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Environment



Hawaiian Judge Halts Lobster Fishery to Benefit Monk Seals

HONOLULU, Hawai'i, November 20, 2000 (ENS) - Hawaiian monk seals, some of the most endangered marine mammals in the world have won protection from a federal court. An estimated 1,300 to 1,400 monk seals are still living on a chain of tiny islands stretching northwest of the main Hawaiian Islands.

Federal District Court Judge Samuel King has issued a ruling in a case brought by three environmental groups declaring that the National Marine Fisheries Service (NMFS) is illegally failing to protect the critically endangered Hawaiian monk seal from the impacts of two other local fisheries.

Judge King's ruling found the fisheries service in violation of the Endangered Species Act and National Environmental Policy Act.

The judge issued an injunction halting the lobster fishery until the fisheries service completes an analysis of the impacts of lobster fishing on the seals under the Endangered Species Act. He also asked the service to complete an Environmental Impact Statement.

Not only the lobster fishery, but a portion of the bottomfish fishery operating in the Northwestern Hawaiian Islands is in violation of these laws, the judge ruled.

The service was also cited recently for violating federal law by failing to protect endangered sea turtles from longline fishing vessels.

Monk seals taking life easy (Photo courtesy students of Academy for the Advancement of Science and Technology Hawaiian Monk Seal [Endangered Species Research Project](#).)



The largest monk seal breeding colony is at French Frigate Shoals. During the 1990s, that colony has declined by 55 percent, and juvenile seals have been starving from lack of available prey.

At the same time, the lobster fishery, after massive hauls during the

1980s, has become so depleted that even periodic closures have failed to revive the lobster stocks.

The National Marine Fisheries Service had ignored calls by the Marine Mammal Commission to limit lobster fishing because of its impacts on the seals, allowing lobster vessels into a nearshore critical habitat for the monk seals.

Earlier this year, the Hawaiian Monk Seal Recovery Team appointed by NMFS, as well as the U.S. Fish and Wildlife Service, called for a moratorium on lobster fishing for the same reason.

Just before the lobster season was to open in July of this year, the fisheries service, to avoid a preliminary injunction, agreed to close the fishery for the 2000 season.

Greenpeace Foundation, the Center for Biological Diversity, and Turtle Island Restoration Network, represented by Earthjustice Legal Defense Fund, filed a lawsuit filed earlier this year charging that the lobster fishery was depriving the seals of food.



Monk seal and albatross on French Frigate Shoals, 1966.
(Two photos courtesy [LT Jerry M. Lentz, U.S. Coast Guard \(Retired\)](#))

The groups charged that National Marine Fisheries Service was violating the Endangered Species Act by authorizing the fishery without adequate assessments of its impacts to the species and its designated critical habitat.

Judge King agreed. He also ruled that the fisheries service has been violating section 9 of the Endangered Species Act by allowing the bottomfish fishery to hook seals, to feed the seals unwanted fish containing ciguatera toxin, and to operate without any observers despite evidence that monk seals have been bludgeoned by bottomfish fishermen.

Judge King will hold another hearing to determine whether to shut down the bottomfish fishery.

Todd Steiner, Turtle Island Restoration Network's director, said, "The monk seals are running out of time, and this ruling comes none too soon. NMFS's kowtowing to industry at the seals' expense was totally unacceptable, and we're pleased that the court agreed."

Greenpeace Foundation president Sue White declared, "This is a wonderful victory for Hawai`i. Judge King's ruling is important beyond the immediate protection of these highly endangered animals. By invoking the 'precautionary principle' he has set clear legal precedent that ignorance about impacts to an endangered species does not justify an assumption of 'no impacts'. Judge King

has just made extinctions less likely."

French Frigate Shoals in the Northwestern Hawaiian Islands is the last refuge of the endangered monk seal.



White, a former biologist who has known many monk seals as individuals, has worked with these enigmatic seals on O`ahu and the Northwestern Hawaiian Islands. "I have worked alongside fishermen in many fisheries," said White. "The fishing industry can alter its methods. The monk seal can't."

Paul Achitoff, the Earthjustice attorney handling the case, commented, "Once again, it has taken federal court intervention to force NMFS to shoulder its responsibilities to manage our fisheries responsibly and protect our natural heritage. NMFS has for many years stubbornly refused to take action while the monk seal approaches extinction."

"I'm particularly pleased that Judge King made it clear in his ruling that NMFS has a duty to get the necessary scientific information before it allows fisheries to operate," said the attorney.

The French Frigate Shoals are a resicted area under the ownership of the Hawaii'an Fish and Wildlife Service. Any stay and landing needs a special permit by the Hawaii'an government, the U.S. Office for Nature Reserve and of the Hawaii'an Fish and Wildlife Service. Since 1978 the reefs have been absolutely closed for public visits.

For an in-depth look at monk seals and their habitat visit: Environment Hawai'i at:

<http://www.planet-hawaii.com/environment/199wtch.htm>

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