

MARINE MAMMAL COMMISSION  
4340 EAST-WEST HIGHWAY, ROOM 905  
BETHESDA, MD 20814-4447

17 May 2002

Mr. Robert P. Smith  
Reserve Coordinator  
Northwestern Hawaiian Islands  
Coral Reef Ecosystem Reserve  
National Ocean Service  
6700 Kalaniana'ole Highway, #215  
Honolulu, Hawaii 96825

Dear Robert:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the draft Reserve operations plan for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve and offers the following comments and recommendations.

Early in 2001 the National Ocean Service provided a preliminary draft Operations Plan for the Reserve to the Reserve Advisory Council for its review and comment. The Council subsequently submitted to the Service detailed comments and suggestions on the initial draft plan. In February 2002 the Service released a revised draft operations plan for public review. A representative of the Marine Mammal Commission is a member of the Council and has attended all Council meetings. At the most recent Council meeting (3-4 May, 2002), concern was expressed that many of the Council's recommendations had not been incorporated into the February 2002 draft plan and that other changes had been made to the plan that seemed unwarranted or inappropriate. It is our understanding that the Council will be submitting comments on the latest draft plan. Because the Commission is represented on the Council, we have assumed that its views, as well as those of other constituents on the Council, would be considered carefully and incorporated into Reserve management decisions. Therefore, the Marine Mammal Commission recommends that the Service incorporate all comments made by the Council on the February 2002 draft of the Reserve Operations Plan into the final version.

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In this regard, the Commission highlights the following issues that we believe are particularly important.

1. The Reserve Operations Plan should emphasize the purposes of the Reserve as stated in the Executive Orders.

The first two "Management Principles" for the Reserve as stated in Executive Order 13178 are vitally important for assuring the maintenance of natural resources, including Hawaiian monk seals, that live in the Reserve. They state that

- (a) The principal purpose of the reserve is the long-term conservation and protection of the coral reef ecosystem and related marine resources and species of the Northwestern Hawaiian Islands in their natural character; (and)
- (b) The Reserve shall be managed using available science and applying a precautionary approach with resource protection favored when there is a lack of information regarding any given activity, to the extent not contrary to law.

These, as well as other principles stated in the Executive Order, provide the overarching framework within which the Reserve must be managed, and they should be clearly and prominently set forth in the Reserve Operations Plan. This is not the case, however, in the current draft plan. For example, the summary of "Existing Authorities" in the draft plan's Executive Summary lists several government agencies and their legal responsibilities relevant to the Northwestern Hawaiian Islands, but it makes no mention of the Executive Orders' provisions. Similarly, although the content of the "Action Plans" should be guided by principles set forth in the Executive Orders, there is no mention of their stated principles in the section entitled "Introduction to Action Plans." Moreover, the description of each Action Plan strategy should include an analysis as to whether and how that strategy conforms to the management principles in the Executive Order. Such an analysis is particularly critical for actions that could impact Reserve resources, such as strategies 3, 4, and 6 described under "Operations." Therefore, the Marine Mammal Commission recommends that the draft Reserve Operations Plan be revised to explicitly set forth the fundamental principles in Executive Order 13178 to guide reserve management strategies and decisions, and that it clarify how identified action plans conform to those principles.

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2. Conservation and recovery of Hawaiian monk seals should be a prominent feature of the Reserve Operations Plan.

Pages 19-20 of the draft plan provide a short description of Hawaiian monk seals. This section is misleading and incomplete. It states that "[t]he size of the monk seal population has remained essentially unchanged since 1993." This may lead readers unfamiliar with Hawaiian monk seals to believe that all is well with the species. The section fails to note two important facts: (1) the current number of monk seals is reduced by about 60% from what it was in the 1950s; and 2) of the six major breeding colonies in the Northwestern Hawaiian Islands, one (French Frigate Shoals) has been declining precipitously for more than a decade, two others (Laysan Island and Lisianski Island) are of questionable status, and three (Pearl and Hermes Reef, Midway Atoll, and Kure Atoll) have been increasing slowly. The section also makes no mention of the numerous threats and impacts to monk seals that have been well documented (e.g., marine debris, commercial fishing, shark predation, human disturbance). Although the section makes an attempt to discuss monk seal foraging, which is indeed a critical issue for the Reserve, it cites only a document by the Western Pacific Regional Fishery Management Council and fails to reference several important papers recently published in the scientific literature.

