Master File

23 March 2006

Mr. Peter Young, Chairman
State of Hawaii
Board of Land and Natural Resources
1151 Punchbowl St., Rm. 130
Honolulu, HI 96813

RE: Board of Land and Natural Resources; Reference for Friday meeting concerning NMFS application for permits in the State NWHI Marine Refuge

Dear Mr. Young:

The Marine Mammal Commission recently learned that the National Marine Fisheries Service is applying for permits to continue monk seal research and recovery activities in the recently designated Northwestern Hawaiian Islands Marine Refuge. The Commission, in consultation with its Committee of Scientific Advisors, has reviewed the permit application and the Division of Aquatic Resources (DAR) staff evaluations posted on the Board of Land and Natural Resources website. We offer the following comments for consideration at the Board's upcoming meeting.

The Service is requesting permits that would allow it to continue a variety of activities to promote recovery of endangered monk seals in the Northwestern Hawaiian Islands (NWHI). This requires that the State issue to the Service both a research, monitoring, and education permit, and a special activities permit. In its submission to the Board, the DAR states that "the proposed activities are consistent with and support the purposes of the Refuge." The Marine Mammal Commission concurs with that assessment. However, later in the submission DAR questions part of the request that would allow the Service to kill up to 15 Galapagos sharks at French Frigate Shoals (FFS). Despite the fact that the DAR reviewer who sits on the Hawaiian Monk Seal Recovery Team had "no problems with any parts of the activities outlined in this permit," the final staff recommendation is to restrict the number of sharks that could be taken and to prohibit the use of rifles in the removal program.

As I'm sure you are aware, the Hawaiian monk seal is in a precarious situation and in real danger of extinction. Not only is the population size greatly reduced from historical levels, but the abundance of seals in the NWHI is currently declining by almost 4 percent per year. The most recent (2005) population assessment by the Service showed that counts of seals older than pups declined at all sites, with the total of all counts reaching a record low. In 2005 only 163 pups were born at the six main breeding sites, a drop of more than 20 percent from the previous year. It is difficult to imagine a more dismal situation, and the prospects for recovery of the species are very poor unless something is done quickly.

The Service has identified predation by Galapagos sharks as an important cause of mortality of pre-weaned pups at FFS. FFS was once the largest and most productive of the six main monk seal subpopulations with 127 pups born there in 1988. Only 52 pups were born at FFS in 2005, and the Service estimates that at least 9 of them were killed by sharks before they were weaned. This problem has been most acute at Trig Island, and in response the Service removed 12 Galapagos sharks during 2001-2005. That action appeared to have considerable benefit to the seals, with the number of known and probable mortalities declining from 69 percent of all pups born in 1999 to less than 20 percent in 2002-2004. However, shark predation continues at Trig Island (29 percent of pups born probably were killed by sharks in 2005), and the problem appears to be spreading to other islets in the atoll.

Because the Hawaiian monk seal population is so greatly reduced and continuing to decline, the Commission has consistently recommended that the Service consider all possible management interventions that might increase productivity and reduce mortality, including limited removal of sharks around pupping beaches. In a letter to the Service following discussions at its 2004 annual meeting, the Commission encouraged "... the PIFSC [Pacific Islands Fisheries Science Center] to work with the [Fish and Wildlife Service Hawaiian Islands National Wildlife] Refuge to design and conduct a continuation of the shark removal program that can be conducted as a research project with careful attention to follow-up monitoring and observation." Now that the State of Hawaii has taken the admirable action of creating the NWHI Marine Refuge, we encourage you and your staff to work with both Services to see that this important work goes forward.

From our review of the permit application and other related documents the Commission believes that the Service has proposed a well-designed and well-justified program to reduce mortality of monk seal pups caused by Galapagos shark predation. The Service has compiled all available data on interactions between seals and sharks, conducted analyses of the potential impacts of shark removals on the shark population and the ecosystem, and considered a variety of alternatives for addressing this problem. The Service in 2002 completed an Environmental Assessment for a program that would have removed 40 Galapagos sharks from FFS, and the assessment concluded that such an action would not have significant detrimental effects on the shark population or the regional ecosystem.

The Commission understands that monk seals are but one component of the relatively pristine NWHI ecosystem. We have strongly supported creation of the State's Marine Refuge and have been active participants on the NWHI Coral Reef Ecosystem Reserve's Advisory Council. We recognize that the State Refuge, the Reserve, and the Fish and Wildlife Service's Hawaiian Islands National Wildlife Refuge all have important responsibilities for protecting the wildlife and ecosystems of this region. We believe that one of those responsibilities is to work toward recovery of the critically endangered Hawaiian monk seal and to ensure that the seals can continue to play a functional role in the ecosystem. Unfortunately, extraordinary measures may be required at times to prevent extinction of this species. Although we agree that the intentional removal of top predators such as Galapagos sharks is not something that should be undertaken routinely or without thoughtful, rigorous consideration of alternatives, we believe that the program being proposed by the Service is a reasonable and necessary means of helping monk seals recover. Accordingly, the Marine Mammal Commission recommends that the Board of Land and Natural Resources issue permits to the National Marine Fisheries Service allowing them to remove sharks in the numbers and by the methods that they requested.

Please contact me if you have any questions regarding this recommendation.

Sincerely,

John E. Reynolds, III, Ph.D.
Chairman

cc: Mr. Dan Polhemus
Ms. Athline Clark
Mr. Bud Antonelis