

February 5, 2008

Senator Clayton Hee, Chair and Committee Members
Hawaii State Senate Committee on Water and Land
Hawaii State Capitol
415 South Beretania St.
Honolulu, Hawaii 96813
senhee@capitol.hawaii.gov
February 6, 2008 W&L Committee Hearing, Room 414

Testimony in support of SB 3169

Relating to the Protection of Marine Mammals, The Hawaiian Monk Seal,
Appropriation of \$160,000 for 2 Hawaiian Monk Seal Response Coordinators (DAR)

Aloha Senator Hee and Members of the Senate Committee on Water and Land:

My name is Keiko Bonk, and I am the Program Director for the Marine Conservation Biology Institute, Hawaii. MCBI is a non-profit conservation organization that protects ocean life through science and policy development.

Thank you very much for hearing SB 3169 relating to the protection of the Hawaiian Monk Seal, Ilio-holo-kauaua or "Dog Running Through Rough Waters". This endemic species is a 13 million year old Hawaiian species in need of your help. This ancient Hawaiian mammal is in critical danger of going extinct. There are less than 1200 monk seals left in Hawaii and the population is rapidly declining.

The reason for the monk seal's decline are numerous and most threats are related to human impacts:

1. Low survival rate of juveniles & sub-adults due to starvation
2. Entanglement of seals in marine debris
3. Predation of juvenile seals by Galapagos sharks
4. Fishery interactions (over fishing)
5. Mother-pup disturbance on the beaches
6. Pupping beaches lost to erosion (climate change)
7. Potential disease outbreaks

I come here today to alert you to the plight of our seals. I hope you are motivated to take the first official step by the State of Hawaii to save this grand old creature. The monk seal thrived in our Hawaii home millions of years before our youngest islands were born. This mammal is worthy of respect and should be treated as an ancient "elder". This animal is also an icon of the 21st century because its decline reflects man's negligence and lack of respect for our natural world.

The Hawaiian Monk Seal was placed on the endangered species list in 1976. Last year, 31 years after these seals were officially designated a prioritized at-risk animal, the Federal Recovery Plan (attached Recovery Plan Summary) was signed. At this public

signing, U.S. Senator Daniel Inouye endorsed this recovery plan and initiated a budget of 1.8 million dollars in the federal budget for 2008 to support seal recovery programs. Some of this Recovery Budget was intended to “trickle down” to the State of Hawaii and provide DAR with a few hundred thousand dollars to support the seal coordinators working very hard out in the field throughout Hawaii. This Monk Seal Appropriation did not make it into the 2008 Federal Budget and now there is no federal money for the basic response needs for our Main Hawaiian Island seals this year.

Presently, the State of Hawaii has no official monk seal program or an official monk seal recovery plan. DAR incorporates seal response coordination into the State Humpback Whale Sanctuary Program. The State of Hawaii is presently not in compliance with the monk seal protection as required by state and federal Endangered Species and Marine Mammal laws. I know of inquiries being made at this time that may lead to litigation if the State of Hawaii does not take responsibility to develop a plan for the protection of the Hawaiian seals.

Last year we unfortunately lost seal pups to net entanglements right here on the island of Oahu. A couple weeks ago we lost a female pup on Molokai. Without the seal response coordinators and their volunteer base in Hawaii, we will lose more seals in 2008. With less than 1200, we cannot afford to lose one more pup.

I assume that DAR - DLNR administrators may have conflicting testimony regarding this appropriation bill because it is the policy of the Administration to not consider new appropriations at this late a date in the Budget process. However, do to unforeseen circumstances with the federal budget and the urgency of the seal's needs, I urge you to take the leadership necessary and direct these funds to the Department's Sanctuary Program. I am sure this Department will accept these funds and use it for the day-to-day care of our main Hawaiian Island seals.

The NMFS Monk Seal Recovery Team is meeting at the Ala Moana Hotel as you meet here today. A dedicated group of scientists, policy makers and seal coordinators are fine-tuning the implementation programs to save our seals. I didn't want to leave that discussion because I am learning the details necessary to speak knowledgeably about this recovery. However, I feel that it is more important for me to meet with yo at this time. I believe that your leadership can begin to redirect the legacy the Hawaiian Monk Seal. Please take this step to bring this species back to healthy numbers. Please take action and fund DAR to help the seals. And please do not stop here, but do everything in your power to ensure that generations will live in harmony with this auspicious Hawaiian mammal.

Thank you for your time and consideration.

Aloha nui loa,

Keiko Bonk

808-734-4234

keiko.bonk@mcbi.org

I have enclosed a fact sheet and the NMFS Recovery Plan Summary for your review.

The Hawaiian Monk Seal

Ilio-holo-ikauaua (*ee-lee-o holo ee ka ooa-ooa*) meaning 'dog running in rough water'

Scientific name: *Monachus schauinslandi*

About the Hawaiian Monk Seal:

Hawaiian monk seals are only found in the Hawaiian Islands, and are a very important piece of Hawaii's natural and cultural history. Hawaiian monk seals are the only tropical seal, the only marine mammal found entirely within US waters, and the best hope for the survival of monk seals on the planet. Caribbean monk seals were last seen in 1952, and the Mediterranean monk seal is on the verge of extinction. Most Hawaiian monk seals can be found around the Northwest Hawaiian Islands in the Papahānaumokuākea Marine National Monument, but seals are also found on the main Hawaiian Islands. In contrast to the rapidly declining monk seal populations in the NWHI, those on the main islands are doing well. A small, but growing number of seals, perhaps 100-150, now live in the main Hawaiian Islands.

Hawaiian monk seals have been around, virtually unchanged, for over 13 million years, longer than Hawaii Island, which is less than 1 million years old. Monk seals grow to be over 7ft long and can weigh more than 400 lbs. They mature at 5-10 years of age and can live for 25-30 years, although many new seal pups fail to reach adulthood. Hawaiian monk seals eat fish and invertebrates, including reef fish, flatfish, eels, octopus, and lobsters. Monk seals dive deep for their food, often to depths of 250-300ft, and sometimes deeper than 500ft.

