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Submitted via email to: hihwmanagementplan@noaa.gov

14 October 2010

Re: Review of Management Plan/ Regulations [75 FR 40759]

On behalf of the more than 10 million members and constituents of The Humane Society of the United States and the Whale and Dolphin Conservation Society, more than 48,000 of whom reside in Hawai'i, I am writing to provide comments on your management plan review. In announcing that it intends to review the management plan and regulations for the Hawaiian Island Humpback Whale National Marine Sanctuary (the Sanctuary), the Office of National Marine Sanctuaries (ONMS) has requested comments on issues for consideration in any revision of the plan.

While protection of humpback whales and their breeding habitat are prominent both in its name and the reason underlying its designation as a Sanctuary, the rich waters of the Sanctuary are key to the survival of a number of imperiled species. In its public presentation during the scoping process (ONMS 2010), the ONMS identified the possible expansion of protection for additional marine species, as one of the foci of the review. In a report to Hawai'i Governor Linda Lingle, the National Ocean Service and the state of Hawai'i Department of Land and Natural Resources identified a number of species of particular concern (NOS undated). While we believe that the Sanctuary should act to protect *all* marine species and habitats within its boundaries, we strongly support inclusion of additional protective measures for several of the most challenged of these species and their habitats. Each of these most vulnerable species and taxa will be briefly discussed below.

Spinner dolphins, as the NOS report documents, show affinity for specific islands and nearshore habitats. They face a variety of anthropogenic threats, with human disturbance among the greatest concerns (NOAA undated). Some of the bays and nearshore waters around the main Hawaiian Islands provide sheltered areas where they rest and care for their young. The NOS report acknowledges the disruption to

their rest that can occur during daylight ecotourism operations that allow swimmers to interact with these nocturnal feeders during what should be their resting hours. This sort of disruption can deplete energy reserves of the animals or cause them to abandon critical resting areas in favor of less desirable areas with fewer human interactions. Protecting this species and its vulnerable resting habitats is crucial to the persistence of these spinner dolphins and is a task that the Sanctuary should undertake as part of its mandate.

False killer whales have genetically distinct insular and pelagic stocks that reside in the nearshore and offshore waters of Hawai'i (NMFS 2010). These stocks are challenged by unsustainable levels of fisheries-related mortality and serious injury (*ibid.*). The National Marine Fisheries Service (NMFS) recently convened a take reduction team to recommend measures to reduce impacts from the longline fisheries. However, the take reduction team, of which the Humane Society of the U.S. is an appointed member, heard information that additional impacts may accrue from interactions with shortline and kaka line fisheries operating in their range, though data on these fisheries are sparse. The Sanctuary could be helpful in assisting the understanding of the operation of these fisheries within its waters. Recognition by the Sanctuary of the importance of its waters to this species can also help raise public awareness of false killer whales and their challenges to survival. False killer whales are also proposed for listing under the Endangered Species Act, and critical habitat may need to be designated for them in portions of the Sanctuary's waters (Olesin, *et al.*, 2010). The Sanctuary can assist in providing resources for documenting habitat use patterns and supporting greater protection of key habitat. False killer whales should be listed among the species protected under Sanctuary mandate

Hawaiian monk seals are a declining species (NMFS 2010). Much of their life is spent in the waters encompassed by the Sanctuary (NOS 2010, NMFS 2010). Their survival depends on coordinated protective efforts and broad public support for the species. It is important that the Sanctuary recognize the importance of high quality habitat for monk seals. Including monk seals, and protection of their habitat, in a mandate for action in the Sanctuary would greatly assist recovery efforts. A 2003, letter to the Sanctuary from the Hawaiian Monk Seal Recovery Team is included in documents in the NOS report. This letter recommended that the Sanctuary include monk seals among the species it protects. It is long past time that monk seals be added to the list of species to which management action and protection in the Sanctuary is extended.

The NOS report identifies a variety of threats to marine mammals and habitats that occur in the waters of the Sanctuary, including vessel collision, tourism operations, pollution and marine debris. For some, such as monk seals, additional threats include competition for prey resources and disease transmission. Broadening the scope of marine mammal

species protected by the Sanctuary will assist in addressing these threats to varied and often unique species that depend on the waters of the Sanctuary for their survival.

We also support inclusion of protection for the many turtle species using the nearshore and pelagic waters around the islands. These turtles rely on high quality habitat for foraging, nesting and breeding (NOS 2010). Among the long list of threats to which they are subjected, turtles are threatened by illegal harvest of turtles and their eggs, coastal development, fisheries interactions, predation by introduced species and disturbance of nesting females (*ibid.*). Adding them to the species protected by the Sanctuary will help promote coordinated effort to conserve them and protect their habitats.

To date, the Sanctuary has focused its efforts on protecting humpback whales, educating the public about the species and conservation efforts, and enforcing laws and regulations to protect them. It is laudable that the Sanctuary has also partnered with the state to support the conservation of others species, though this partnership is not part of its current mandate.

The NOS report states that efforts to expand programs to benefit other species are possible if additional resources are provided to the Sanctuary. We support the addition of other species. Adding other species under its management plan and efforts would appear to greatly enhance Sanctuary efforts to increase funding for their conservation. As one example, additional funding would assist the Sanctuary in expanding its humpback rescue and response program to benefit other species in its waters.

We strongly encourage the Sanctuary to expand its mission and mandate to include marine species other than humpbacks, and to protect the habitat important to these other species.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Sharon B. Young". The signature is written in a cursive style with a large, sweeping flourish at the end.

Sharon B. Young
Marine Issues Field Director
The Humane Society of the U.S.
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Resources Cited:

NMFS 2010. Draft U.S. Pacific Marine Mammal Stock Assessments:2010. Available at:
http://www.nmfs.noaa.gov/pr/pdfs/sars/po2010_draft.pdf

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<http://www.fpir.noaa.gov/Library/PRD/Spinner%20Dolphin/Potentialthreats.pdf>

NOS undated. Assessment of Additional Marine Resources for Possible Inclusion in the Hawaiian Islands Humpback Whale National Marine Sanctuary. Available at:
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Oleson, *et al.*, 2010. Oleson, E. M., C. H. Boggs, K. A. Forney, M. B. Hanson, D. R. Kobayashi, B. L. Taylor, P. R. Wade, and G. M. Ylitalo. 2010. Status review of Hawaiian insular false killer whales (*Pseudorca crassidens*) under the Endangered Species Act. U.S. Dep. Commer., NOAA Tech. Memo., NOAA-TM-NMFS-PIFSC-22, 140 p. + Appendices. Available at:
http://www.pifsc.noaa.gov/tech/NOAA_Tech_Memo_PIFSC_22.pdf

ONMS 2010. Public Scoping Meeting Presentation (August 10-26, 2010). Powerpoint presentation.