) consultation requirements. The purpose of these reviews is to allow NOAA to review and comment on environmental impact statements, proposed permits, or other authorizations for Federal projects and Federally permitted activities that may affect humpback whales.

5. Comment: Commenters indicated concern about the impact of water quality on humpback whales and their habitat including land-based pollution such as runoff and ocean dumping.

Response: Very little scientific information exists at present regarding the impact of degraded water quality or water pollution on humpback whales. Strategy NRP-3, Activity A of this plan will study and document human activities (including those that generate water pollution) and examine the possible negative impacts of these activities. Strategy NRP-3, Activities B and C will subsequently work to minimize these negative impacts as they are identified and better understood. In a complementary fashion, the activities of Strategy RM-2 of this plan will monitor and assess potential threats to humpback whales, including potential threats from water pollution. As these potential impacts are identified and quantified, Strategy AD-2 of this plan will be used to coordinate and communicate with various agencies, including the Environmental Protection Agency, NOAA Fisheries, the U.S. Army Corps of Engineers, and the State of Hawai'i, Department of Health, to address potential adverse impacts on humpback whales and their habitat from water pollution (as well as impacts from other potential threats) until they are eliminated or minimized. This may be accomplished through existing Federal and State regulatory processes, such as permitting requirements associated with the Clean Water Act, the Endangered Species Act, the Marine Mammal Protection Act, the Hawaii Coastal Zone Management Program. If these existing regulatory authorities combined with non-regulatory education and outreach activities prove insufficient to adequately protect humpback





whales and their habitat, additional regulations may be considered by the Sanctuary under the authority of the National Marine Sanctuaries Act.

6. Comment: A number of commenters suggested reviewing and strengthening whalewatching regulations and guidelines, including speed limits, procedures for moving away from whales, posting the approach regulations on boats, and limiting the numbers of whalewatching boats.

Response: Whalewatching represents one of the most important uses of the Sanctuary waters in Hawai'i. Within the Sanctuary, all, vessels, including whalewatch boats are required to abide by 100-yard minimum approach regulations for humpback whales.

The Sanctuary is proposing to study and document human activity (including whalewatching) to examine the possible negative impacts of these activities via Strategy NRP-3, Activity A of this revised management plan. Strategy NRP-3, Activities B and C will subsequently work to minimize any negative impacts as they are identified and described. Similarly, the activities of Strategy RM-2 of this plan will monitor and assess potential threats to humpback whales, including potential threats from commercial whalewatching.

As these potential impacts are identified and quantified, Strategy AD-2 of this plan will be used to coordinate and communicate with various agencies, including NOAA Fisheries and the State of Hawai'i, so that any potential adverse impacts to humpback whales from commercial whalewatching (as well as impacts from other potential threats) are eliminated or minimized through existing Federal and State regulatory processes, such as permitting requirements associated with the Endangered Species Act, the Marine Mammal Protection Act, the Hawaii Coastal Zone Management Program. If these existing regulatory authorities combined with non-regulatory education and outreach activities prove insufficient to adequately protect humpback whales and their habitat, additional regulations may be considered by the Sanctuary under the authority of the National Marine Sanctuaries Act.

7. Comment: Commenters concerned about the impact that the operation of thrillcrafts in Sanctuary waters has on humpback whales.

Response: The NMSP has developed various strategies throughout this revised plan that will monitor the potential impacts that human activities, such as the operation of thrillcrafts, have on the recovery of humpback whales in Sanctuary waters. In particular, NRP-2 Activity A will monitor types of human activity to better assess current threats to humpback whales within Sanctuary waters. In addition, NRP-4 relating to enforcement of regulations, promotes public stewardship and voluntary compliance of regulations while assuring that current regulations, such as the one that regulates operation of thrill crafts in State waters during whale season (HAR Section 13-256-16), is effective in the long-term recovery of humpback whales within Sanctuary waters.

8. Comment: Commenters indicated concern about the impacts of other activities affecting humpback whales and their habitat, including aquaculture, fishing impacts, and removal of black coral.

Response: Through the implementation of various portions of this plan, including NRP-2, NRP-3, RM-2 and AD-2, the Sanctuary will remain watchful and take action when necessary to ensure that human activities within its boundaries do not significantly hinder the recovery from endangered species status of the North Pacific population of humpback whales. Responses to comments 8, 10



Appendix 4: Response to Comments

and 11 above offer more detailed discussion of the complementary approaches presented in this revised management plan.

