

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

25 January 2005

The Honorable Norman Y. Mineta, Secretary  
U.S. Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Dear Secretary Mineta:

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 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 airport facilities on Midway Atoll that are now part of the Midway Atoll National Wildlife Refuge managed by the U.S. Fish and Wildlife Service. The facility provides an emergency landing field for trans-Pacific air traffic, as well as a base of aircraft operations for several federal agencies. Based on discussions during our meeting and other information, the Commission and Committee are concerned that financial costs of operating and maintaining the airport facilities on Midway are seriously limiting support for essential refuge operations vital for the protection of its wildlife resources.

As we understand it, Congress has required the Service to keep the Midway airport open, and the Federal Aviation Administration (FAA) has determined that the facility must meet standards equivalent to those of major commercial airports. Although the airfield clearly is useful, if not essential, for supporting activities of the Service in this remote part of the Northwestern Hawaiian Islands, a commercial-level airport facility far exceeds those needs. Nonetheless, the Service has been required to provide the funds to maintain such a facility, in large part to meet the needs of the Department of Defense, the Department of Homeland Security, and the commercial airline industry. Although the Commission understands the importance of maintaining this airfield and infrastructure for commercial aviation safety and other reasons, it is inappropriate for the multimillion-dollar costs associated with this to come at the expense of programs directed at protecting the wildlife species that the refuge was established to conserve. If the airfield must be maintained in a certain condition for reasons unrelated to wildlife conservation, the funding necessary to do so should be provided to the Service by those imposing such requirements or by those who benefit from maintaining the facilities at the specified level.

The Honorable Norman Y. Mineta  
25 January 2005  
Page 2

Our understanding is that the Department of Transportation is providing some financial resources to the Service through the FAA but that those funds are less than the amount needed to improve the airport infrastructure and maintain it at the required level. One result of this is that the Service has begun charging substantially increased user fees to biologists from the National Marine Fisheries Service and other wildlife researchers using Midway facilities to study and conserve wildlife populations. At our annual meeting, the Commission was told that this increase in fees has significantly reduced funds available for important wildlife conservation activities, including recovery efforts for endangered Hawaiian monk seals.

Therefore, the Marine Mammal Commission recommends that the Department of Transportation provide funds to the U.S. Fish and Wildlife Service sufficient to cover the costs of improving and operating the commercial-level airfield and associated infrastructure at the Midway Atoll National Wildlife Refuge.

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

Sincerely,

A handwritten signature in black ink, appearing to read "David Cottingham", with a long horizontal flourish extending to the right.

David Cottingham  
Executive Director

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

Enclosure