

**Response to Public Comments
on the
Recovery Plan for the Hawaiian Monk Seal
(*Monachus schauinslandi*)**

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Prepared by

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Pacific Islands Regional Office
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Response to Public Comments Received on the Draft Recovery Plan for the Hawaiian Monk Seal

In October 2005, a draft revision of the *Recovery Plan for the Hawaiian Monk Seal* was submitted to National Marine Fisheries Service (NMFS) by the Hawaiian Monk Seal Recovery Team, an advisory group appointed by NMFS to guide NMFS, other federal agencies, state governments, and stakeholders on research and conservation efforts to recover the Hawaiian monk seal. NMFS reviewed the Recovery Team's draft revision and used it to prepare a NMFS draft Recovery Plan for the Hawaiian Monk Seal ("Recovery Plan"). On November 28, 2006, NMFS published a notice of availability in the Federal Register (71 FR 68801) soliciting public comment on the draft Recovery Plan. The public comment period closed January 29, 2007. To facilitate public participation, NMFS made the draft Recovery Plan available for public comment on the NMFS website: www.nmfs.noaa.gov/pr/recovery/plans.htm.

NMFS received 3,940 public comments, all but 10 of which were a form letter sent by electronic mail. NMFS reviewed all comments received for substantive issues and new information. Within these comment letters, NMFS identified separate, substantive comments, which are addressed in the following summary. NMFS has amended the draft Recovery Plan as appropriate. The final Recovery Plan for the Hawaiian Monk Seal is available at http://www.fpir.noaa.gov/PRD/prd_hawaiian_monk_seal.html.

NMFS acknowledges the high quality of the public comments and the great care with which the individuals and organizations responded to the draft Recovery Plan. NMFS recognizes that public participation is essential to the task of protecting the Hawaiian monk seal. The final Recovery Plan is the product of several years of work on the part of the Recovery Team and numerous federal, state, and local organizations, as well as individuals throughout the Pacific Islands region.

Comment #1: Over 3,900 versions of the same form letter were received by electronic mail. This form letter commented that human disturbance is significantly impacting seals and, in the draft Recovery Plan, this does not appear to be identified as a current or future threat. The form letter requested modifications to the draft Recovery Plan to recognize research and human disturbance as a significant threat to monk seals and to incorporate clear recovery criteria related to human disturbance, including research. The form letter also requested that NMFS ensure that the plan includes the latest research showing that bottomfish are a key monk seal prey and that the commercial bottomfish fishery may, indeed, have an impact on the seals. The form letter recommended a system to monitor and analyze the impact on monk seals -- in water and on land -- of all who are allowed to enter the Northwest Hawaiian Islands (NWHI). Finally, the form letter requested that the plan focus on implementing actions to improve the female survivorship rate.

Response: NMFS acknowledges the significant impact of human activities to Hawaiian monk seals in many areas throughout the Recovery Plan. NMFS has thoroughly evaluated this serious threat in the Recovery Plan and developed necessary actions to promote monk seal recovery. The Recovery Plan cites the scientific study that examined

the effects of research handling, the results of which suggested that careful handling techniques have no deleterious effects on Hawaiian monk seals (*Baker, J.D. and Johanos, T.C. 2002. "Effects of Research Handling on the Endangered Hawaiian Monk Seal" Marine Mammal Science, 18 (2): 500-512*). The threat of human disturbance on monk seal behavior and survival was described in detail for both the NWHI and the main Hawaiian Islands (MHI), with emphasis on MHI recreational beaches that have a high level of human use and development. The threat of harassment, injury, and death were mentioned repeatedly throughout the Recovery Plan. Action 8: *Reduce the likelihood and impact of human disturbance* emphasizes NMFS's recovery actions to reduce human disturbance, detailing efforts to: increase education and outreach, investigate translocations for monk seal protection, develop intervention plans and procedures, continue restricted permitting and extensive training for all NWHI travel, maintain research and/or enforcement presence, minimize adverse effects of future development, and determine the effects of research handling for telemetry applications.

The Recovery Plan recognizes the recent scientific evidence that identifies bottomfish as a key monk seal prey item. This information was not available at the time that the draft Recovery Plan was released to the public, and information and references to these results have been added to the final Recovery Plan.

The Recovery Plan also recognizes regulatory mechanism in place to protect Hawaiian monk seals from impacts from human disturbance and commercial fisheries in the NWHI. On June 15, 2006, President Bush signed Presidential Proclamation 8031 (71 FR 36443, June 26, 2006; 71 FR 36443, June 26, 2006) that created the NWHI Papahānaumokuākea Marine National Monument under the authority of the Antiquities Act (16 U.S.C. 431). This national monument enables nearly 140,000 square miles of the Northwestern Hawaiian Islands to receive our Nation's highest form of marine environmental protection. The national monument phases out commercial fishing over a five-year period. No new permits will be issued for the bottomfish fishery and it will permanently close in June 2011. The Presidential Proclamation also restricts access to the monument and prohibits disturbance of living and or nonliving monument resources.

In addition, actions to improve female survivorship were highlighted in the plan, especially in Action 1.8: *Rehabilitate malnourished juvenile seals when and where food limitation is apparent to their salvage reproductive potential*. Under this action, one of the highest priorities is the development of a captive care program to nutritionally supplement juvenile female seals.