9. Comment: Suggestions were made that a general threat assessment be conducted before the end of 2002 and appropriate management measures, including zoning, be determined.

Response: The Sanctuary acknowledges the importance of the threat assessment study conducted under NRP- 3 and RM-2 and will work to identify current threats through research studies and workshops as soon as possible. Development of the workshop will be done to include examination of and representation from the wide variety of human uses and activities occurring within Sanctuary boundaries.

10. Comment: The Sanctuary needs to better identify staff and other resources and abilities to respond to emergencies.

Response: The Sanctuary has placed an emphasis on better contingency planning and emergency response capabilities. This focus is represented by the first strategy discussed in the Natural Resource Protection Action Plan and in the Administration Action Plan, specifically AD-4, of this revised management plan.

11. Comment: The Sanctuary needs to explain its enforcement program, including personnel, coordination among agency partners, and penalty schedules.

Response: The Sanctuary's enforcement program and related activities to be accomplished over the next 5-years are described in the revised management plan, under Strategy NRP-4 contained in the Natural Resource Protection Action Plan. While the NMSP is not authorized to directly conduct enforcement activities, NMSP will continue to work with federal and state enforcement agencies, e.g., NOAA Fisheries Office of Law Enforcement (OLE) and DLNR-DOCARE to facilitate enforcement of Sanctuary regulations and other laws related to humpback whale conservation. The Sanctuary will also work closely with these and other agencies to develop strategies to reduce violations and protect humpback whales throughout Sanctuary waters. Penalty schedules change annually and can be obtained by contacting NOAA Fisheries OLE and DLNR-DOCARE.

12. Comment: The Sanctuary should explain what the public can do if someone sees a violation.

Response: The Sanctuary's Ocean Users' Handbook, produced on an annual basis for use at the Ocean Users' Workshop, contains all the information necessary for a member of the public to help the Sanctuary or its partners respond to a violation. Copies of this handbook are available on the Sanctuary's website or may be obtained at any of the Sanctuary's offices. In addition, the Sanctuary will continue to explore other opportunities to ensure that the general public receives the necessary information to report violations as described in NRP-4 of the Natural Resource Protection Action Plan and EO-1 Activities B & D of the Education and Outreach Action Plan.

13. Comment: The Sanctuary should explain its authority for its regulations.

Response: The Sanctuary derives its authority to regulate activities (as necessary to protect its resources) from the National Marine Sanctuaries Act, as amended. Sanctuary regulations incorporate NOAA Fisheries humpback whale approach regulations for Hawai'i and regulations prohibiting taking or possessing a humpback whale or parts thereof, as well as regulations regarding water pollution and seabed alteration within the Sanctuary. In addition, the State of Hawai'i has additional regulations that protect humpback whales in State waters. NRP-4 of this revised management plan





aims to enforce current regulations and reduce violations through education and outreach activities as well as assess the long-term effectiveness of current regulations. Please refer to Appendix 2 for the complete list of Sanctuary regulations.

14. Comment: The Sanctuary should assume responsibility for the area's stranding network by ensuring partnerships for a pool of qualified responders; and creating a rescue/rehabilitation program for whales and other species.

Response: Assisting in effective humpback whale stranding response is considered by the NMSP as an important element of the Sanctuary's overall management approach. Stranded whales can provide rare opportunities for scientific study, and the whales deserve veterinary treatment and release if possible, or relief from suffering when experts determine that there is no chance of recovery. NOAA Fisheries is the Federal agency authorized to take the lead in developing and maintaining marine mammal stranding networks. Strategy AD-2, Activity A outlines the mechanism by which the Sanctuary will improve its participation in humpback whale stranding response in close coordination with NOAA Fisheries and the State of Hawai'i.

15. Comment: The Sanctuary should increase its effort to collaborate on protection and management activities throughout the U.S. and international range of humpback whales.

Response: The Sanctuary must focus its efforts and resources on the best protection it can provide to humpback whales within Sanctuary waters; however, where possible, the Sanctuary will collaborate with others on research, education, and other efforts designed to better protect humpback whales throughout their range in both U.S. and International waters.

