

WEST HAWAI'I FISHERIES COUNCIL

OPERATIONAL PRACTICES & PROCEDURES

App. 10/11/2000. Rev/ 5/22/2003, Rev. 7/15/2004 and Rev. 6/16/2005

BACKGROUND

The Nineteenth State Legislature (1998) passed Act 306 which establishes the West Hawai'i Regional Fishery Management Area under the Department of Land and Natural Resources (DLNR), Aquatic Resources (DAR), Boating and Ocean Recreation (DOBOR) and Conservation and Resources Enforcement (DOCARE). This area encompasses the nearshore waters from Upolu Point (North Kohala) to Ka Lae (Ka'u) but excludes the Kawaihae Commercial harbor.

GOALS

The State of Hawai'i acknowledges that regional coastal management is a valuable and effective approach to sustain and enhance nearshore marine resources and reduce conflict over competing uses. Furthermore, substantive involvement of the community in resource management decisions for West Hawaii is deemed both desirable and necessary.

To accomplish the above goals, the West Hawai'i Fisheries Council (WHFC) was created in June 1998, drawing on members and work previously accomplished by the West Hawaii Reef Fish Working Group. In order to accomplish the management tasks, the DLNR has empowered the Council to serve as the primary source for formulating and recommending West Hawai'i management actions to the DLNR. These recommendations, consistent with the rule making authority of the Department, will further the goals of the West Hawai'i Regional Fishery Management Area, namely:

1. Effective management of fishery activities to ensure sustainability.
2. Enhancement of nearshore marine resources.
3. Minimization of conflict over resource use.

SHARED EXPECTATIONS FOR CONSTRUCTIVE ENGAGEMENT See attached Covenant.

COUNCIL COMPOSITION

The WHFC will consist of 25 members plus non-voting advisors.

- A. Voting Members. The Council shall consist of members representing a broad spectrum of community interests, user groups and geographic locale. Numbers and orientation of members should fairly represent the stakeholder community.

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- B. Non-Voting Advisory Members (Ex-officio). The non-voting members of the Council shall be, including but not limited to, the following:

DAR West Hawaii Biologist

DOBOR Representative

DOCARE Representative

UH Sea Grant Extension Service (UHSGES) West Hawaii Extension Agent

Governor's Liaison

Hawaii County Representative for HIHWNM Sanctuary Advisory council (SAC)

National Park Service

OHA Representative

COUNCIL MEMBERSHIP

Membership on the WHFC is open to all interested community members with experience in the marine environment or with issues concerning fishery management.

- A. Responsibility: Council members must recognize that the success of community-based management lies in the exchange of information between stakeholders and decision-makers. All members are expected to act as liaisons with the community and bring pertinent concerns and matters to the Council and to the Community. The Council shall take action to identify existing council members, their regions and interests, to the public. No members of the Council may use their membership in the West Hawai'i Fisheries Council to advance their personal agenda. When circumstances dictate, members are to show their support of the Chairperson with respect to meeting conduct and procedures.
- B. Application. New members of the Council will be added by means of written application, interviews and vote of the Council. The application form should be broad enough to include a broad spectrum of resource users. Applicants must be interested in the stewardship of West Hawai'i marine ecosystems. The candidate must demonstrate the ability and willingness to work cooperatively in a group setting. Notices of invitation to apply for WHFC membership will be widely disseminated (advertised in local newspapers). Membership will be decided by written ballot of the Council to balance stakeholder and geographic representation (based on objective criteria).
- C. Term. Term of membership shall be two years with a two-term limit or four years. A member may continue for another two-year term upon affirmation of their intent to do so and by vote of the Council, beginning on the date of the adoption of these revisions, July 15, 2004.

D. Alternates & Proxies. Members are expected to attend all Council meetings. If the council member cannot attend a meeting, the member is responsible for recruiting a substitute in his/her place for the designated meeting. A substitute can be obtained in two ways:

1. An Alternate: The alternate must be identified and the name conveyed to the Council Chairperson prior to the meeting date. The Council member is responsible for fully briefing the alternate on issues to be discussed at the meeting. Alternates have full voting privileges in the absence of the Council member they represent.
2. A Proxy: Another member of the Council can be chosen to represent the non-attending member(s). This proxy may have multiple votes, one for his/her own Council seat and one each for the non-attending member(s) the person represents.

E. Removal.

1. Failure to attend or provide an alternate or proxy for three meetings during a term is grounds for removal.
2. Any member can be removed by two-thirds vote of the voting Council members present.

