Meeting Notes – 2/23/2012 MMAC Initial Business Meeting
Fiesta Resort, Garapan, Saipan

In Attendance:

FWS	NOAA	CNMI	USN
Susan White	Lisa Croft	Dr. John Joyner	RADM Bushong
Debra Coffel	Heidi Hirsh	Benigno Sablan	John Heckman
Laura Beauregard	Steve McKagen	Arnold Palacios	

USCG	DOI
LCDR Morgan Roper	Jeff Schorr

The goals of the meeting were for the MMAC members to meet each other for the first time and to begin discussing their respective roles and responsibilities associated with the Marianas Trench Marine National Monument.

Agenda:

1. Welcome and Roundtable Introductions
2. Presidential Proclamation Overview
3. Management Agencies Introductions
4. Presidential Proclamation direction to MMAC
5. MMAC Member Introductions
6. MMAC Member Organization and Procedures
7. Mariana Trench Monument Management Plan (MTMMP) preparation
8. Management Plan Scoping
9. Next Steps

Action Items:

1. Complete meeting notes and send to all attendees in 1 week – **Debra**
2. Draft 1 page summary of progress, next steps and timeline from MMAC meeting – **Debra**
3. Official inaugural MMAC meeting proposed for June 5-7, 2012 to be held in CNMI – **All to confirm availability**
4. Teleconference with MMAC members set for March 23rd at 9:00 a.m., (ChST) and March 22nd at1:00 p.m. (HST) to discuss the results of the public scoping meetings and updates on the MMP. NOAA will host the teleconference and set the call-in number to be emailed to all participants – **Heidi**
5. Public comments from the Feb 2012 scoping meetings will be posted on the website www.regulations.gov. – **Heidi.**
6. The wilderness review process will be emailed to all members – **Laura**

Meeting Notes: [Items of agreement are underlined in text.]

1. Introductions
2. Susan White announced that Arnold Palacios' appointment to the MMAC was approved by the Dept. of Interior's and the appointment is in the approval process by the Dept. of Commerce.
3. Presidential Proclamation overview presented by Debra Coffel.
    a. Several questions and comments were raised during the presentation by CNMI members Ben Sablan, Dr. Joyner, and Arnold Palacios.
        i. Inquiry on continuity of the MMAC representatives, especially with rotation of DoD and the USCG personnel approximately every 2 years. ADM Bushong and LCDR Roper relayed both agencies were committed to continuity of representation.
        ii. Inquiry on the President's authority to establish the monument under the Antiquities Act, especially in regard to marine areas vs. lands. Discussion on the politics of the MNM designation. White explained the authority under the Act and it makes no distinction between emergent lands and submerged lands and water.
        iii. Inquiry on whether there are treaties with other nations regarding fishing in the waters surrounding the monument. Lisa Croft explained she was not aware of such treaties existed and committed to research and follow-up with MMAC. Heidi checked with PIRO/NMFS International Division and they are not aware of any such treaties.
        iv. Inquiry if there a plan to cover mineral excavation in the MNM and would CNMI be able to share in revenues like in refuges in Alaska? White responded by stating the Proclamation does not specify authorization or consideration of commercial mineral extraction, but is explicit on prohibitions. She added that this issue would be one to explain and consider in the MTMMP.
        v. Inquiry of Interior Secretarial designation as National Wildlife Refuges, and "co-management". White discussed the belief of the FWS that the congressional direction is that refuges are responsibility of FWS but working closely with partners, states, territories, etc.
        vi. Affirmation that the Proclamation doesn't affect commercial fishing in the Volcanic and Trench Units.
        vii. Affirmation that nothing in the Proclamation diminishes or enlarges the jurisdiction of CNMI.
    b. Joyner and Sablan introduced concern that the federal partners be sensitive to their culture and heritage and recommended that the MTMMP address cultural heritage, archeology and any artifacts found. White affirmed federal recognition and respect for local culture and heritage, the desire to learn from CNMI representatives, and relayed an appreciation for how Pacific Islanders have traditionally manage natural marine resources.
    c. After many questions and discussion this presentation was truncated in order to address concerns raised. The attendees then agreed to disregard the current agenda and have roundtable type of discussion for the rest of the meeting.

