

**Western
Pacific
Regional
Fishery
Management
Council**

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VIA E-MAIL AND POSTAL MAIL

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**Re: Draft Programmatic Environmental Impact Statement for Hawaiian Monk Seal
Recovery Actions (RIN 0648-XZ21)**

Dear Jeff:

The Western Pacific Regional Fishery Management Council (the Council) appreciates this opportunity to provide comments to the National Marine Fisheries Service (NMFS) on Draft Programmatic Environmental Impact Statement for Hawaiian Monk Seal Recovery Actions¹. Council staff contributed to the 2007 version of the Recovery Plan and continue to be members of the Hawaiian Monk Seal Recovery Team. In light of the continued decline of the Hawaiian monk seal population and the statutory requirements under the Endangered Species Act to recover the species, the Council understands the need to complete the PEIS at this time and is in general support of the draft PEIS. However, as witnessed by the significant media coverage and large numbers of participation in the public hearings, the PEIS process and the concurrent critical habitat revision highlighted the controversy surrounding the increasing monk seal population in the Main Hawaiian Islands (MHI). The Council therefore urges NMFS to continue engaging with the public in implementing monk seal recovery actions, and ensure that impacts to affected communities are minimized.

The Council offers specific comments on the translocation and behavior modification components of the preferred alternative, impacts to commercial fishing, as well as one of the alternatives not carried forward for analysis. We also noted that Table 4.4-6 in Section 4.4.3 in the draft PEIS summarizing the criteria used to evaluate effects on the alternatives is missing the criteria for recreation and tourism, as referenced in Section 4.9.3.

¹ See 76 Fed. Reg. 51945 (August 19, 2011).

Translocation of Hawaiian Monk Seals

The continued decline of the Hawaiian monk seals in the fully-protected Northwestern Hawaiian Islands (NWHI) and the steady increase of monk seals in the highly-developed MHI presents the 'conundrum' of this endangered species. The recovery of monk seals is unlikely without reversing the trend in the NWHI, yet the solution to the conundrum appears to be elusive.

The Council received a presentation on the draft PEIS at the June meeting of the Scientific and Statistical Committee (SSC). In the discussion, you acknowledged that the proposal to temporarily translocate monk seal pups from NWHI to MHI is an act of desperation after having exhausted possible options to reverse the declining trend in the NWHI population. It was also acknowledged, and the SSC understood, that the translocation will not by itself reverse the declining population trajectory in the NWHI and at best would slow the decline.

Should NMFS decide to proceed with the preferred alternative, the Council request that NMFS first examine the effectiveness of relocating existing 3-year old juveniles from the MHI to NWHI. This option is included in Alternative 3 and Alternative 4, but it is not clear in the draft PEIS whether such examination will be required before the implementation of the two-stage translocation program. A recent synthesis of monk seal translocations² suggests that weaned pups are most amenable to translocation, but very few cases exist to examine whether returning juvenile monk seals back to NWHI would be successful. This limitation is also noted in the proposed translocation plan which is included in the draft PEIS as Appendix E. It is possible that translocated monk seals that learn to forage in the MHI will develop foraging strategies that are disadvantageous in the NWHI, considering prey limitations coupled with intra- and inter-specific competition in the NWHI. The returned seals may also survive for a period of time, but may not contribute to the reproductive population in the NWHI for a number of possible reasons. Without testing the translocation of 3-year old seals from the MHI to NWHI, the translocation program could go on for three or more years with dozens of seals removed from the NWHI before the success of the return trip can be reassured.

Further, the Council urges NMFS to include community consultations and socioeconomic factors in the translocation decision framework as presented in Appendix E of the draft PEIS. The framework as proposed focuses on monk seal survival from environmental and demographic factors, and excludes conditions of the human environment from the decision tree. In particular, the selection of translocation sites in the MHI for weaned pups is a critical step that should require community consultation and support prior to the seals being moved. NMFS noted in their presentations at town hall meetings and public hearings that community support is a key component to the two-step translocation program. The Council agrees with this view and argues that it be built into the decision framework to ensure that affected communities are involved in the process.

Behavior Modification

The Council believes that the behavior modification program will be a necessary component for the future of Hawaiian monk seals in the MHI regardless of whether the two-step translocation program is implemented. The monk seal population in the MHI is naturally increasing, and the frequency of interactions between people and monk seals is likely to increase accordingly. Given this baseline condition, NMFS may consider reevaluating effects of the lack of behavior modification in

² Baker, J.D., B.L. Becker, T.A. Wurth, T.C. Johanos, C.L. Littnan, J.R. Henderson. 2011. Translocation as a tool for conservation of the Hawaiian monk seal. *Biological Conservation*, 144(11): 2692-2701.

alternative 2 (no action). If the behavior modification program is to have any benefit, then the lack of such program would likely present a negative impact to the human environment.

If NMFS proceeds with the implementation of the two-step translocation plan, NMFS should make sure that viable behavior modification methods have been developed and are ready to be implemented by the time the first translocation occurs. This will ensure that any negative interactions between people and the translocated seals can be mitigated, and any direct effects from the translocated seals will remain negligible as suggested by the draft PEIS.

