

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

25 January 2005

Admiral Thomas H. Collins
Commandant
U.S. Coast Guard
2100 Second Street, SW
Washington, D.C. 20593-0001

Dear Admiral Collins:

Congress created the U.S. Marine Mammal Commission when it passed the Marine Mammal Protection Act in 1972. The Commission oversees implementation of the Act by other federal agencies, and makes recommendations to those agencies and others regarding activities that may affect marine mammals and their habitats. The Commission has three Presidentially appointed Commissioners, confirmed by the U.S. Senate, and a nine-member Committee of Scientific Advisors on Marine Mammals.

The Marine Mammal Commission and its Committee of Scientific Advisors held their annual meeting 26-28 October 2004 in Hawaii to review issues related to the conservation of marine mammals, with a special focus on Hawaii and the Pacific islands area. One of the topics discussed was the management of monk seals in the Northwestern Hawaiian Islands.

For many years, the U.S. Coast Guard operated a LORAN facility on Tern Island, located at French Frigate Shoals in the Hawaiian Islands National Wildlife Refuge. Tern Island is part of an atoll that provides resting and pupping habitat for the largest remaining colony of endangered Hawaiian monk seals. During the Coast Guard's occupancy of Tern Island, a landfill and some other parts of the area became contaminated with PCBs and other toxic chemicals as a result of Coast Guard activities. The Coast Guard entered into an agreement with the Fish and Wildlife Service and the Environmental Protection Agency (EPA) that specified that the contamination would be cleaned up to EPA standards. In 2001, the Coast Guard cleaned up part of the landfill.

In 2003 EPA notified the Coast Guard that further testing showed that the landfill cleanup had not completely met the agreed-upon standards and that it is likely that significant contamination also is present in other parts of Tern Island. To our knowledge, the Coast Guard has not disagreed with EPA's assessment, yet at the Commission's annual meeting Service representatives reported that there have been no further efforts to characterize or clean up the remaining contamination. They also were unaware of any plans by the Coast Guard to conduct or contract for the additional cleanup that is necessary.

We remain concerned that failure to clean up the site completely to EPA standards will continue to pose threats to endangered monk seals and other wildlife in the refuge. Accordingly, the Marine Mammal Commission recommends that the Coast Guard secure the necessary funding and clean up the contaminated soils and materials remaining at Tern Island to the standards agreed upon

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with the EPA and the Service.

I would welcome an opportunity to discuss this situation and possible solutions with you or the appropriate staff in the Coast Guard.

Sincerely,

A handwritten signature in black ink that reads "David Cottingham". The signature is written in a cursive style with a long horizontal flourish extending to the right.

David Cottingham
Executive Director

cc: Congressman Neil Abercrombie
Senator Daniel Akaka
Ms. Paula Bisson
Congressman Ed Case
Senator Daniel Inouye
Steven A. Williams

Enclosure