4. After a brief break, the meeting reconvened with White providing an explanation of the MMAC as an intergovernmental coordinating body on the continuum of what 'advisory councils' may be. An example at the other end of the continuum would be a council that is made up of individuals who are representing specific public stakeholders, or individuals representing some other general (non-governmental) public. The following questions and issues were raised:

    a. Joyner and Sablan inquired about how consultation with CNMI differs from the MMAC. Is the MMAC the only relationship with CNMI or is CNMI consultation in addition to the MMAC? Croft and White responded that we work closely government to government, to best complement each other. The MMAC is a tool in our communications and how we work together and that FWS and NMFS intend to also have close, non-MMAC coordination with CNMI agencies on MNM issues and management.
    b. Sablan inquired about drafting federal rules and regulations for the MNM, requesting they be shared with MMAC. White affirmed they would be, and explained the hope that MMAC (and staffs) would be involved in developing or reviewing them along with the MTMMP.
    c. Palacios asked if there was an advisory council within Hawaii to manage its monument. White and Croft explained the different Papahānaumokuākea processes, and because prior to the Hawaii Proclamation there were pre-existing protected areas and advisory councils had already been established. <u>Croft added that she would provide Palacios with the link to the appropriate website for the advisory council the NWHI uses, which was sent 3/13/12</u>.
    d. Palacios inquired about the science plan portion of the MTMMP, remarking that it needs to be an integral to the MMP and MMAC should be involved. White and Croft explained that the Science Plan and MTMMP would be parallel processes, but that the science plan could be included in the MTMMP as an appendix.
    e. Sablan inquired on the role of National Wildlife Refuge System vs. the Islands Unit and how their management differs. White explained the Trench and Volcanic Units are managed as units of the NWRS, and the Islands Unit will be managed per the Proclamation direction and as we develop and indicated in the MTMMP.
        i. Palacios inquired if FWS has management authority over fishing above the Refuges of the Trench and Volcanic Units. White replied the FWS does not, per the Proclamation.
    f. Inquiry on how MMAC agencies would coordinate with Managers (FWS and NOAA) on plan development. Discussion on appropriate levels of coordination and consultation.
        i. Palacios commented that he, Sablan and Joyner should represent the CNMI government, as well as other CNMI agencies in developing plans
        ii. Hirsh explained the intention to work with the local government staff directly and not use the MMAC as a funnel, and that we would keep

the MMAC informed and continue to consult them for their expertise, advice and recommendations.

iii. Bushong and Roper added that they want to be included in all phases of the planning from the beginning in order to address applicable concerns and provide adequate intelligence information.

iv. MMAC and Mangers agreed staff would work on MTMMP development and MMAC members would be briefed on progress through MMAC meetings

g. Sablan asked the USCG if they would be more active and prevalent in the monument law enforcement.

   i. Roper replied that their response is based on current intelligence information received from CNMI and others. USCG also uses modern technology such as satellite imagery and vessel monitoring systems.

h. Sablan remarked to NOAA that he didn't want to see scientists use the "best available science" data, indicating that the data might not be current and that statistics change. NOAA commented that the monument management would be based on sound science and thus the reason the science plan is being developed simultaneously with MTMMP.

i. Bushong inquired "What does it mean to manage the monument and will the MMAC go away once the MMP is complete?"

   i. White explained the process for developing the MTMMP, managing the monument as a marine protected area, and responded that once the MMP is complete, the existence of the MMAC will be reassessed by FWS and NOAA.

j. Bushong further questioned the existence of a wildlife refuge in the water, and especially so deep. He commented about the refuge in Guam inhibits DOD activities and inquired how DOD is affected in the MNM. White explained requirements of the National Wildlife Refuge System to conserve ecosystems of the USA and that wildlife includes any animal in a wild, unconfined state, and that each refuge has its own purpose and designation documentation which also dictates how it is to be managed. She explained the President exempted DOD activities from the prohibitions of the Proclamation, but provided guidance for DOD to ensure proclamation consistency.

k. Following the roundtable discussions, the group returned to the original agenda and White, Croft, Hirsh, Sablan, Joyner, Roper, and Bushong provided a brief presentation on their agency in relation to the MMAC and their governmental responsibilities, interests, and initial recommendations.

l. Steve McKagen inquired if the MMAC would coordinate with groups such as the Friends of the Trench Monument, or if it was necessary to brief the MMAC on FWS-NMFS coordination or discussions with them.

i. White responded that the MMAC-FWS-NMFS was an intergovernmental body for coordination. The MMAC is government to government, and does not hold the responsibility for being a conduit for public involvement in the MNM management. For example, FWS-NMFS are holding Scoping meetings directly with the public for the MTMMP. Likewise, refuges in the US often have cooperative agreements with public "friends groups" as well as other non-governmental organizations, local governments, etc.; and having such multiple public-involvement conduits, in addition to the unique MMAC governmental relationship is possible for the MNM too.

