

**Prepared for:**

National Oceanic and Atmospheric Administration  
National Marine Fisheries Service

## **Programmatic Environmental Impact Statement**

### **Appendix C: Comment Analysis Report**

#### **Final PEIS for Hawaiian Monk Seal Recovery Actions**

March 2014



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## ***ACRONYMS AND ABBREVIATIONS***

AWA	Animal Welfare Act
CAR	Comment Analysis Report
CFR	Code of Federal Regulations
DLNR	Department of Land and Natural Resources
ERM	ERM-West, Inc.
ESA	Endangered Species Act
FR	Federal Register
GnRH	gonadotropin-releasing hormone
HEPA	Hawai'i Environmental Protection Act
HIHWNMS	Hawaiian Islands Humpback Whale National Marine Sanctuary
IACUC	Institutional Animal Care and Use Committee
ID	identification
MHI	main Hawaiian Islands
MMPA	Marine Mammal Protection Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NWHI	Northwestern Hawaiian Islands
PEIS	Programmatic Environmental Impact Statement
PIRO	Pacific Islands Regional Office
PIFSC	Pacific Islands Fisheries Science Center
PMNM	Papahānaumokuākea Marine National Monument
PSA	public service announcement
RFFA	Reasonably Foreseeable Future Action
SPZ	seal protection zone
U.S.	United States
UME	unusual mortality event
UH	University of Hawai'i
U.S.C.	United States Code

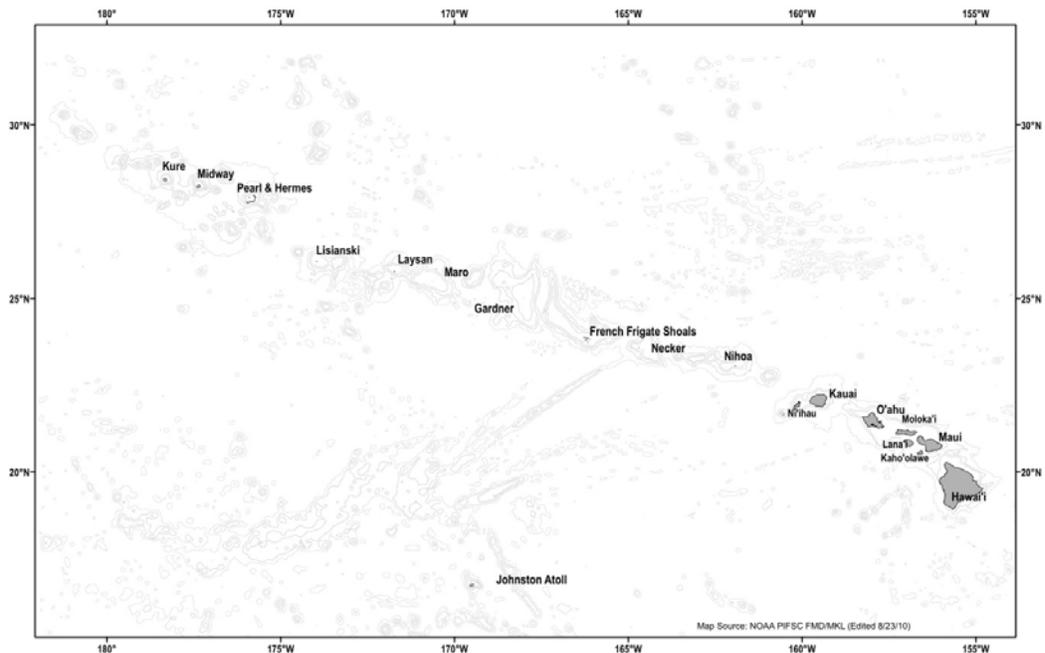
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### INTRODUCTION

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) is responsible for management, conservation, and recovery of Hawaiian monk seals (*Monachus schauinslandi*), under the Endangered Species Act (ESA) (16 United States Code [U.S.C.] 1531 *et seq.*) and the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*). The NMFS Pacific Islands Regional Office (PIRO) and NMFS Pacific Islands Fisheries Science Center (PIFSC) are responsible for implementation of the Hawaiian Monk Seal Recovery Plan (NMFS 2007).

NMFS prepared a Draft Programmatic Environmental Impact Statement (PEIS) to assess the impacts of implementing specific research and enhancement activities to improve survival of Hawaiian monk seals. Conducting these activities and issuing a permit to conduct these activities constitute a federal action subject to compliance with the National Environmental Policy Act (NEPA) of 1969 (40 Code of Federal Regulations [CFR] Parts 1500 - 1508), a procedural law intended to facilitate better government decisions concerning any project that involves federal funding, work performed by the federal government, or permits issued by a federal agency.

*Figure 1. Project Area Map*



## ***THE ROLE OF PUBLIC COMMENT***

Solicitation of public comment on proposed research and enhancement activities is required under NEPA. Furthermore, NMFS must “assess and consider public comments both individually and collectively” (Title 40 CFR 1503.4). Most importantly, such comments are viewed by NMFS as critical in helping managers to shape responsible plans for Hawaiian monk seal recovery actions that best meet NMFS’ mission.

