

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

25 January 2005

Steven A. Williams, Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Room 3259
Washington, D.C. 20240

Dear Mr. Williams:

The Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals 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. We were pleased that staff members from the U.S. Fish and Wildlife Service were able to attend our meeting and participate in our discussions. They provided much valuable information and useful insight into the issues that we jointly face.

On the basis of the discussions during our meeting and other information reviewed by us, the Commission and Committee commend the Service on the many positive actions that it has taken to conserve fish and wildlife resources in the Pacific region. In particular we note the Service's continuing efforts to work independently and cooperatively with partners in other federal and state agencies to conserve Hawaiian monk seals, other wildlife, and the ecosystems on which they depend. We offer the following recommendations on additional steps that we think the Service should take to further efforts in this regard.

- **The Marine Mammal Commission recommends that the Fish and Wildlife Service, the National Oceanic and Atmospheric Administration (NOAA), and the State of Hawaii conclude a Memorandum of Agreement (MOA) to coordinate management of the Northwestern Hawaiian Islands (NWHI).**

Within the NWHI there are a number of adjacent and sometimes overlapping conservation units and legal jurisdictions including the Hawaiian Islands and Midway Atoll National Wildlife Refuges; the NWHI Coral Reef Ecosystem Reserve and a potential NWHI national marine sanctuary; the U.S. Exclusive Economic Zone; critical habitat and a protected resource zone established by the National Marine Fisheries Service (NMFS) to protect monk seals; and the State of Hawaii's Kure Island Wildlife Refuge and a proposed marine refuge for all state waters around emergent lands in the NWHI. The need for strong cooperation on managing marine resources in this region is obvious, and development of a MOA to formalize cooperation was mandated by President Clinton in Executive Order 13178. In 2001 regional offices of the Service, NOAA's National Marine Sanctuary Program and NMFS, and the State of Hawaii, began drafting such a MOA with the purpose of promoting the long-term conservation and protection of coral reefs and the related marine ecosystem in the region through cooperative interagency actions. A draft MOA

was completed early in 2003 but has not yet been approved. Given current management needs and ongoing efforts to develop an ecosystem-based approach for management of the NWHI, approval and implementation of this agreement should be a high agency priority. The Service should act expeditiously to complete its review of the draft MOA, resolve what concerns it may have with NOAA and the State, and finalize and implement the agreement.

- **The Marine Mammal Commission recommends that the Fish and Wildlife Service, the NMFS Pacific Islands Regional Office (PIRO) and Pacific Islands Fisheries Science Center (PIFSC), and Hawaii state agencies cooperate to address the growing problem of loss of suitable haul-out and pupping habitat for monk seals in the NWHI.**

In the NWHI, monk seals rest, give birth, and care for their young on many reefs and islands, some of which are very small and barely above sea level. At the Commission's annual meeting, monk seal researchers pointed out that many of these islands are experiencing considerable erosion, particularly of the sandy beaches preferred by seals. In at least one case, an area that had previously been heavily used for pupping has virtually disappeared. Maintaining suitable habitat for monk seals may be critically important for recovery of the species. The Commission recognizes that these habitats are extremely vulnerable to erosion from wave action and potential rises in sea level and that preventing or mitigating such losses may be very difficult. Nonetheless, we are encouraging all involved agencies to give attention to this issue, and to consider ways to protect and, if possible restore and enhance, island habitats used by monk seals in the NWHI.

- **The Marine Mammal Commission recommends that personnel from the Service's Hawaiian Islands National Wildlife Refuge collaborate with the PIFSC to increase efforts to assess the abundance, behavior, and movements of Galapagos sharks in the NWHI, particularly at French Frigate Shoals.**

Both Galapagos and tiger sharks are predators of monk seals in the NWHI. Although this predation may largely be a natural feature of the ecosystem, such predation can have a significant adverse impact on the prospects for recovery of the endangered Hawaiian monk seal. In recent years, the Refuge has worked with the PIFSC to design and permit an experimental program to allow the removal of a limited number of Galapagos sharks at French Frigate Shoals, where shark predation was known to be high and the monk seal population was declining. The removal of a small number of sharks by PIFSC staff appears to have had a major and positive impact on monk seal pup survival at that site with little likelihood of significantly affecting the atoll's shark population. However, there is now evidence that the shark predation problem may be occurring in other parts of the NWHI. The Commission understands the Service's mandate to protect all resources in the Refuge, and agrees that the intentional removal of important ecosystem components such as sharks needs to be done very judiciously. Nonetheless, given the highly endangered status of monk seals, with all metapopulations being very small and some declining, we believe that all management options must remain open for consideration. Therefore we encourage the Refuge to continue to work with the PIFSC to design and permit the continuation and possible expansion of the shark removal program in the NWHI. In particular, the Commission recommends

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that such a program be conducted as a research project with careful attention to follow-up monitoring and observation.

- **The Marine Mammal Commission recommends that the Service's Midway Atoll National Wildlife Refuge take action to reduce user fees currently being charged to the PIFSC for work related to Hawaiian monk seal recovery.**

At its annual meeting the Commission heard a report from Refuge staff on the status of funding for the operation of Midway's airfield, and a report from the PIFSC on how user fees charged to cover the costs of airfield operations have reduced the funding available for the monk seal recovery efforts. The Commission strongly believes that the Service should not have to pay for maintaining and operating a commercial-grade airfield, nor should it have to pass on those costs to "users" of the refuge such as PIFSC biologists. We have written to the Department of Transportation recommending that it provide the Service sufficient funds to cover the airfield's costs. Independent of that, we encourage the Refuge to consider alternative funding methods or fee schedules that could reduce or eliminate the user fees being charged to PIFSC for access to Midway and use of its facilities.

We hope that you find these recommendations helpful. Additional specific recommendations relating to these and other topics discussed at our annual meeting are being communicated directly to appropriate administrators and directors. Copies of those letters are enclosed for your information. I would welcome the opportunity to discuss these recommendations with you and your staff.

Sincerely,



David Cottingham
Executive Director

Enclosures