Monk seals are not social, which is very unusual for seals. They generally stay well away from other seals and humans, and can become aggressive when they get too close or feel threatened. Monk seals, especially pregnant or nursing mothers, appear to be greatly agitated when they are disturbed by humans, so much so that they may abandon their pups.

The Decline of the Hawaiian Monk Seal:

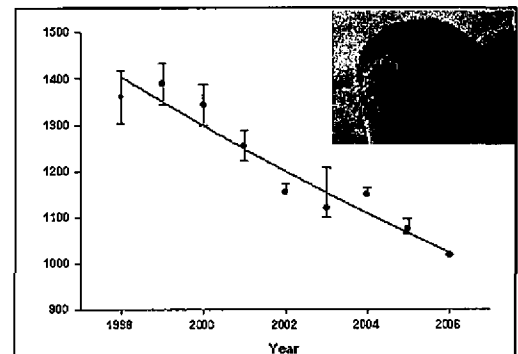
Hawaiian monk seals are the most endangered seal in the USA, and one of the most endangered marine mammals in the world. Over the last 50 years, the Hawaiian monk seal population has declined by more than 60% and is now at its lowest level in recorded history ~ 1,200 individuals. Since 1998 the total number of Hawaiian monk seals declined at an average annual rate of 3.9%. At this current rate of decline, the population size will slip below 1,000 animals in the next few years. With public support and effective state and federal management we will be able turn this situation around.

A number of human and environmental factors have contributed to the decline, including:

- Habitat loss
- Shark predation
- Entanglement in marine debris
- Human disturbance
- Overfishing of lobster
- Reduction in food availability
- Harassment by male monk seals
- Injuries and deaths of pups
- Poisoning from harmful algal blooms

Hawaiian Monk Seal Protection:

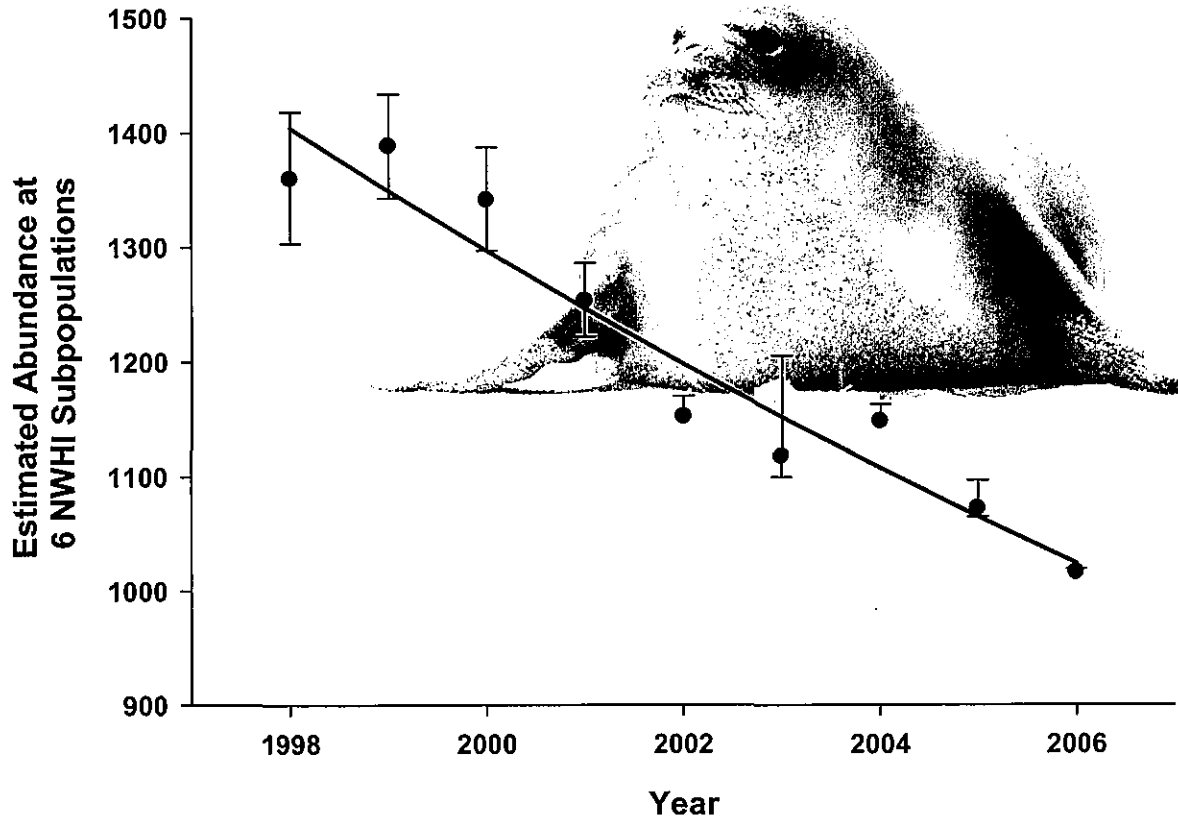
Hawaiian monk seals are protected by the Marine Mammal Protection Act and the Endangered Species Act, which listed the Hawaiian monk seal as endangered in 1976. A Hawaiian monk seal recovery team was established by NOAA to coordinate research and management activities for the seal's recovery. They released a new recovery plan that identifies actions that collectively could stabilize and eventually recover the species, including: improving female survival, reducing shark predation, captive care for injured or malnourished seals and seal pups, and removal of hazardous debris.



Decline in estimated abundance of Hawaiian monk seals at the six main NWHI colonies since 1998.