5. Following the presentations and lunch, the roundtable discussions continued. The following questions and issues were addressed:

   a. Roper commented further on an earlier issue of continuity and commitment on the part of DOD and USCG stating that any replacements to the MMAC council will shadow and overlap the current member before taking over the position.

   b. Sablan asked for clarification regarding commercial fishing in the Volcanic unit that is within the islands unit of the Monument.
      <u>This topic was tabled pending further discussion and interpretation by NOAA Fisheries GC and Heidi will get that information back to the MMAC</u>.

   c. Sablan posed a question to FWS about endangered species on Farallon de Medinilla and whether or not DoD is allowed to bomb or shoot the MNM.
      i. Bushong explained DOD's activities on Farallon de Medinilla.
      ii. DoD's activities within the monument were explained by White per the proclamation which states: the Proclamation shall not prohibit activities and exercises of the Armed Forces (including those carried out by the US Coast Guard). The Armed Forces shall ensure that its vessels and aircraft act in a manner consistent with this proclamation. In the event of threatened or actual destruction of, loss of, or injury to a monument living marine resource resulting from an incident caused by a component of the DoD, the cognizant component shall promptly coordinate with the Secretaries, as appropriate, for the purpose of taking necessary actions to respond to and mitigate any harm, and, if possible, restore or replace the monument resource or quality.

6. Just after 3:00 pm White inquired of MMAC members how they wished to communicate with each other and with the managing agencies. Croft further queried what do members see as the MMAC's vision of co-management and what next steps do they wish to complete.

a. Palacios relayed CNMI's request that FWS appropriately fund the MTMNM and the MMAC, and inquired to whom he should send this request. White indicated Hawaiian and Pacific Islands Refuge Supervisor was an appropriate person.

b. Sablan asked for clarification on what the MMAC represents, who will staff it, and how often are they expected meet.
    i. Discussion on the limited resources and budget of the agencies and the use of technology to meet informally through video and teleconferencing, which was acknowledged by all. White explained that without NOAA's financial capability, FWS wouldn't have funding for meetings on smaller islands and the MTMMP would not have been initiated for at least another year.
    ii. Roper asked the members what they see as next steps in order to keep moving forward. Discussion followed. The following items were determined as next steps:
        1. MMAC organization
        2. Have all questions from this meeting answered prior to the next meeting.
        3. NOAA has staff on island to assist with continuing work
        4. Communicate through email to MMAC.
        5. Schedule a monthly call.
        6. Recommend a "communique" or "statement of understanding" to come out of this meeting. Example may include: the members agreed and confirmed each member's roles are; identified key areas from the proclamation. These were only introduced as ideas and not agreed upon.
    iii. Palacios urged, to the maximum extent possible, to have MMAC meetings in CNMI.

c. On the discussion on "next steps", Palacios inquired on management of the monument, relaying CNMI desire to have "co-management" responsibilities for the Islands Unit.
    i. White suggested cooperative management for the Islands Unit might be tied to any authority granted to CNMI by Congress as a result of current discussions on the territorial submerged lands bill. Palacios suggested that if the transfer of 3 nautical miles to CNMI was made, he would advocate for marine reserve protection be extended into the waters around the Islands Unit islands. White and Palacios further discussed possibilities for coordination of management toward agreed upon goals, especially if developed in the MTMMP.
    ii. Croft suggested tabling this discussion in order to understand definitions and how each sees or defines "co-management" for the next meeting when there was sufficient time to thoroughly discuss the subject to all MMAC members satisfaction.

iii. It was agreed to continue the discussion separate from this MMAC meeting as it was late in the day

7. Inaugural MMAC meeting proposed and discussed.

    a. It was agreed that the first meeting will be held in Saipan with proposed dates of June 5-7, 2012, and all participants would confirm availability for these dates.

    b. The next meeting will be a teleconference to be held on March 22nd at 1:00 pm HST (March 23rd, 9:00am Saipan time). NOAA will host the call and will provide the call-in number at a later date.

    c. During the next conference call, the MMAC members will develop a proposed meeting agenda for the next face-to-face meeting.

8. All agreed that once public comments have been received from the scoping meetings they will be distributed via a brief summary that will be made available to the MMAC and the public.

9. As a final item, White introduced that FWS is undertaking a wilderness review process in accordance with FWS policy.
    a. Laura Beauregard will distribute the wilderness review process to all members following the meeting and FWS available to answer questions and receive any comments from MMAC members.

    b. Croft commented for the record that NOAA Fisheries is against the designation of wilderness in the MNMM and is willing to share the letter they submitted to FWS during the comment period with the MMAC.

10. Information was provided for the harbor cruise to which the MMAC was invited, and hosted by Sablan.

The meeting was concluded by Susan White and Lisa Croft at approx. 4:30 pm.