



University of Hawaii at Manoa

Environmental Center

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April 15, 1994

~~RE:0115~~

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Ms. Janice Sessing
Program Specialist, On Sight
Hawaiian Islands Humpback Whale
National Marine Sanctuary
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
300 Ala Moana Boulevard, Room 5350
P.O. Box 50186
Honolulu, Hawaii 96850

Dear Ms. Janice Sessing:

Discussion Paper for the Development of a
Draft Environmental Impact Statement
and Sanctuary Management Plan
Honolulu, Oahu

This document addresses the primary issues involved with instituting and maintaining a marine sanctuary for humpback whales in the Hawaiian Islands. The paper poses questions relating to administration, education, research, and regulation of the sanctuary.

The Environmental Center has reviewed the referenced Discussion Paper with the assistance of Paul Nachtigall, Hawaii Institute of Marine Biology; and Chris Welch, Environmental Center.

This Discussion Paper addresses a topic of keen interest within both scientific and general public communities in Hawaii. The humpback whales off of the Hawaiian islands provide a unique opportunity for scientific research. In addition, many people are supported by tourist dollars derived from whale watching excursions. Thus, it is timely and in keeping with current awareness about our fragile resources that the sanctuary be discussed and implemented properly. It is in this spirit that the following observations are given.

ISSUE #1: THE ADMINISTRATION OF THE SANCTUARY: The administration of the sanctuary seems to be in line with the needs of the communities affected by the sanctuary plan. The discussion paper states that members of the Federal, state, and county agencies,

Ms. Janice Sessing
April 15, 1994
Page 2

Hawaiian groups, environmental groups, and other interested parties will be brought together under the umbrella of a Sanctuary Advisory Group (SAG). This administrative architecture would provide the necessary flow of information between the governmental and community organizations that have questions regarding the plan.

Additionally, the SAG provides an appropriate structure for periodic re-evaluation of plan priorities and boundary evaluations. As knowledge about whales and the sanctuary evolves over time, in both the scientific and local communities, the SAG would provide for the integration of these new insights into the sanctuary boundary definition and regulatory needs.

ISSUE #2: THE DEVELOPMENT OF COORDINATED, MANAGEMENT-RELATED RESEARCH AND MONITORING PROGRAMS: Aside from necessary research that can be done with respect to breeding rituals and calving, much needs to be done in the area of whale migration. The opportunity to use newer benign tagging and tracking procedures to determine specific migratory routes of the different whale groups (i.e. mothers and calves vs escorts) should be included in research efforts.

As far as validity and consistency in the research efforts, both the University of Hawaii and NOAA have established research institutions and guidelines. The same standards that guide academic research efforts within these institutions should be used regarding research done within the marine sanctuary.

It should be noted that potential exists for whales to be stranded within the boundaries of the sanctuary. As part of the research/education/management agenda for the sanctuary, a plan should be drawn up that addresses this concern. Within the plan should be the formation of a working group that can respond to strandings. This group would perform emergency rescue procedures and collect scientific evidence about the event, including records of the behavior, acoustic patterns, and the auditory potential of the animal.

ISSUE #3: THE DEVELOPMENT OF PUBLIC EDUCATION AND INFORMATION PROGRAMS: The ideal question to ask in the development of public education, with regard to whales in Hawaii, is "Who is currently performing this service and what is the resulting awareness from the service?"

Although many institutions and businesses perform the function of public education regarding whales and their activities, an assessment as to the veracity of the information and its effectiveness in reaching the population needs to be done. In this way any funds or activities generated through State or Federal channels would avoid duplication and not be spent in support of faulty programs, such as those that advocate awareness through whale watching tours, yet harass the whales by the boating tactics they use. It is essential that the local businesses and not-for-profit groups be involved in developing and disseminating materials

Ms. Janice Sessing
April 15, 1994
Page 3

that will enhance the awareness of the local and tourist populations. Emphasis of this type of partnership in the discussion paper shows good insight into cost effective and participatory programs that will best achieve the goal of better education for the local and visitor populations.

ISSUE # 4: REGULATORY AND ENFORCEMENT MECHANISMS: The question here should be how the sanctuary accentuates regulatory efforts to protect humpback whales. The sanctuary plan should be seen as a culmination of many regulatory efforts which have resulted in an ecosystem approach to protecting and managing the whales that winter in Hawaii. The sanctuary fills this very critical niche that has not explicitly been expressed through legal mandates.

At the same time we suggest that additional regulations to protect the whales are unnecessary. The regulatory mechanisms for protection are presently found in a host of Federal and State laws. The crucial topic of debate is how to enforce these mandates to ensure the best protective measures within the limits of resources at hand. Current efforts of enforcement fall short of providing protection from waterborne craft in particular.

ISSUE #5: THE BOUNDARIES OF THE SANCTUARY: The boundaries of the sanctuary, as noted, are a topic of concern for those involved in the sanctuary discussion. One of the questions posed asks if a 100 fathom isobath be considered as a boundary for the sanctuary. This seems rather arbitrary unless some correlation to whale locations within the Hawaiian waters can be made. The idea of boundary evaluation falls neatly under the mandate of the proposed SAG group. The wintering habits of these creatures may evolve, and the necessary mechanism to implement a plan of action based on this type of finding is essential.

The reason for having boundaries that are not superfluous is in the enforcement of regulations within the sanctuary. Those areas crucial to the whale population should be monitored carefully. However, a large sanctuary may prove hard to monitor. With the substantial boat traffic that takes place in areas like Maalaea Bay, enforcement of sanctuary regulations elsewhere may prove problematic given resources constraints.

ISSUE #6: THE IDENTIFICATION OF OTHER MARINE RESOURCES OF NATIONAL SIGNIFICANCE: Our reviewers had no comments relating to this issue.

The sanctuary discussion paper addresses in a timely and proficient manner the questions that need to be addressed to implement a whale sanctuary in Hawaii. The avenues of approach proposed in developing the plan are comprehensive and insightful.

Ms. Janice Sessing
April 15, 1994
Page 4

Thank you for the opportunity to review this discussion paper.

Sincerely,


for Jacquelin N. Miller
Environmental Coordinator

cc: OEQC
Roger Fujioka
Marshall Mock
Chris Welch