Education and Outreach Action Plan

16. Comment: NOAA received many suggestions on specific partners with whom it should be working on education projects, including whalewatch operators, tour guides, equipment rental vendors, visitors, yacht and sailing clubs, fishers, divers, local schools, Hanauma Bay, and the University of Hawai'i Department of Oceanography. NOAA also received many suggestions on specific projects or opportunities it should consider, including increasing signage at specific locations, having lectures at Ocean Count events, creating certificates for various events, and creating whale adoption programs.

Response: The Sanctuary has and will continue to work with many partners in order to reach as many segments of the community as possible to enhance existing programs and develop new outreach methods and products. The Sanctuary has developed an Education and Outreach Action Plan that details how the Sanctuary will work on education and outreach efforts over the next five years.

17. Comment: Expand Maui education programs to other islands.

Response: The Sanctuary education program is one of the primary mechanisms used to protect humpback whales and their habitat. The Sanctuary has outlined various strategies and activities in the Education and Outreach Action Plan to increase educational programs to O'ahu, Kaua'i, the Big Island, Moloka'i and Lāna'i.

18. Comment: Sanctuary education projects should meet DOE standards.





Response: NOAA agrees. The Sanctuary has done so in the past, through Educator's Workshops and will continue to work closely with the Department of Education to develop additional educational products that comply with DOE standards. Activities associated with this objective are indicated in Strategy EO-1 and EO-2 of the Education and Outreach Action Plan.

19. Comment: The Sanctuary should develop a naturalist training program.

Response: The Sanctuary lists a naturalist certification program as a program in Activity A of the Education and Outreach Action Plan, Strategy EO-4. The Sanctuary will work with input from the Sanctuary Advisory Council to develop a program that best meets the needs of naturalists and other professional marine science educators while providing them with the latest scientific information about humpback whales and their habitat.

20. Comment: The Sanctuary should increase volunteer opportunities.

Response: NOAA agrees. Strategy EO-4 is included in the Education and Outreach Action Plan and details how NOAA will pursue this effort.

21. Comment: Expand administrative support to the ocean count.

Response: The Sanctuary provides extensive support during the annual Ocean Count; however, the Sanctuary does have staff and resource limitations that may hinder providing opportunities to all those interested in participating. The Sanctuary is committed to expanding volunteer opportunities as detailed in Strategy EO-4 of the Education and Outreach Action Plan. To address this objective, the Sanctuary will look at ways to expand opportunities during the annual ocean count.

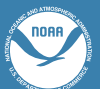
Research and Monitoring Programs

22. Comment: Enhance the sharing of research information, including research priorities and the research permit system, with researchers and the public, using a variety of mechanisms including an annual researchers meeting.

Response: The Sanctuary is fully committed to enhancing the sharing of research information among researchers, between researchers and managers, and with the general public. Strategy RM-4 in the Research and Monitoring Action Plan explores ways to do such, including a research website, regularly produced research summary reports, research newsletter, support for publication of research findings, and informational workshops and seminars.

23. Comment: There was some concern expressed about what constitutes "Sanctuary research" as opposed to research simply conducted in the Sanctuary, as well as what obligations are placed on a researcher who accepts Sanctuary research funding.

Response: The Sanctuary will continue to provide funds and other means of support for scientific research that promises to provide information useful in protecting humpback whales. Research, which receives such support, may be referred to by Sanctuary staff and in Sanctuary publications as "Sanctuary research." The Sanctuary has generally required that reports and other publications





associated with research sponsored by the Sanctuary be made available for public use. The Sanctuary has also required that researchers give public presentations of their methods and results. Activities described in Strategies RM-3 and RM-4 will further develop the specific ways in which Sanctuary-sponsored research is obligated to address the various information needs and management priorities of the Sanctuary.

24. Comment: The Sanctuary needs to better explain its monitoring program.

Response: The monitoring program discussed in the Research and Monitoring Action Plan includes monitoring of important biological and ecological characteristics of humpback whales and their habitat, as well as monitoring of human uses and activities that might have impacts on humpback whales. An important goal of the monitoring program is to gather extensive and long-term data that allow for scientifically valid conclusions concerning trends in whale population and other important biological and ecological parameters. Strategy RM-1 of the Research and Monitoring Action Plan seeks to improve baseline information on humpback whales in the main Hawaiian Islands and will seek to develop research priorities for long-term monitoring studies, such as through mark-recapture techniques. In addition, threat assessment studies and workshops will be conducted as described in RM-2 and NRP-3. By continuing to characterize and monitor the habitat and behavior of humpback whales in Hawai'i, the Sanctuary will continue to educate resource managers, and the public on the findings and significance of its monitoring program as detailed in Strategies RM-4 and RM-5.