Comment #2: Several public comments questioned the cost estimates for the recovery actions as listed in the draft Recovery Plan, specifically commenting that the estimates were too high, that some actions and costs were unnecessary, and that the priorities of the actions should be reevaluated. Many of the public comments requested that the cost estimates be reconsidered to place the highest priority on funding actions that (a) are likely to contribute directly to the species recovery, and (b) promote the protection and recovery of monk seals in the MHI.

Response: NMFS has reevaluated the recovery actions, priorities, and cost estimates. The cost estimates were reduced for several actions. This re-analysis reduced the estimated cost of recovery for the first five fiscal years by \$16,351,000 and reduced the total estimated cost of recovery for 54 years by \$53,591,000.

Comment #3: One of the comments recommended revision and expansion of the Threats Assessment section to use a three-category system and to identify explicitly the need for specific measures.

Response: NMFS has made changes to expand and clarify the Threats Assessment section. A three-category system was added, combining the “Significant” and “Serious” threats into a single “Serious” category. An assessment table was included that described the threats and their associated Endangered Species Act Listing Factors, mechanisms, most vulnerable age-classes, frequency, certainty, relative impact to recovery, and potential for mitigation. This table clarifies how threats were prioritized, what the basic components were for the assessment, and how each threat relates to the 5 Listing Factors as stated in the Endangered Species Act.

Comment #4: Another comment recommended that all reference to lobster being a “significant” prey source or to the idea that monk seal status continues to be affected by the availability of lobster should be removed from this document. Furthermore, several comments requested that the preliminary results from the fatty-acid dietary study, which identified two species of bottomfish that appear to be important components of Hawaiian monk seal diet, should be included in the document where appropriate.

Response: NMFS made changes to references regarding the lobster fishery, including removal of statements that refer to lobster as a current, significant prey source. The information from the fatty-acid dietary research is still unpublished. However, references have been included to briefly address the role of bottomfish as a significant prey source for monk seals and to recommend continued research related to Hawaiian monk seal foraging. As stated earlier, this information was not available to NMFS when the draft Recovery Plan was released to the public for comment.

Comment #5: Comments were received that noted inconsistencies in the Recovery Plan population abundance estimates. The text of the Executive Summary stipulated an abundance of 1,300 monk seals, while the accompanying graph showed the most recent estimate to be less than 1,100. In addition, the Federal Register notice stated that monk seal abundance is 1,252 (FR 68801). It was recommended that either a single number or a narrow size range be used throughout the Recovery Plan and reflected in its graphics.

Response: NMFS includes the most recent and accurate abundance estimates available as of 2006. Text has been added to the graph on the cover to indicate that only abundance estimates for the six main NWHI sub-populations were included in the graph. This is the graph that was in the Executive Summary. References to total abundance estimates in the final Recovery Plan indicate that the total population of Hawaiian monk seals is about 1,200, of which about 77 are found in the MHI.

Comment #6: A public comment recommended that the actions under Action Item #1 should be those that are key to mitigating the population declines, instead of focusing on research. The commenter did not see in the Recovery Plan a link between the research and management actions, in particular how the priority 1 research on prey selection or “complex linkages between prey availability and foraging behavior” translates into a management action that can reverse the decline. Another comment expressed similar concern that the research actions did not have a clear link to management.

Response: NMFS has expressed in several sections of the Recovery Plan that there is critical and immediate need for more research as it relates to the recovery of the Hawaiian monk seal. In the section describing Action Item #1, it was clearly stated that foraging ecology research is urgently needed to explicitly link survival to prey abundance, foraging behavior, diet and condition of juveniles. The plan also emphasized that the foraging ecology program results will further our understanding of monk seal survival and facilitate monk seal recovery.

Comment #7: A comment suggested that sections of the Recovery Plan contain repeated errors. The comment also indicated that there may be different versions of the Nitta and Henderson (1993) report and requested that NMFS direct the commenter to the version used in the preparation of this Recovery Plan. The commenter suggested that the 1993 publication reports 1 monk seal interaction every 67.2 hours and 1 dolphin event every 37.7 hours, makes no reference to a hooked or entangled seal, and states “the loss of fish was difficult to assess or confirm since fish were apparently taken at depth and out of sight of observers.”

Response: The publication used for the Recovery Plan’s interaction rate of 1 event/34.4 hours of fishing was calculated for monk seals in: *Nitta ET, Henderson JR 1993. A review of interactions between Hawaii's fisheries and protected species. In Boehlert GW (ed.). The fisheries of Hawaii and U.S.-associated Pacific Islands. Mar. Fish. Rev. 55(2): 83-92.* NMFS has verified and validated the information originally stated in the draft Recovery Plan.

Comment #8: A comment was received that supported the inclusion of measures to address global warming as the greatest long-term threat to the existence of the Hawaiian monk seal. The comment requested that measures describe how to adapt to the effects of and reduce anthropogenic emissions of carbon dioxide and other greenhouse gases.

Response: NMFS has referenced the impact of oceanographic events and oscillations on Hawaiian monk seals, and addressed oceanographic change as it relates to food limitations. However, further discussion regarding global climate change and greenhouse gas emissions is beyond the scope of the Recovery Plan.