Impacts to Commercial Fisheries

The draft PEIS analyzed the impacts of the alternatives on commercial fisheries, and concluded that the alternatives are not likely to result in direct effects on commercial fishing but may have indirect effects if an alternative results in a change of Hawaiian monk seal population in the MHI and in turn affects the commercial catch. However, any effects of the monk seal population on the commercial catch are considered negligible in the analysis for all alternatives. We offer alternative explanations to the data presented in the analysis, and suggest that the impacts may be greater than predicted in the analysis.

NMFS argues that there appears to be no relationship between changes in commercial catch and Hawaiian monk seal population in the MHI, based on commercial catch data in the MHI within 100 fathom bathyline for the period of 2000-2010 (p.4-129). However, impacts to commercial fisheries from interactions with Hawaiian monk seals may not appear in the form of landings, but instead may be realized in terms of increased fuel cost and trip length to compensate for any depredation events.

Moreover, in analyzing the effects of alternative 3 and 4 on commercial fishing, NMFS concluded that 60 translocated juvenile seals in the MHI at any given time could potentially consume 164,000 to 438,000 pounds of fish annually³. NMFS further noted that this constitutes only a 0.6% to 1.6% of annual commercial catch⁴ in the MHI. However, as noted elsewhere in the discussion of effects on commercial fisheries in the draft PEIS, monk seal prey typically do not include pelagic species. Therefore, the annual consumption of monk seals should be compared strictly with non-pelagic commercial fisheries landings, which was approximately 4.8% of the total commercial catch in 2009, or 1.3 million pounds. In this respect, the estimated amount annually consumed by 60 juvenile monk seals equals to 12% to 34% of the annual non-pelagic commercial catch. With the worst case scenario, this may translate to a major impact of more than 10% decrease in quantity and/or value of commercial landings.

Further, the MHI bottomfish fishery is operating under a quota of 325,000 pounds in 2011, meaning that 60 juvenile monk seals could consume equal amount or more fish caught in the bottomfish fishery. While monk seals are foraging generalists and do not feed on one particular species, the potential impact of 60 juvenile monk seals in addition to the baseline of approximately 150 seals already in the MHI creates reasonable concern for fishermen. The increasing presence of monk seals also appear to be creating a perception of inequity among bottomfish fishermen, as the

³ This analysis is based on the assumption that a juvenile monk seal may weigh approximately 250 pounds and consume between 2,738 and 7,300 pounds of fish, cephalopod, and crustacean biomass annually.

⁴ NMFS used the total commercial catch for 2009 of approximately 27 million pounds, which includes pelagic, coral reef, bottomfish, precious coral, and crustacean fisheries.

fishery has been under strict management regime since 2007 to address concerns about the stock. The fishery operated under the fleet-wide total allowable catch (TAC) for the 2007-2010 fishing years with the quota (178,000-254,050 pounds) reached within 6-8 months of the season's opening, and now under the annual catch limit (ACL) since the current season opened on September 1, 2011. The Council therefore requests NMFS to continue engaging with the fishing community to alleviate any concerns regarding the impacts of recovery activities and to mitigate impacts, if necessary, through behavior modification or other means.

Alternative Not Carried Forward for Analysis (Reduction of Competition and Predation in NWHI)

NMFS considered the proposal to reduce populations of large predatory fish in the NWHI as a way to increase the survival of Hawaiian monk seals. However, this alternative was not carried forward for analysis given the "lack of sufficient information on NWHI food web dynamics to reliably predict whether predator reduction would be an effective method for improving juvenile monk seal survival without unintended consequences." Given that it is widely acknowledged that prey limitation is the primary cause of poor juvenile survival in the NWHI, and that inter-specific competition is a likely contributor, the Council encourages NMFS to continue examining this hypothesis. NMFS should therefore work with fisheries biologists and ecosystem modelers to determine potential ecosystem effects from removing some predator populations in the NWHI, and if such effects are acceptable levels, proceed to carry out the alternative.

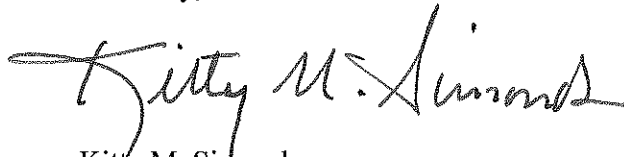
Conclusions

The Council recognizes the conundrum of the Hawaiian monk seal and the challenge faced in the recovery of the species. While the Council is in general support of the draft PEIS, we recommend that NMFS proceed with caution to ensure support from the affected communities and to mitigate any resulting impacts. The Council also notes that NMFS may have underestimated the potential effects on commercial fisheries, and requests that NMFS take into account these comments in preparing the final PEIS.

Lastly, the Council is ready to assist NMFS with the preparation of the final PEIS by facilitating access to Council advisors and Council staff who may have specialist scientific, local and traditional ecological knowledge of use to the authors of the document.

Please feel free to contact Asuka Ishizaki, Protected Species Coordinator at (808) 522-8224 if you have any questions concerning the comments.

Sincerely,



Kitty M. Simonds
Executive Director

Cc: Michael Tosatto, Regional Administrator, NMFS Pacific Islands Regional Office