25. Comment: The Sanctuary needs to actively assess the research that it promotes.

Response: The Sanctuary recognizes the importance of evaluating the effectiveness and utility of the research it supports. Improving the administration of research projects is the goal of Strategy RM-3 of this revised management plan. Activity A of RM-3 will develop administrative procedures by which research is assessed before, during and after the research is conducted.

Cultural Resource Enhancement

26. Comment: There were a variety of comments on cultural issues, including: identify and use Hawaiian names for all species in the revised management plan; increase involvement with Native Hawaiians; continue to incorporate Native Hawaiian cultural knowledge in Sanctuary programs; and ensure that cultural knowledge is incorporated in stranding network protocols.

Response: The Sanctuary has been and remains committed to working with Native Hawaiians to ensure that cultural values and knowledge are incorporated as much as possible in Sanctuary programs. Numerous steps taken in the past which included adding a Hawaiian Cultural Educator to the Sanctuary's staff and development of educational products emphasizing the importance of cultural values. In continuation of this commitment, the Sanctuary has prepared a Cultural Resource Enhancement Action Plan that includes several strategies to further promote understanding and appreciation of the Hawaiian culture. In addition, the Sanctuary believes the development of a cultural protocol to respond to whale strandings and disposing of whale remains is important for incorporating Native Hawaiian traditions into Sanctuary programs and has therefore been included as an activity in CRE-2 Activity A of the Cultural Resource Enhancement Action Plan.

Administration

27. Comment: Increase staffing for the Sanctuary, including hiring a volunteer coordinator, education coordinator, and research coordinator.





Response: The National Marine Sanctuary Program (NMSP) receives annual appropriations from Congress and works with each Sanctuary to determine the annual budget for that site. Each Sanctuary receives a certain base budget, although some increases may be available. New staff hires are an objective and are addressed in Strategy AD-4 of the Administration Action Plan. A position for a Research Coordinator has been approved and a vacancy announcement has already been made. The addition of other staff, including volunteer and education coordinator positions, is contingent on funding and position approvals, and is addressed in AD-4: Enhance the staffing and personnel resources of the Sanctuary, of the revised management plan.

28. Comment: The Sanctuary should coordinate and enhance partnerships among managers, users, researchers, educators, and the general public to better protect humpback whales and their habitat.

Response: The NMSP realizes the importance of developing agency and community partnerships to assist in carrying out the goals and objectives of the Sanctuary, and has actively done so since the designation process began. The Sanctuary Advisory Council is one such vehicle, but the Sanctuary has also developed important partnerships with numerous other government and non-government organizations. Strategies AD-1 and AD-2 of this revised management plan and their associated activities are intended to continue and enhance the Sanctuary's partnerships and highlight the importance the Sanctuary places on partnership-based marine conservation.

29. Comment: Research and education should be top funding priorities.

Response: The primary purpose of the Sanctuary is the protection of the humpback whale and its habitat. Research and education are two of the Sanctuary's primary tools in its protection efforts. How the Sanctuary will enhance research and education opportunities is addressed in the Research and Monitoring Action Plan and the Education and Outreach Action Plan. The Sanctuary has and will continue to fund research and education projects, along with other types of efforts to ensure the best use of staff, funds, and other resources to meet the Sanctuary's vision.

30. Comment: Implement/increase user fees and permits.

Response: NOAA did not propose user fees in the original management plan and similarly did not propose any user fees during this five-year management plan review. The Sanctuary has not needed to issue special use permits, and will continue to work within the permit framework that had already been established by NOAA's Fisheries and the State of Hawai'i. If in the future, NOAA sees the need to develop its own permit system, it will work with its partners and constituents to do so.

31. Comment: Add seat on the Sanctuary Advisory Council for the U.S. Navy.

Response: The Sanctuary Advisory Council is composed of both representatives of the Sanctuary's primary constituents in the community and its agency partners. Although the U.S. Navy uses much of the waters in and around the Sanctuary, it has not to date been represented on the Council. As part of AD-3 of the Administration Action Plan to gather expert advice on the protection and management of humpback whales and their habitat, the Sanctuary will pursue adding a seat to the Council and invite the U.S. Navy to send a representative.