RECOVERY PLAN FOR THE HAWAIIAN MONK SEAL (*Monachus schauinslandi*)

REVISION



National Marine Fisheries Service
National Oceanic and Atmospheric Administration

August 2007

RECOVERY PLAN FOR THE HAWAIIAN MONK SEAL
(Monachus schauinslandi)

REVISION

Original Version: March 1983

Prepared by

National Marine Fisheries Service
National Oceanic and Atmospheric Administration

Approved: *William T. Hogarth*

William T. Hogarth, Ph.D.
Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration

Date August 22, 2007

EXECUTIVE SUMMARY

The Hawaiian monk seal (*Monachus schauinslandi*) is in crisis: the population is in a decline that has lasted 20 years and only around 1200 monk seals remain. Modeling predicts the species' population will fall below 1000 animals in the next five years. Like the extinct Caribbean monk seal and the critically endangered Mediterranean monk seal, the Hawaiian monk seal is headed to extinction if urgent action is not taken. Implementation of this plan, adequate resources, and improved coordination and cooperation provide hope that the species decline can be reversed.

For more than two decades, great effort has been made to manage, study, and recover the Hawaiian monk seal. However, actions to date have not been sufficient to result in a recovering population. The species status would undoubtedly have been worse but for these actions. Nonetheless, significant threats face this species:

- Very low survival of juveniles and sub-adults due to starvation (believed to be principally related to food limitation) has persisted for many years across much of the population
- Entanglement of seals in marine debris has and continues to result in significant levels of seal mortality
- Predation of juvenile seals by Galapagos sharks has significantly increased
- Human interactions in the Main Hawaiian Islands (MHI) including recreational fishery interactions, mother-pup disturbance on popular beaches, and exposure to disease
- Hawaiian monk seal haul-out and pupping beaches are being lost to erosion in the Northwest Hawaiian Islands (NWHI), and monk seal prey resources in the NWHI may have been reduced as a result of climate cycles and other factors
- Potential disease outbreaks could have a devastating effect due to small population size and limited geographic range

Due to low juvenile survival and an aging, breeding female population, there will not be sufficient replacement of breeding females, and birth rates subsequently will decline. This underscores the irony of past and current efforts to reduce these threats in that initial success may only slow a process of decline and even more actions will be required to reverse the decline and prevent the extinction of this species. Recovery of the Hawaiian monk seal depends upon a range of comprehensive actions detailed in this Recovery Plan, as well as the full participation and support of all federal, state and private stakeholders. These actions should be pursued aggressively to prevent the extinction of this species, and funding decisions should give highest priority to actions that will contribute directly to mitigating impacts and sources of mortality that reduce survival rates of Hawaiian monk seals, particularly females and juveniles.

In order to preserve the future reproductive potential for recovery, one of the highest priorities being pursued by NMFS is the development of a captive care program to nutritionally supplement juvenile female seals. The goal of the program will be to increase the survival of female seals during the critical juvenile life stages that are now experiencing low survival. This will likely be a combined effort of NMFS and animal care organizations. A workshop on the development of a 10-year captive care plan was held in June 2007. Without such efforts, the loss of young females will significantly decrease the recovery potential of the species, as there will not be enough females in the population.

CURRENT SPECIES STATUS: The Hawaiian monk seal was listed as an endangered species pursuant to the Endangered Species Act (ESA) on November 23, 1976 (41 FR 51611) and remains listed as endangered. The species has a recovery priority number of one, based on the high magnitude of threats, the high recovery potential, and the potential for economic conflicts while implementing recovery actions. Based on recent counts, the current population is approximately 1200 individuals. Since the publication of the last Recovery Plan for Hawaiian monk seals over two decades ago (Gilmartin, 1983), much has been done to reduce the impact of many of the most direct, and obvious, causes of decline. Nonetheless, the present total population of the species is small and declining. The population is already so small as to be in the range where there is concern about long-term maintenance of genetic diversity.

HABITAT REQUIREMENTS AND LIMITING FACTORS: The Hawaiian monk seal has the distinction of being the only endangered marine mammal whose entire species range - historical and current - lies within the United States (however the species has been sighted outside the U.S. Exclusive Economic Zone). The majority of the population of monk seals now lies in the NWHI with six main breeding sub-populations. The species is also found in lower numbers in MHI where the population size and range both appear to be expanding. The main terrestrial habitat requirements include: haul-out areas for pupping, nursing, molting, and resting. These are primarily sandy beaches, but virtually all substrates are used at various islands.

Monk seals also spend nearly two-thirds of their time in marine habitat. Monk seals are primarily benthic foragers (Goodman-Lowe 1998 et al.), and will search for food in a broad depth range up to 500 m and over different substrates (Parrish et al., 2000, 2002, in review). The food available in their marine habitat seems to be a limiting factor to population growth in the NWHI, with the greatest impact of food limitation being on the survival of juvenile and yearling seals, age of sexual maturity, and fecundity.

RECOVERY GOAL: The goal of this revised recovery plan is to assure the long-term viability of the Hawaiian monk seal in the wild, allowing initially for reclassification to threatened status and, ultimately, removal from the List of Endangered and Threatened Wildlife.

RECOVERY STRATEGY: While recommendations within this report are many and detailed, there are four key actions required to alter the trajectory of the Hawaiian monk seal population and to move the species towards recovery:

1. Improve the survivorship of females, particularly juveniles, in sub-populations of the NWHI. To do this requires the following:
 - maintaining and enhancing existing protection and conservation of habitat and prey base;
 - targeting research to better understand the factors that result in poor juvenile survival;
 - intervening where appropriate to ensure higher survival of juvenile and adult females;
 - continuing actions to protect females from individual and multiple male aggression and to prevent excessive shark predation; and

- continuing actions to remove marine debris and reduce mortality of seals due to entanglement.
- 2. Maintain the extensive field presence during the breeding season in the NWHI. Field presence is critical not just to the monitoring and research efforts, but also to carry out the active management and conservation of Hawaiian monk seal sub-populations in these areas.
- 3. Ensure the continued natural growth of the Hawaiian monk seal in the MHI by reducing threats including interactions with recreational fisheries, disturbance of mother-pup pairs, disturbance of hauled out seals, and exposure to human and domestic animal diseases. This should be accomplished with coordination of all federal, state, local and non-government parties, volunteer networks, and increased outreach and education in order to develop a culture of co-existence between humans and seals in the MHI.
- 4. Reduce the probability of the introduction of infectious diseases into the Hawaiian monk seal population.

