



## Hawaiian Islands Humpback Whale National Marine Sanctuary

20 February 2009

### NON-GOVERNMENT (Voting)

Jim Coon  
*Business and Commerce*

David Hoffman  
*Citizen-At-Large*

Dale Hazlehurst  
*Commercial Shipping*

Louis M. Herman, Ph.D.  
*Conservation*

Liz Kumabe  
*Education*

Robert Bruck  
*Fishing*

Luana Howell  
*Hawai'i County*

William A. Friedl  
*Honolulu County*

James Yamamoto  
*Kaua'i County*

Cheryl Sterling  
*Maui County*

Pohai Kirkland  
*Native Hawaiian*

Teri Leicher  
*Ocean Recreation*

Adam Paek, Ph.D.  
*Research*

Michael Stanton  
*Tourism*

Reginald A. White  
*Whale Watching*

### GOVERNMENT

Marnie Meyer  
*DBEDT - OP*

Elizabeth Corbin  
*DBEDT Ocean Resources*

Athline M. Clark  
*DLNR - DAR*

Vacant  
*DOH*

Dean Watase  
*DOT - Harbors*

Gene Brighthouse  
*Fagatele Bay NMS*

Jerry B. Norris  
*OHA-Voting*

Jeff Pollack  
*NMFS - Law Enforcement*

Lisa Van Atta  
*NMFS - PIRO*

Aulani Wilhelm  
*Papahānaumokuākea MNM*

Eric Kingma  
*WESPAC-Voting*

Cindy Barger  
*US ACOE*

Eric Roberts  
*US Coast Guard*

Rebecca Hommon  
*US Navy*

Mr. Michael D. Formby  
Deputy Director, Department of Transportation Harbors Division  
79 South Nimitz Highway  
Honolulu, HI 96813  
Fax: (808) 587-3652

Dear Mr. Formby:

The Hawaiian Islands Humpback Whale National Marine Sanctuary is dedicated to the protection of a unique resource: the Central Pacific population of humpback whales and their habitat in the main Hawaiian Islands. This habitat seasonally harbors the greatest and most accessible assemblage of great whales anywhere on earth.

We would like to take this opportunity to comment on the Draft Statewide Large-Capacity Ferry Environmental Impact Statement. Specifically, large-capacity ferry operations within the Hawaiian Islands Humpback Whale National Marine Sanctuary.

Appendix D of the subject Draft EIS, titled "Potential Impact of a Large Capacity Ferry ("Ferry," for short) on Marine Mammals in Hawaii," notes the following:

- a. It is improbable, given the low noise characteristics of the ferry and known whale social behaviors and traveling speeds, that a whale can detect a large capacity ferry traveling at 37 kn in sufficient time to avoid the vessel. Further, because of habituation of the whales to boat noise it should not be assumed that a whale in the direct path of even a slow moving vessel would necessarily dive.
- b. Mortality is highly likely (almost 100%) if a whale is struck by the ferry moving at speeds of 35 kn or greater. At 15 kn, mortality probability is reduced to 79% and at 8.6 kn it is 21%.
- c. The ferry has maintained speeds of 25 kn or less when routing through Sanctuary waters, as reported by onboard designated observers. The report recommends that the ferry continue to avoid passage through Sanctuary waters except for reasons of passenger safety and to reduce speed to less than 25 kn when such routing becomes necessary.

Given the information referenced above, we wish to state our support of the recommendations listed under item c.

This letter represents the request of the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council for your favorable consideration of our comments regarding the Draft Statewide Large-Capacity Ferry Environmental Impact Statement.

Sincerely,

William A. Friedl  
Advisory Council Chair  
Hawaiian Islands Humpback Whale  
National Marine Sanctuary Advisory Council

- cc: Katherine Kealoha, Director, Office of Environmental Quality Control  
Naomi McIntosh, Sanctuary Superintendent, HI Humpback Whale NMS (NOAA)  
Jeffrey Walters, Ph.D., Sanctuary Co-Manager, HI Humpback Whale NMS (Hawaii DLNR, DAR)