General Comments

32. Comment: Add description of military activities to Human Use section.

Response: In revising the management plan, NOAA has condensed this section of the plan to become more reader-friendly. An overview of activities that occur within Sanctuary waters is contained within the Human Uses section, including a new sentence that refers to military uses. For a more detailed description of all activities that occur within Sanctuary waters, please refer to the original management plan.

33. Comment: The revised management plan should include an update of what has been accomplished during the last five years.

Response: The revised management plan contains a summary of the State of the Sanctuary report which details many products and activities that the Sanctuary has developed over the past five years to protect humpback whales and their habitat throughout Hawaiian waters. The report assesses the Sanctuary's performance in six important areas, Education and Outreach; incorporation of Native Hawaiian culture; enforcement efforts; interagency cooperation; social impacts; and research activities which are essential components in meeting the Sanctuary's primary objective of resource protection. The revised management plan will continue to enhance existing activities in these areas while incorporating new programs to carry out the goals of the Sanctuary.

34. Comment: All comments collected during the public review period, including those from SAC members, should be available for public review.

Response: All public comments are available on our website. In addition, original comments are available for public review by contacting our office.

35. Comment: Explain status of objections to the original designation of the Sanctuary.

Response: NOAA received many comments during the scoping process for the designation of the Sanctuary and review of the original management plan. All of those comments were synthesized into over 100 basic comments that were responded to in Appendix A of the original management plan. Those responses still represent NOAA's position. Refer to the original management plan for a list of comments received during Sanctuary designation.

36. Comment: Explain the roles of the Federal and State governments in the management of the Sanctuary.

Response: The Federal and State governments (through NOAA and DLNR respectively) are co-managers of the Sanctuary. The terms of the co-management arrangement are contained in the formal Compact Agreement and Memorandum of Understanding contained in Appendix 1 of the revised management plan. On a day-to-day basis, the Federal Sanctuary Manager and State Sanctuary Co-Manager work cooperatively and collaboratively in making decisions related to implementation of the management plan and other Sanctuary-related activities. The Federal and State Sanctuary staff work productively together as teams under the guidance of the Manager and Co-Manager, respectively.

County Specific Comments



Appendix 4: Response to Comments

37. Honolulu County Comments:

a. Comment: Do not delay or defer Kahuku flood project.

Response: NOAA does not believe the Sanctuary's revised management plan will delay or defer the Kahuku flood project.

b. Comment: Expand boundaries to include Ka'ena Point.

Response: See response to general boundary comment # 1.

38. Kaua'i County Comments:

a. Comment: Review Kaua'i Sanctuary boundaries and extend to Līhu'e.

Response: See response to general boundary comment # 1.

b. Comment: Explain or remove Hanama'ulu Harbor on page 20 of the draft revised management plan.

Response: To avoid confusion, NOAA has removed the list of harbors contained in the revised management plan. All commercial ports and small boat harbors in the State of Hawai'i are excluded from the Sanctuary boundaries.

39. Hawai'i County Comments:

a. Comment: Hire staff, establish an office, and have more activities on the Big Island.

Response: A significant portion of the Sanctuary is located off the Kona and Kohala coasts of the Big Island. NMSP has recognized the need for an increased presence of the Sanctuary program on the Big Island and has made preliminary surveys of various office sites in the Kailua-Kona area. Strategy AD-5, Activity A of this plan identifies an office on the Big Island to be considered in the development of a 10-year facility plan for the Sanctuary. Staffing needs that would be associated with opening a Big Island office are addressed in Strategy AD-4.

b. Comment: Develop a partnership with the National Park Service (NPS) to protect the Punalu'u community.

Response: Sanctuary staff have noted that there appears to be a significant public concern regarding potential conflicts between beachgoers and green sea turtles (nā honu) in the Punalu'u area on the Big Island. Sanctuary staff also notes the great potential for productive collaboration with the National Park Service and Volcanoes National Park. However, with the present emphasis of the Sanctuary on humpback whale protection and Punalu'u's distance from the Sanctuary boundary, it may be difficult to justify committing Sanctuary resources toward activities in the Punalu'u community at this time. This situation might change, however, if new resources such as green sea turtles (nā honu) are added to the scope of the Sanctuary's protection mandate as a result of Strategy NRP-5.



40. Maui County Comments:

a. Comments: The Sanctuary should form partnerships with the National Park Service to protect Kaho'olawe.