RECOVERY CRITERIA: The population will be considered for a reclassification as “threatened” if all the following three conditions are met:

Downlisting Criteria:

1. aggregate numbers exceed 2,900 total individuals in the NWHI
2. at least 5 of the 6 main sub-population in the NWHI are above 100 individuals and the MHI population is above 500
3. survivorship of females in each subpopulation in the NWHI and in the MHI is high enough that, in conjunction with the birth rates in each subpopulation, the calculated population growth rate for each subpopulation is not negative.

Threats-based Criteria:

Factor A. Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Criteria: Measures are in place to manage human factors affecting food limitations, habitat loss and contaminants in the NWHIs. Management measures are also in place to a) minimize human disturbance of monk seals that haul-out on beaches in the MHI, and b) protect major monk seal haul-out habitat in the MHI.

Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Criteria:

1. Procedures, including data collection and analyses, are in place to evaluate and ensure that scientific research on Hawaiian monk seals, including their

observation, handling, and instrumentation, will not cause significant adverse impacts on monk seal survival, behavior, or population growth.

2. Procedures are in place to ensure that any proposed NWHI operations that may increase seal disturbance or threaten survival will be reviewed and carefully scrutinized, and that all applicable laws protecting monk seals and their habitat have been used and enforced.
3. Management and permitting measures are in place to ensure that people, including scientists and research teams, visiting the Midway Islands or any other atoll in NWHI do not disturb monk seals or restrict their haul-out habitat in ways that could adversely affect monk seal survival, behavior, or population growth.

Factor C. Disease or Predation

Criteria:

1. Credible measures for minimizing the probability of introduction of diseases to any of the NWHI subpopulations, or the spread of diseases from the MHI to the NWHI, or importation of diseases that are not yet present in Hawaii are in place.
2. Contingency plans are in place to respond to a disease outbreak or introduction should this occur.
3. Research measures are in place to monitor population size, vital rates, and possible disease outbreaks or disease introductions, in all the subpopulations.
4. Management measures are in place to minimize shark predation and are demonstrably effective at maintaining predation sources at low enough levels to be consistent with continued meeting of the birth rate and survivorship criterion.

Factor D. Inadequacy of Existing Regulatory Mechanisms

Criteria: Measures are in place to manage fishery interactions and are demonstrably effective at reducing these threats and maintaining fishery-related sources of mortality or stress at decreasing or low levels that are consistent with continued meeting of the birth rate and survivorship criterion.

The principle, direct fishery interaction threat currently facing monk seals are MHI recreational fisheries, particularly gillnets and shore-cast gear, which are managed by the State of Hawaii and known to cause monk seal mortalities. Two monk seals drowned in recreational gillnets on Oahu within the past year. Gillnets will still be used in other areas, and enforcement of the new regulations will be important to ensure that the threat is actually reduced. There is a continuing need for intervention for Hawaiian monk seals in the MHI to remove embedded hooks from recreational fishing; however this effort does not remedy the interaction problem itself. More management measures and enforcement of those measures are needed to ensure that this serious threat is reduced.

Factor E. Other Natural or Manmade Factors Affecting Its Continued Existence

Criteria:

1. Management measures are in place to control male aggression, entanglement, biotoxins, and other sources of human-caused mortality or stress. These measures are demonstrably effective at maintaining these threats at low enough

levels to be consistent with continued meeting of the birth rate and survivorship criterion.

2. The causes of the anthropogenic threats to the species are clearly identified and are well-enough understood to be controlled or mitigated, and any newly identified threats are controlled adequately before downlisting.

Delisting Criteria:

The population will be considered for a delisting if the downlisting criteria continue to be met for 20 consecutive years without new crucial or serious threats being identified.

ACTIONS NEEDED: The following 14 categories of actions are necessary for the recovery of the Hawaiian monk seal:

1. Investigate and mitigate factors affecting food limitation
2. Prevent entanglements of monk seals
3. Reduce shark predation on monk seals
4. Minimize the risk of exposure to or spread of infectious disease
5. Conserve Hawaiian monk seal habitat
6. Reduce Hawaiian monk seal interactions with fisheries
7. Reduce male aggression toward pups/immature seals and adult females
8. Reduce the likelihood and impact of human interactions
9. Investigate and develop response to biotoxin impacts
10. Reduce impacts from compromised and grounded vessels
11. Reduce the impacts of contaminants
12. Continue population monitoring and research
13. Create and implement a main Hawaiian Islands Hawaiian Monk Seal Management Plan
14. Implement the Recovery Plan for the Hawaiian Monk Seal

Estimated Cost of Five-Year Recovery Efforts (in thousands):

	FY 01	FY 02	FY 03	FY 04	FY 05	Subtotal	Total
Crucial Threats							
1. Food limitation	1,920	1,900	1,900	1,900	1,900	9,520	
2. Entanglement	1,260	1,260	1,260	1,260	1,260	6,300	
3. Shark predation	300	300	300	300	300	1,500	
Subtotal - Crucial Threats							17,320
Serious Threats							
4. Infectious diseases	605	585	585	585	585	2,945	
5. Habitat loss	250	50	50	0	0	350	
6. Fishery interaction	200	200	200	200	200	1,000	
7. Male aggression*	*	*	*	*	*	0	
8. Human disturbance	800	800	800	800	800	4,000	
Subtotal - Serious Threats							8,295
Moderate Threats							
9. Biotoxins	250	125	125	75	75	650	
10. Vessel groundings	0	0	0	0	0	0	
11. Contaminants	50	0	0	0	0	50	
Subtotal - Moderate Threats							700
* All included in other costs							
Essential Long-term Recovery Actions							
12. Monitoring & Research	1,550	1,600	1,650	1,550	1,550	7,900	
13. MHI Management Plan	200	200	150	150	150	850	
14. Implement Recovery Plan	170	170	170	170	170	850	
Subtotal - Essential Long-term Recovery Actions							9,600
TOTAL ALL ACTIONS	7,555	7,190	7,190	6,990	6,990	35,915	35,915