Management actions taken to implement Executive Order provisions in the Reserve will be critical to recovery of the endangered Hawaiian monk seal. Therefore, the Marine Mammal Commission recommends that the draft Reserve Operations Plan be modified to (1) provide an accurate description of the endangered status of monk seals in the Northwestern Hawaiian Islands and threats to their survival and recovery; (2) specify within the Action Plan strategies how the proposed actions may help to foster monk seal recovery; and (3) within the Action Plan strategies, identify any situations where proposed actions may have a potential negative impact on monk seals and, consistent with the precautionary management approach established for the Reserve, what steps will be taken to avoid such impacts.

3. The Reserve Operations Plan must establish a plan to deal expeditiously with the regulation and enforcement of activities that occur within the Reserve and in adjacent conservation areas.

Protection of the Reserve environment and resources will be an enormous management challenge. Not only is the area extensive and remote, but control of activities in the region is shared by a number of agencies with different management authorities and mandates. This situation is discussed in Strategy 4 of the draft plan entitled "Develop permitting procedures." However,

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given the critical need for action on regulations and permitting, this section of the draft plan merits additional emphasis. Therefore, the Marine Mammal Commission recommends that the draft plan be revised to (1) identify, as a top priority action, the development and implementation of a system of regulations and permitting for the Reserve and adjacent areas; (2) ensure that adequate resources are allocated to this activity so that the necessary system can be developed and implemented as quickly as possible; and (3) describe what will be needed and done to enforce regulations within the Reserve and adjacent areas.

4. The Reserve Operations Plan should provide a more complete and detailed plan to address research and monitoring activities within the Reserve.

Research activities within the Reserve have the potential to improve our understanding of the status of Reserve resources and their ecological relationships, thereby enhancing our ability to conserve them. However, some research activities also have the potential for causing negative impacts, especially to endangered species such as the Hawaiian monk seal. The strategies currently identified in the draft plan's Research and Monitoring Action Plan fall far short of what is needed. For example, although Strategy 1 describes a program to monitor impacts of commercial fishing for bottomfish at two specific banks, nowhere does the plan discuss other monitoring needs. Over the next several years, we believe there will be a need to monitor various resources and activities that should be dealt with in the Reserve Operations Plan. Similarly, Strategy 4 of the draft plan indicates that the Reserve will assist with the upcoming Northwestern Hawaiian Islands Reef Assessment and Monitoring Program, but it makes no mention of whether or how the Reserve will be involved with other possible research programs this year or in the future.

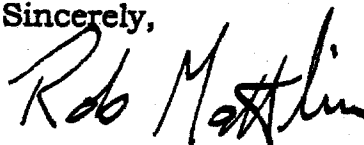
These deficiencies may be due in large part to the lack of an overall research plan for the Northwestern Hawaiian Islands. The need for such a plan appears to be recognized in Strategy 3, which calls for a Northwestern Hawaiian Islands research symposium and states that the scope of research coordinator's duties will extend to the entire Northwestern Hawaiian Islands. We believe that such a plan is critical for designing and evaluating research and management needs for the Reserve. The Marine Mammal Commission therefore recommends that the draft plan be revised to (1) identify the need for developing a comprehensive, prioritized research and monitoring plan for the Northwestern Hawaiian Islands as a high-priority action; (2) describe the specific steps that will be taken to develop such a plan; (3) modify Strategy 1 to

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describe actions needed to begin implementing a comprehensive program to monitor activities and resources in the Reserve; and (4) modify Strategy 4 to provide a thorough description of the Reserve's role in evaluating and assisting with regional research and monitoring activities.

I hope the above comments and recommendations are helpful. If you or your staff have questions, please call.

Sincerely,

A handwritten signature in black ink that reads "Rob Mattlin". The signature is written in a cursive, slightly slanted style.

Robert H. Mattlin  
Executive Director