Response: The Sanctuary does not currently have jurisdiction in the waters around Kaho'olawe Island. However, The Sanctuary works closely with the Kaho'olawe Island Reserve Commission (KIRC) in carrying out Educational and Outreach Activities throughout Maui County. Under the HIHWNMS Act of 1992, the waters around Kaho'olawe may be added to the Sanctuary upon receipt of a written request from KIRC and subsequent actions by NMSP to determine the suitability of these waters for inclusion. If in the future the Sanctuary gains authority to manage the waters surrounding Kaho'olawe Island through this process, NMSP expects that it would further develop partnerships with various agencies and organization to protect humpback whales and their habitat within the region.

b. Comment: Do not put more regulations on operation of commercial boats in the Molokini area.

Response: The Sanctuary realizes the economic importance of commercial vessel operations within Sanctuary waters and does not propose any new regulations on commercial vessel activities in the revised management plan. If at a later time, commercial activities within this area are shown to hinder the recovery of humpback whales, NOAA will work with partner agencies, the State of Hawai'i, and the community to develop additional regulations in a way similar to the process used to designate the Sanctuary.

c. Comment: Expand boundary to include entire island, including Kalaupapa area on Moloka'i.

Response: See response to general boundary comment # 1.

d. Comment: Develop partnership with the National Park Service to protect the Kalaupapa area on Moloka'i.

Response: Although the Kalaupapa area is outside the boundaries of the Sanctuary, the Sanctuary will consider developing a partnership with the National Park Service on Moloka'i to conduct appropriate projects such as the annual Ocean Count.



Appendix 5: Bibliography

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Appendix 6: Hawaiian Glossary

āholehole - jacks
ahupua'a - ancient Hawaiian land division from the mountain to the sea
aloha o ke kai - love for the sea
'ālo'ilo'i - damselfish
'aumākua - deified Hawaiian ancestors who would take on an animal form
hīnālea - wrasses
honu - green sea turtles
i'a - fish
'īlioholoikauaua - Hawaiian monk seals
iwikuamo'o'ole - marine invertebrates
kai - marine, sea
kala - surgeonfish
kapu - temporary or permanent prohibition of certain activities
ko'a - cauliflower coral
koholā - humpback whales
kūpuna - elders
limu - algae and seaweed
Lō'ihī - volcano
manō - sharks
mū - emperors
nā - the, plural definite article
'ōpae - shrimp
pāpa'i - crabs
pōhaku puna - finger/lobe coral
uhu - parrotfish
uku - snappers
ula - lobster
'ū'ū - soldierfish
wana - sea urchins
weke - goatfish



Appendix 7: Acronyms

ACP - Area Contingency Plan
AD - Administration (Action Plan)
CRE - Cultural Resource Enhancement (Action Plan)
CFR - Code of Federal Regulations
DLNR - Hawai'i State Department of Land and Natural Resources
DOC - U.S. Department of Commerce
DOH - Hawai'i State Department of Health
DOI - U.S. Department of the Interior
DOT - U.S. Department of Transportation
EA - Environmental Assessment
EIS - Environmental Impact Statement
EO - Education and Outreach (Action Plan)
EPA - Environmental Protection Agency
EPCRA - Emergency Planning and Community Right-to-Know Act
ESA - Endangered Species Act
FR - Federal Register
HAR - Hawai'i Administrative Rules
HIHWNMS - Hawaiian Islands Humpback Whale National Marine Sanctuary
HINMSA - Hawaiian Islands National Marine Sanctuary Act
HSERC - Hawai'i State Emergency Response Commission
LAC - Local Area Committee
MMPA - Marine Mammal Protection Act
MOU - Memorandum of Understanding
NCP - National Contingency Plan
NEPA - National Environmental Policy Act
NGO - Non-governmental organization
NMSA - National Marine Sanctuaries Act
NMSP - National Marine Sanctuary Program
NOAA - National Oceanic and Atmospheric Administration
NOS - National Ocean Service
NPS - National Park Service
NRP - Natural Resource Protection (Action Plan)
NRT - National Response Team
OLE - Office for Law Enforcement, NOAA Fisheries
OPA - Oil Pollution Act
ORMA - Ocean Recreation Management Area, State of Hawai'i
ORRT - Oceania Regional Response Team
RCP - Regional Contingency Plan
RM - Research and Monitoring (Action Plan)
RRT - Regional Response Team
SAC - Sanctuary Advisory Council
USCG - U.S. Coast Guard
USFWS - U.S. Fish and Wildlife Service





