

From Greg Mau <greg_mau@yahoo.com>

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To hihwmanagementplan@noaa.gov

Subject Hawaiian Islands Humpback Whale National Marine Sanctuary Management Comments

Attachments Humpback Whale Sanctuary.docx

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To whom it may concern and the Management Plan Review Coordinator for the Hawaiian Islands Humpback Whale National Marine Sanctuary,

I would like to introduce myself and make some comments regarding the sanctuary and the upcoming management plan review as a concerned citizen who spends at least one day a week boating and fishing responsibly in the waters of the sanctuary. I have many friends, family members, and acquaintances who own boats, and a lot of us view the waters of the south shore of Oahu as our primary source of recreation. They have asked me to comment on their behalf, and we all will be glad to express similar concerns in person at the appropriate time. We all have the utmost respect for whales and other sea life and truly believe the whales can be protected by means and methods which need not infringe upon the recreation and rights of those of us who have grown up in the waters of the sanctuary.

Most of our collective concerns revolve around the potential for expanding the sanctuary and additional regulations governing those who are within its boundaries. Please consider the following points:

- 1) It is called the Hawaiian Islands Humpback Whale National Marine Sanctuary and intended to protect humpback whales. Other species of sea life should not be managed in what is supposed to be specifically a whale sanctuary.
- 2) The sanctuary is doing its job well and whales are recovering. No further action is needed. Why try to fix something that isn't broken? Just because an organization is doing well, does not mean it should expand and grow to become a bigger bureaucracy. In times of skyrocketing deficits, we should focus our efforts on smaller, locally managed areas – perhaps something based on the traditional Hawaiian ahupuaa – mountain to ocean – style of management. It should not be a top-down bureaucratic model where the federal government essentially dictates to the locals what they should do.
- 3) The state has sovereign rights over its waters (state waters extend out to three miles) and the federal government should not trump the state's rights and due process in establishing laws and regulations to manage its waters. Simply having the governor sign off on any new regulations is not due process. The legislature and the DLNR Board - with all its applicable public input - should provide input into any new proposals in state waters, e.g. fishing regulations, closed ocean activity areas, etc.
- 4) To my knowledge, fishing vessels have not had any issues with whales as they generally avoid them for self protection. Fishermen's rights should not be unfairly targeted amongst many other boaters in the sanctuary. Although I am not advocating such an idea, banning whale watching vessels would better prevent many whale-vessel interactions. If fishing boats are to be restricted, it would only be logical to also prohibit all other vessels within the sanctuary including sailboats, container ships, etc. As such a ban would severely impact the economy, it is clearly not a reasonable solution as there are effective alternative methods of preservation available.
- 5) When Governor Ben Cayetano approved the sanctuary, he purposely did not include all waters around the islands as he was unsure about how this "new" sanctuary model would work in Hawaii. Having proposals to ban certain ocean activities, e.g. fishing, in the sanctuary appears to confirm some of his concerns about the federal government essentially bypassing the state's sovereign right to manage its property.
- 6) Other species should not be added into the management consideration within the sanctuary as many are already adequately covered by other laws such as the Endangered Species Act and the Marine Mammal Protection Act. The state already makes it a felony to harm a monk seal which is more severe than the misdemeanor of the Endangered Species Act.
- 7) I understand the sanctuary boundaries were established based on scientific research on the areas of high whale concentrations. The boundaries should therefore not be expanded without significant scientific evidence that whale concentrations have changed.
- 8) The sanctuary is a species-based approach to manage the humpback whales. It's doing a great job and should not be expanded into an ecosystem-based approach. This should be left for the state to determine in the traditional ahupuaa – mountain to ocean – process.

Thank you very much for your time and consideration of this input. I truly hope there will be continued sensible management of the whales and activities within the sanctuary, and that your agency understands the potentially significant negative impact the wrong changes would have on many responsible and concerned Hawaii residents.

Sincerely,
Gregory Mau