F. Executive Committee.

1. Shall be comprised of Chairperson(s), representative from DAR, UHSGES, Governor's Liaison, and including but not limited to ex-officio representatives.
2. Grievance Procedure: A person(s) with a grievance can write to the Chairperson explaining his/her grievance. The Executive Committee will review the grievance and try to resolve it directly with the person(s) filing it. In the event that the grievance cannot be resolved, the person(s) with the grievance has the option to have it put on the agenda of the next Council meeting. At the meeting, the grievance will be presented to the Council for discussion and resolution.
3. Responsibilities:
 - a. Schedule meetings as often as necessary to accomplish Council's goals.
 - b. Review minutes of previous meeting.
 - c. Prepare meeting agenda
 - d. Establish and maintain communication and collaboration

G. Chairpersons

1. Selection

- a. Selection of one of three Council chairpersons shall take place at the regular meeting following the annual membership retreat.
- b. Selection of Council Chairperson(s) is by a majority vote of Council members present at a meeting.

2. Terms

- a. Each Chairperson may serve a three (3) year term beginning when new members are elected.
- b. The longest standing chairperson will stand down first and that seat shall be filled by the newly elected chairperson (see section 1a. Selection above).

3. Responsibilities

- a. Maintain control of the meeting
- b. Ensure the Council's agenda is given highest priority.
- c. Additional items may be added to the agenda subject to Council approval however no decision-making may occur at that meeting on any items added to the agenda at that meeting.
- d. May invoke a three-minute speech time limit when warranted.
- e. Has authority to request uncooperative members, alternates and/or visitors to dismiss themselves from the meeting room.
- f. Maintain correspondence for the Council. On time sensitive matters, the Council may be canvassed by email for their concurrence regarding content of and to make comments on outgoing correspondence.
- g. Any recommendation given by the Council to any official or unofficial agency shall be reviewed by the entire Council for approval before it is submitted to that agency.

H. Subcommittees:

1. Shall be established by the Executive committee and/or the West Hawai'i Fisheries Council.
2. Chair is to be selected by the subcommittee members.
 - a. Shall report the results of committee work to the Council
 - b. Shall select a facilitator and recorder from the subcommittee, if necessary, to aid in reporting.

3. Shall gather relevant information on issue.
4. Shall solicit stakeholder input.
5. Analyze information and develop options.
6. Make regular status reports at council meetings.
7. Present options to the Council.

COUNCIL MEETINGS

- A. Frequency. The Council shall meet as often as necessary to accomplish its goals.
- B. Duration. Effort will be made to keep meetings approximately two hours in length but the time may vary according to the agenda.
- C. Location. Council meetings will be held at locations within West Hawai'i.
- D. Notification. Council members will be notified in advance as to the date, time and location of the meeting. Notices to the general public will not be issued, as the meetings of the WHFC are considered planning/working group sessions.
- E. Public Attendance. Members of the public are welcome to attend Council meetings. Visitors who wish to address the council may do so at the appropriate time set by the meeting agenda.
- F. Meeting Process. Meeting do not follow Robert's Rules of Order and may be conducted as follows:
 1. Roll call
 2. Opening Pule
 3. Agenda approved
 4. Minutes approved
 5. Decision-making
 - a) Quorum. A majority of the voting members of the Council shall constitute a quorum for council meetings.
 - b) Voting. Decision by consensus is permitted. If clear consensus cannot be reached, a 2/3 vote of voting members present shall be required to adopt any decision or recommendation. A Council member may request a written vote. Disagreement with Council's decision is to be expected, but it is also expected that Council members will respect the integrity of the decision-making process.
 - c) Minority Opinion. Council member(s) who do not prevail on a motion have the option to prepare a minority opinion and have it appended to the official record of that meeting.

6. Each Council meeting shall be recorded. Summary minutes will be made available to the Council members prior to the next meeting. Significant contents of the minutes shall include:
 - a) Date, venue, time started.
 - b) Members/Alternates/Proxies present/absent
 - c) List of attending visitors
 - d) The Agenda
 - e) Council's action on the issue/topic listed on the agenda.
 - f) Other material deemed important by the Council.
 - g) Council member assignments (reading material, etc.)
 - h) Next meeting date, venue, time, and agenda
 - i) Time of adjournment

TRADITIONAL AND CUSTOMARY RIGHTS

The WHFC recognizes traditional and customary rights with regard to marine resources for subsistence, cultural and religious purposes. Claims of traditional and customary rights will be decided by appropriate agencies, following the guidelines set forth as in the PASH and subsequent court decisions.

ADMINISTRATION OF FUNDING AND/OR GRANTS

After conferring with the Council on proposals, the Principal Investigator will determine the procedure by which the funding will be administered and report on same.

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