ESTIMATED COST OF RECOVERY (FIRST 5 FISCAL YEARS): \$35,915,000

ANTICIPATED DATE OF RECOVERY: The time to recovery is not predictable with the current information, but the best case scenario (which is extremely improbable given recent trends) is that the population could grow to the stipulated total population size in the NWHI within 12 years, and the stipulated numbers in the MHI could be reached within 34 years. Provided that the threats-based criteria have also been met, this would elevate the population to a "threatened" classification. The population may be considered "recovered" if the downlisting criteria continue to be met for 20 consecutive years. Therefore, the total time to recovery is anticipated to be 54 years. The Total Estimated Cost of Recovery can be calculated by multiplying the estimated cost of FY 05 (\$6,990) for the next 49 years. Then add that sum to the estimated cost for the first five fiscal years (in Table above). Realistically, the population is not expected to recover in the foreseeable future. In the future, if more is learned about the causes for the current continuing decline, it should be possible to make more informative projections about the time to recovery, and its expense.

TOTAL ESTIMATED COST OF RECOVERY (54 YEARS): \$378,425,000

TO: The Senate Committee on Land and Water
Mr. Clayton Hee, Chair
Mr. Russell Kokubun, Vice Chair

VIA: Senate Sergeant of Arms, FAX: 586-6659

FR: Georgette Yaindl
1312A 13th Ave.
Honolulu, HI 96816
808-732-3138
yaindl@hawaii.edu

RE: **For Public Hearing, Wednesday, February 6, 2008
2:45 pm; Conference Room 414**

Testimony **IN SUPPORT** of SB3169, Aquatic Resources Sanctuary Program; Hawaiian Monk Seals; Appropriation

Please make five (5) copies.

Dear Senators Hee and Kokubun,

Thank you for raising SB3169, the "Aquatic Resources Sanctuary Program; Hawaiian Monk Seals; Appropriation" bill for public hearing. Please accept this testimony expressing my **STRONG SUPPORT** for this bill.

I believe it is imperative that the state legislature act to pass this bill because DLNR possesses the most complex and compelling responsibilities of any state agency yet it is dangerously under-funded. As mandated by federal and state law, and as moral and cultural considerations also compel, these responsibilities include the recovery of the Hawaiian monk seal, an ancient, endemic mammal species found nowhere else on Earth.

The population of monk seals is declining in the northwest Hawaiian Islands, but it has been increasing in the Main Hawaiian Islands during recent years. While there are a variety of factors contributing to this occurrence, including disappearance of beachfront pupping habitat due to global warming, but we should also consider the return of Hawaiian monk seals to the Main Hawaiian Islands as a direct appeal to all Hawaii's residents to participate in the protection and recovery of this twelve million year old species. Public engagement is included within DLNR's at law kuleana, which in fact will be abrogated if DLNR does not possess sufficient dedicated resources.

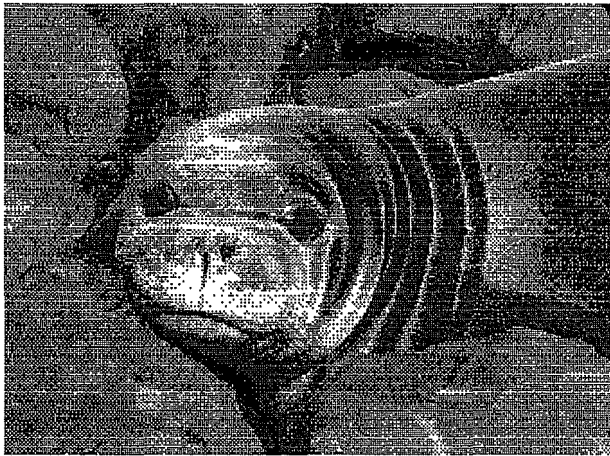
I also believe Hawaiian monk seals are the indicator species for Hawaii. If we recover their population, it will be because all of us have taken care to restore even more of what is precious and unique about the Hawaiian Archipelago. Hawaiian monk seal recovery is Hawaii's bellweather campaign.

It is perfectly appropriate that this bill is being raised within the jurisdiction of the Water and Land Committee, whereas seals, or na ilio holo i ka uua – dogs that run in rough water – spend fairly equal shares of their days in the water and the shore. (And like other dogs, most of that time is spent sleeping!)

Thank you for this opportunity to offer my strong support for this bill.

Sincerely,

Georgette Yaindl



Ilio holoika uua, *dog that swims in rough waters*, was born of Hawaiian rock, 15 million years ago. This pup was born at Ka'ena Point, O'ahu in July 2006!

TO: The Senate Committee on Land and Water Mr. Clayton Hee, Chair Mr. Russell Kokubun, Vice Chair

FR: Patricia Boehm
Hawaiian Monk Seal Supporter
944 Wanaao Road
Kailua, HI 96734
808-261-4238
patiemoose@hotmail.com

RE: For Public Hearing, Wednesday, February 6, 2008
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The DLNR possesses the most complex and compelling responsibilities of any state agency and it is fatally/woefully underfunded. As mandated by federal and state law, and as moral and cultural considerations also compel, these responsibilities include the recovery of the Hawaiian monk seal, an ancient, endemic mammal species found nowhere else on Earth.

US Senator Dan Inouye said last August at a ceremony at the Waikiki Aquarium when federal officials signed the updated Hawaiian Monk Seal Recovery Plan, I also want my grandchildren to grow up able to experience real living Hawaiian monk seals, not stuffed toys or photographs in a museum.

