



Hawai'i Wildlife Fund

August 16, 2010

Hawaiian Islands Humpback Whale
National Marine Sanctuary
Management Plan Review Team

Aloha and mahalo for the opportunity to share my views,

I am submitting suggestions for the Management Plan on behalf of Hawai'i Wildlife Fund. As you are likely aware, last month I testified in support of Council Member Joanne Johnson's proposed resolution "URGING NOAA TO INCORPORATE ADDITIONAL MANAGEMENT PRIORITIES IN THE UPDATED HIHWNMS MANAGEMENT PLAN", which was passed by Maui County Council on July 23.

I formed the Support Our Sanctuary Coalition in 1992 after the Sanctuary was designated by Congress, waging an education campaign on its potential value, presenting more than 5000 signatures of support to then Governor Cayetano. We were instrumental in gaining the state's acceptance of the Sanctuary. As a former Chair of the Sanctuary Advisory Council, who left in disappointment due to the lack of any real progress within this Sanctuary due to a combination of many factors, including inadequate, incompetent and ineffective management and oppositional SAC relationships, I believe the Sanctuary has the opportunity now to finally realize its potential for the Hawaiian Islands with Maui nui at its heart.

We at HWF deeply appreciate Councilwoman Johnson's identification of the four priority areas in her Resolution, with a specific call-out on how the defunct Hawaiian Superferry had threatened aquatic resources. Whether there is a Sanctuary or not, these are critical issues that remain unresolved.

1.) Vessel Speed Limit and 2.) Development of a system for reporting and preventing vessel collisions

I testified several times about the impact of vessel traffic on marine life in the Superferry case. But it's not just high speed ferries that collide with whales; all sizes and types of vessels can. Collisions tend to be linked to vessel speed (speeds >10 kn). And when you couple speed with large size (>260 ft vessel length), speed kills.

I will present the synopsis of that issue here. With the current load of commercial and recreational vessel traffic in the Hawaiian Islands, whales are already struck every year. There are numerous references in the scientific literature that detail the threats of similar high speed ferries to whales, especially in the Canary Islands where sperm whales and pilot whales are found. In addition to humpback whales seasonally (from approximately September until as late as June), we also have sperm whales and pilot whales in Hawaiian waters, and their presence is not seasonal, but year-round. In Alaska's Glacier National Park, there are vessel speed and course restrictions to protect whales (13 kn and in whale waters, 10 kn) based on vessel length. Their Environmental Impact Statement begins: *"Increases in vessel traffic could result in increased whale/vessel collisions and whale mortality or injury could result from such collisions."*

David Laist (Senior Policy and Program Analyst of the Marine Mammal Commission ¹), et al., in their 2001 paper published in *Marine Mammal Science*, have documented that 2 of the top 5 whales involved in ship collisions are humpback and sperm whales among other key issues:

- Their paper evaluated more than 100 years of data on ship strikes to whales around the world and found that most severe and lethal injuries to whales were caused by vessels traveling 14 kn or more.
- Most severe and lethal whale injuries are caused by ships greater than or equal to 80m (~260 ft) in length.

¹The Marine Mammal Commission was created to provide independent oversight of the marine mammal conservation policies and programs being carried out by the federal regulatory agencies. The Commission is charged with developing, reviewing, and making recommendations on domestic and international actions and policies of all federal agencies with respect to marine mammal protection and conservation and with carrying out a research program.

- In 93% of confirmed ship strikes, the whale was not seen or surfaced in front of the vessel too quickly to be avoided.
- 80% of the confirmed humpback whale strandings that were caused by ship strikes were calves or juveniles – and this is for an area that does not include calving grounds like Hawai'i.
- Ship strikes of whales are underestimated and under-reported. Since this paper was published, reported ship strikes in Hawai'i have increased to 9 in one year. I hear about strikes every year in Hawaiian waters, yet don't see this number reflected in the NMFS reports due to inability to confirm collisions, etc.
- Ship/whale collisions not only injure whales, causing shattered jaws and skulls, massive hematomas, sliced off flukes, and multiple lacerations, they can kill them, and these collisions have harmed and even killed human passengers here in Hawai'i.

3.) Regulation of sewage discharge

The EPA is investigating the discharge of pollutants from Lahaina's wastewater injection wells into the nearshore waters of Kahekili, Ka'anapali (see attached letters). Yet when the County's Department of Wastewater Management was ordered to "...conduct sampling, monitoring and reporting... pursuant to section 308(a) of the Clean Water Act..." of these waters, Director Cheryl Okuma responded with a letter essentially challenging the EPA's authority to request such testing and referring the EPA to the Department of Health as the agency that should do this work.

Wastewater is making its way into the Sanctuary waters where whales are birthing, humans are recreating and gathering food, making a living and seeking spiritual renewal. Yet this issue has become a political football, bouncing between DOH and the county. Despite our Mayor's stated noble goal of 100% wastewater re-use, her administration has not made progress in this regard. We need this issue to be resolved and the Whale Sanctuary should help us resolve this problem.

4.) Assessment of Navy sonar impacts

Despite numerous incidents of whale deaths and strandings or near-strandings due to Navy Low and Mid Frequency Sonar usage, it is still in use today. In addition, the RIMPAC exercises are also conducted in the heart of the Whale Sanctuary, important fishing grounds and habitat rich with marinelife. The Navy must conduct an EIS and has declared it will do so. Since Maui County is the heart of the Hawaiian Whale Sanctuary, it is absolutely appropriate, in fact, it's our kuleana, to be the leader in this management review process.

In the early 90's, Maui County was integral as the leader in addressing key threats to the whales and identifying ways that the Whale Sanctuary could participate and coordinate our community's efforts. We as a community have grown considerably in the last 18 years since the Sanctuary's designation and are much more sophisticated and better informed in regards to the power and potential of this Sanctuary to assist us in maintaining and enhancing the vibrant health of our nearshore waters. We hope the Sanctuary management can match our community's level of dedication and love for our home and step up to support our marine environment in the way that it was designated to do.

Mahalo and aloha pumehana,



Hannah Bernard

President

Hawai'i Wildlife Fund