Hawaiian monk seals are the indicator species for Hawaii. If we recover their population, it will be because all of us have taken care to restore even more of what is precious and unique about the Hawaiian Archipelago. Hawaiian monk seal recovery is the bellweather campaign.

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Thank you for this opportunity to offer my strong support for this bill.

Sincerely,

Patricia Boehm



Conservation Council for Hawai'i

Testimony Submitted to the Senate Committee on Water and Land
Hearing: Wednesday, February 6, 2008 2:45 pm
Room 414

Support for SB 3169 Relating to the Protection of Endangered Aquatic Animals

Aloha. The Conservation Council for Hawai'i strongly supports SB 3169 to provide funding for two monk seal coordinator positions in the Division of Aquatic Resources. This action will help save monk seal lives. Our understanding is that the monk seal coordinators are part of the first line of response in situations where endangered monk seals are in trouble and in need of human assistance. Such situations include entanglement in fishing nets, injury by fishhooks, and harassment and injury by humans and dogs.

We recommend that funds be appropriated for at least five monk seal coordinator positions – preferably ten – with coordinators on Kaua'i, O'ahu, Moloka'i, Maui, and Hawai'i.

The hiring of monk seal coordinators on the main Hawaiian islands would go along way towards saving monk seals and helping the State meet the requirements of conservation plans for incidental take permits under the federal and state Endangered Species Acts. We note that additional actions, such as mitigating the unintentional, yet harmful impacts to seals by fishing gear also will be required under such conservation plans and incidental take permits.

Unfortunately, our monk seals are in decline. The actions we take today will help ensure that future generations know and enjoy this unique Hawaiian animal.

Mahalo nui loa for your concern and for the opportunity to testify.

Sincerely,

Marjorie Ziegler



Working Today for the Nature of Tomorrow!

Telephone/Fax 808.593.0255 • email: info@conservéhi.org • web: www@conservehi.org
P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814

Hawai'i Affiliate of the National Wildlife Federation

President: *Julie Leialoha* * Vice-President: *Nelson Ho* * Secretary/Treasurer: *Kim Ramos* * Directors: *Fred Kraus, Ph.D.* * *Douglas Lamerson,*
George Robertson * *Claire Shimabukuro* * *Helene Takemoto* * *Mashuri Waite* * Executive Director: *Marjorie Ziegler*

From: alohahonu@gmail.com
To: testimony@capitol.hawaii.gov
Subject: SB3169
Date: Tue, 5 Feb 2008

TO: The Senate Committee on Land and Water
Mr. Clayton Hee, Chair
Mr. Russell Kokubun, Vice Chair

FR: Alissa Rogers
Hawaiian Monk Seal Supporter
864 B Kainui Drive
Kailua, HI 96734
808-262-0611
alohahonu@gmail.com

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Sincerely,

Alissa Rogers

TO: The Senate Committee on Land and Water

Mr. Clayton Hee, Chair

Mr. Russell Kokubun, Vice Chair

FR: Donna Festa

Volunteer, NOAA

425 North Kalaheo Avenue, Kailua, HI 96734

808-561-8112

donnafesta@aol.com

RE: For Public Hearing, Wednesday, February 6, 2008 2:45 pm; Conference Room 414

Testimony IN SUPPORT of SB3169, Aquatic Resources Sanctuary Program;

Hawaiian Monk Seals; Appropriation

Dear Senators Hee and Kokubun,

Thank you for raising SB3169, the "Aquatic Resources Sanctuary Program; Hawaiian Monk Seals; Appropriation"

bill for public hearing. Please accept this testimony expressing my STRONG SUPPORT for this bill.

This bill is important to me because I just spent 27 days in January watching over a Hawaiian Monk Seal on Kailua Beach. I was unaware of how close these mammals are to extinction. I volunteered my time because I honestly felt I had to be there, someone needed to keep this seal (Chester) safe. Although I had no knowledge of these animals prior to Chester's visit, I have learned a great deal in a short time. I am also planning on dedicating more of my time and energy to save these beautiful creatures.

It is critical that the state legislature act to pass this bill because the State of Hawaii needs to be involved in the protection and use its power to provide a safe haven for these animals. As a volunteer I need to know the right agencies and departments are involved to combat the rapid decline of the Hawaiian Monk Seals.

DLNR possesses the most complex and compelling responsibilities of any state agency and it is terribly under-funded.

As mandated by federal and state law, and as moral and cultural considerations also compel, these responsibilities include the recovery of the Hawaiian Monk Seal, an ancient, endemic mammal species found nowhere else on Earth.

While the population of monk seals is declining in the northwest Hawaiian Islands, it has been increasing in the Main Hawaiian Islands during recent years. There are a variety of factors contributing to this occurrence, including disappearance of beachfront pupping habitat due to global warming, but we should also consider the return of Hawaiian monk seals to the Main Hawaiian Islands as a direct appeal to all Hawaii's residents to participate in the protection and recovery of this twelve million year old species. Public engagement is included within DLNR's at law kuleana, which in fact will be abrogated if it does not possess sufficient dedicated resources. Thank you for this opportunity to offer my strong support for this bill. I will do my part and I need you to do yours.

Mahalo,

Donna Festa (RA)

CENTURY 21 Kailua Beach Realty

130 Kailua Road Suite 110

Kailua, HI 96734

808-561-8112 (cell)

808-262-8275 (fax)

To: The Senate Committee on Land and Water
Mr. Clayton Hee, Chair
Mr. Russell Kokubun, Vice Chair

FR: Karen Rohter
Member of Seal Volunteer Response Team
1684 Halekoa Dr.
Honolulu, HI 96821
732-5497
krohter@priory.net

RE: For Public Hearing, Wednesday, February 6, 2008
2:45 pm Conference Room 414

Testimony IN SUPPORT of SB3169, Aquatic Resources Sanctuary Program;
Hawaiian Monk Seals; Appropriation

Please make 5 copies.

Dear Senators Hee and Kokubun,

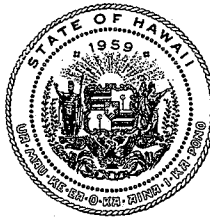
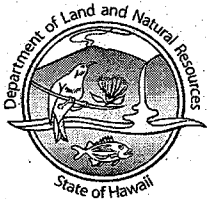
Thank you for raising SB3169, "the Aquatic Resources Sanctuary Program; Hawaiian Monk Seals; Appropriation" bill for public hearing. Please accept this testimony expressing my **STRONG SUPPORT** for this bill.

It is crucial that the state legislature pass this bill because the DLNR is very under funded and yet is responsible through state and federal law to work toward the recovery of the Hawaiian monk seal, an endangered species found nowhere else on earth. Without immediate help Hawaii's citizens may no longer be able to experience the excitement of viewing seals on our beaches. Chester, the Hawaiian monk seal who graced the Kailua beach for quite a few days while molting, brought attention to this species through the news articles in the Advertiser and Star Bulletin. Children who saw the seal excitedly shared their experiences in my classroom. Another student shared her experience of the seal pup born near Turtle Bay in 2006. Unfortunately, that seal was to die within 6 months after being caught in a gill net. With the additional help that SD3169 would bring, through enforcement of current gill net laws, (or indeed, a total ban on gill nets) our seals will be less likely to get picked off one by one. We need to keep our seals protected in order for any recovery to occur. We must do all we can to allow this unique animal its survival into the next millennium.

Thank you for this opportunity to offer my strong support for this bill.

Sincerely,
Karen Rohter

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Laura H. Thielen
Chairperson
Board of Land and Natural Resources
Commission on Water Resource Management

Russell Y. Tsuji
First Deputy

Ken C. Kawahara
Deputy Director - Water

Aquatic Resources
Boating and Ocean Recreation
Bureau of Conveyances
Commission on Water Resource Management
Conservation and Coastal Lands
Conservation and Resources Enforcement
Engineering
Forestry and Wildlife
Historic Preservation
Kahoolawe Island Reserve Commission
Land
State Parks

**TESTIMONY OF THE CHAIRPERSON OF THE
BOARD OF LAND AND NATURAL RESOURCES**

**On SENATE BILL 3169 – RELATING TO PROTECTION OF ENDANGERED
AQUATIC MAMMALS**

**BEFORE THE SENATE COMMITTEE ON
WATER AND LAND**

February 6, 2008

Senate Bill 3169 appropriates funds to establish two Hawaiian monk seal coordinator positions within the Department of Land and Natural Resources' Division of Aquatic Resources sanctuary program. While the Department of Land and Natural Resources (Department) supports the intent of this measure, it nonetheless has concerns with the fiscal implication it will have on the Executive Supplemental Budget request.

The Department also notes that recent research suggests that the Hawaiian monk seal population in the Main Hawaiian Islands is increasing, and with the growing number of seals in our most heavily used waters, the Department is called to respond to a growing number of incidents where seals are hooked or entangled in certain kinds of fishing gear. Kauai in particular is a "hotspot" for these types of incidents, with an average of seven hooked seals and numerous entanglements reported each year. These reports require timely staff response and follow-on actions, ranging from simple treatment to coordinating extensive veterinary care. Numerous other seals are also reported hooked or entangled each year on other islands. Aside from Kauai, responses on Hawaii Island are especially challenging given the large size of the Island and remoteness of some of its coastline. Based on discussions with fishermen and other ocean users, the Department has reason to believe that there are many other hooking and entanglements that go unreported across the State.

It is of particular importance that the Department is able to effectively respond to these monk seal hookings and entanglements, because this kind of interaction of a seal with fishing gear is generally considered a "take" under the United States Endangered Species Act (ESA), and is thereby prohibited without prior authorization from the National Ocean and Atmospheric Administration's National Marine Fisheries Service (NMFS). The Department is currently developing an application to submit to NMFS to obtain an Incidental Take Permit (ITP). The ITP would authorize the incidental take of monk seals (and sea turtles) in the State's nearshore fisheries, and thereby bring the State into compliance with the ESA. For NMFS to issue the State an ITP, the State needs to demonstrate that seal takes will be kept below a level that would adversely impact the recovery of the seals from endangered species status. Therefore, to successfully obtain the permit and come into compliance with the ESA, the Department will

need to have a program in place that effectively prevents as many takes as possible before they occur (via fisheries management and education), and responds to, and documents all of the takes that do occur.

In summary, to bring the State into compliance with the ESA, the Department has identified the need for a new ITP program. The Department understands that proponents of Senate Bill 3169 are concerned about the plight of Hawaiian monk seals in the Main Hawaiian Islands, and are seeking ways to address this issue. The Department appreciates this support and looks forward to working with the Legislature, all concerned organizations and individuals to find the best solutions to these complex problems.

Thank you for this opportunity to provide testimony.

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**SUBJECT: SUPPORT FOR SB 3169 FOR DISTRIBUTION TO ALL MEMBERS OF
THE SENATE COMMITTEE ON WATER AND LAND**

Senator Clayton Hee, Chairman
Senate Committee on Water and Land

Dear Senator Hee:

Today the Hawaiian Monk Seal Recovery Team (HMSRT) is meeting to discuss ways in which federal agencies, the State, and the people of Hawaii can take the actions needed to prevent the extinction of one of Hawaii's special animals, the Hawaiian monk seal. Tomorrow the Senate Committee on Water and Land will hear testimony on SB 3169 which would provide State of Hawaii funding for two positions in the Department of Land and Natural Resources to work on Hawaiian monk seal conservation in the main Hawaiian Islands.

Although the overall Hawaiian monk seal population is endangered and declining, the number of seals in the main Hawaiian Islands segment is increasing. This population increase has led to many more interactions of seals with humans. Some of these interactions may lead to serious problems for the seals, such as being caught on fishing gear and human disturbance of mother and pup pairs on the beaches. There may also be problems associated with transmission of diseases among seals, animals, and people. But, the presence of seals provides an opportunity for people to experience nature and to help with monk seal recovery. Some progress has been made in developing cooperative efforts between government biologists and volunteer groups to manage problem interactions and to foster harmonious co-existence between people and the seals. However, the responsible management agencies have far too little staff to undertake and coordinate the actions needed.

The HMSRT believes that the additional Hawaiian monk seal positions in DLNR provided by SB 3169 will enhance the recovery potential of the species, and we encourage you to pass this bill. Recovery of monk seals will be a long term endeavor, and we also encourage the State legislature to provide continuing support for these positions.

Sincerely,
Lloyd Lowry, Chair HMSRT,
and HMSRT members
William Aila
Don Bowen
Brian Funai
Bill Gilmartin
Dan Goodman
Frances Gulland
Don Siniff

testimony**LATE**

From: Donna Lee [donnalee@hawaiiintel.net]
Sent: Tuesday, February 05, 2008 2:28 PM
To: testimony
Subject: Senate Bill 3169} Relating to the Protection of Endangered Aquatic Mammals

Tuesday – February 5, 2008

Subject: Senate Bill 3169} Relating to the Protection of Endangered Aquatic Mammals
Committee on Water and Land
2:45 p.m. Wednesday – February 6, 2008

Aloha, Senator Hee:

It is my understanding that you are tomorrow hearing the above referenced Bill at 2:45 p.m. which would provide funds for two seal coordinators in the main Hawaiian Islands (specifically Kauai and the Big Island).

Ostensibly this is being done in recognition of the need to monitor, document, and protect this endangered species. If the involved government organizations are serious in their intent, this cannot be accomplished without an organized approach and full-time trained personnel.

Having been involved with the monk seals on Kauai since 1985 when Don Heacock, Department of Land and Natural Resources Division of Aquatic Resources, asked for volunteers to be his eyes and ears monitoring aquatic mammals. I am dedicated to the intent. As the population of monk seals increased, it became apparent that our small group of volunteers needed more guidance and education than Mr. Heacock had time for, and we successfully petitioned for a full-time qualified employee of the government.

Again referring to intent, this position now requires an assistant to deal with burgeoning administrative tasks, to allow the primary individual to deal directly with the monk seals. In the pyramid structure, these principals are supported by an ever-fluctuating volunteer base, thus reinforcing the necessity of a strong leadership to coalesce the time and energy being expended on the urgency to ensure a stable monk seal population on our island.

Please consider this testimony support of The Intent.

I am,

donna lee

donna lee
Westside
Kauai, Hawaii

LATE

SB 3169

To Whom It May Concern,

I am writing in support of bill 3169 to fund positions for seal coordinators in the State. As you know monk seals are endangered and on the decline. They are not aggressive and do need our protection and study.

Sincerely, Kathryn & Dr. Phil Zeidner

testimony

From: Mary Lynn Werthwine [marywerthwine@gmail.com]
Sent: Tuesday, February 05, 2008 2:08 PM
To: testimony
Subject: Fwd: Senate Bill 3169

LATE

----- Forwarded message -----
From: Mary Lynn Werthwine <marywerthwine@gmail.com>
Date: Feb 5, 2008 1:57 PM
Subject: Senate Bill 3169
To: testimony@capital.hawaii.gov

To the Committee of Water and Land

I am writing to seek your support of Senate bill 3169. I understand that this bill will help in the appropriation of funds to allow for two Monk Seal Coordinators, one on Kaua'i and one on the Big Island.

As I am sure you are aware these positions are much needed.

Mahalo

Mary Werthwine
4061 Atoni Pl
Koloa HI 96756

testimony

From: Barry Werthwine [barrywerthwine@gmail.com]
Sent: Tuesday, February 05, 2008 2:13 PM
To: testimony
Subject: Fwd: Senate Bill 3169

LATE

----- Forwarded message -----

From: **Barry Werthwine** <barrywerthwine@gmail.com>
Date: Feb 5, 2008 2:06 PM
Subject: Senate Bill 3169
To: testimony@capital.hawaii.gov

Attention Committee of Water and Land

Please support Senate Bill 3169 which will help our Hawaiian Monk Seal conservation efforts. The addition of coordinators on Kaua'i and Hawaii Island are needed to continue the protection and oversight of these highly endangered Hawaiian marine mammals.

Mahalo

Barry Werthwine

4061 Atoni Pl
Koloa HI 96756

LATE

February 5, 2008

David H. Leopold
4885B Koko Rd.
Hanapepe, HI 96716
808-335-8505

Mailing Address
PO Box 790
Waimea, HI. 96796

Chairman,
Senate committee on Water and Land
Re. SB3169

Aloha,

I am a volunteer with the Hawaiian Monk Seal Conservation Hui on Kauai.

Under the oversight of the Kauai Marine Conservation Coordinator, Dr. Mimi Olry DVM, our Hui sets up Seal Protection Zones (SPZ) whenever Monk Seals are reported hauled-out on the beach. Over the last few years, an increasing number of seals are coming on shore. Dr. Olry is hard pressed to respond to all the calls being made. While volunteers are being and can be used to help set up barriers, help in educating the public, and report when someone is violating the SPZ, they do not have the expertise or authority of a Seal Coordinator.

Additional Seal Coordinator positions are sorely needed to ensure that all areas of the state are adequately covered. These coordinators are essential to protecting and monitoring the seals, establishing volunteer networks and recruiting more volunteers, and educating residents and visitors with educational opportunities, in partnership with Federal and State agencies responsible for the protecting Hawaii's endangered species.

Happily, the population of Hawaiian Monk Seals in the Main Islands is beginning to increase, perhaps because of dedicated people like Dr. Olry. The addition of two Seal Coordinator positions will further increase their chances for survival.

I wholeheartedly support SB3169 and urge you, for the seal's sake, to support it also.

Mahalo,
David H. Leopold RN, BSN
Hawaiian Monk Seal Conservation Hui Volunteer