During the formal comment period, the public reviewed and commented on the Draft PEIS on the proposed action. The comment period described in this document is part of a broader effort of public involvement and agency consultation described in Sections 1.8 and 5.6, and Appendix B (*Scoping Report*) of the Draft PEIS.

The comments received are analyzed and considered by NMFS management while developing the Final PEIS. Section 3.0, *The Comment Analysis Process*, of this Comment Analysis Report (CAR) provides a more complete discussion of how NMFS addresses public comments and the Executive Summary of the Final PEIS includes a summary of issues raised and where they were discussed in the Final PEIS.

## ***PUBLIC COMMENT PERIOD AND HEARINGS***

The Hawaiian Monk Seal Recovery Actions Draft PEIS was released for public review on August 12, 2011 on the project website:

<http://www.nmfs.noaa.gov/pr/permits/eis/hawaiianmonkseal.htm>.

The Notice of Availability (NOA) for the Draft PEIS was published in the *Federal Register* August 19, 2011 (76 Federal Register [FR] 51945), which began the official public comment period for this PEIS. The public comment period lasted for 60 days and concluded on October 17, 2011. Six public hearings and an agency meeting on the Draft PEIS were held as shown in Table 1 below.

**Table 1: Locations and Dates of the Public Hearings and Agency Meeting on the Draft PEIS**

Location	Date	Time
Honolulu, O`ahu	Monday, September 12, 2011	Agency Meeting: 10–11 a.m. Public Hearing: 5:30–8:30 p.m.
Kaunakakai, Moloka`i	Tuesday, September 13, 2011	Public Hearing: 6–9 p.m.
Hilo, Hawai`i	Wednesday, September 14, 2011	Public Hearing: 6–9 p.m.
Kihei, Maui	Thursday, September 15, 2011	Public Hearing: 6–9 p.m.
Lihu`e, Kaua`i	Saturday, September 17, 2011	Morning Hearing: 9 a.m.–noon Evening Hearing: 4–7 p.m.

**NUMBER OF COMMENTS RECEIVED**

A total of 341 comment submissions were received from agencies and the public on the Hawaiian Monk Seal Draft PEIS as shown in Table 2. These submissions generated 1,180 substantive comments.

**Table 2: Number of Public Comment Submissions By Type**

Submission Type	Number of Submissions
Comment Letter (hard-copy or electronic, including e-mail attachments)	182
E-mail Message	48
Petition	1
Public Hearing Testimony	110
<b>Total Number of Submissions</b>	<b>341</b>

**THE COMMENT ANALYSIS PROCESS**

The analysis of public comments on the Draft PEIS was a multi-stage process that included coding, sorting, and summarizing public comment submissions into categories based on common themes.

All submissions including letters, testimony, and electronic comments were reviewed and logged into a database where each was assigned an automatic tracking number (Submission Identification [ID] number). When provided, the following information was also entered into the database: sender’s name, address,

affiliation (if any), type of submission (*i.e.*, individual submission or petition), date submitted, and comment text.

### ***SORTING, ANALYSIS AND CODING***

Each submission was reviewed by an analyst and divided into a series of 'comments', each having a unique Comment ID number. The goal of this process was to ensure that each substantive comment pertinent to the Draft PEIS was entered into the database. Substantive comments constitute assertions, suggested alternatives or actions, data, background information, or clarifications relating to the Draft PEIS document or its preparation. Analysts then assigned each substantive comment to an issue category as shown in Table 3 on the next page.

*Table 3: Issues Identified in Public Comments on the Draft PEIS*

Issue	Issue Code	Number of Comments (includes double coded)
Alternatives	ALT	294
Behavior Modification	BEH	16
Cumulative Effects	CEF	37
Diseases	DIS	32
Ecosystem	ECO	27
Fisheries	FISH	176
General	GEN	181
Hawaiian Monk Seal Biology	BIO	78
Human-Seal Interactions	INT	49
Inadequate Information to Assess Effects/Unclear Information	INA	29
Management	MGT	28
Cultural	CUL	59
Public Coordination	PUB	36
Regulatory	REG	29
Socioeconomic	SOC	36
Translocation	TRAN	103
<b>Total Number of Comments-Issues<sup>1</sup></b>		<b>1,210</b>

### **COMMENT SUMMARY STATEMENTS**

A second review of the comments within each issue category was conducted to identify specific subcategories. These subcategories were then synthesized into succinct “Comment Summary Statements” that intend to capture the particular concern within each issue category. Comment Summary Statements are not intended to replace actual comments. Rather, they summarize for the reader the range of concerns on a specific issue.

Each Comment Summary Statement was given a three- or four-character code, identifying the general issue category (*e.g.*, DIS for Diseases), and numbered consecutively. For example, there are twenty-three Comment Summary Statements under ALT (ALT 01, 02, 03, etc.). Each substantive comment was assigned to one or more Comment Summary Statement depending on content.

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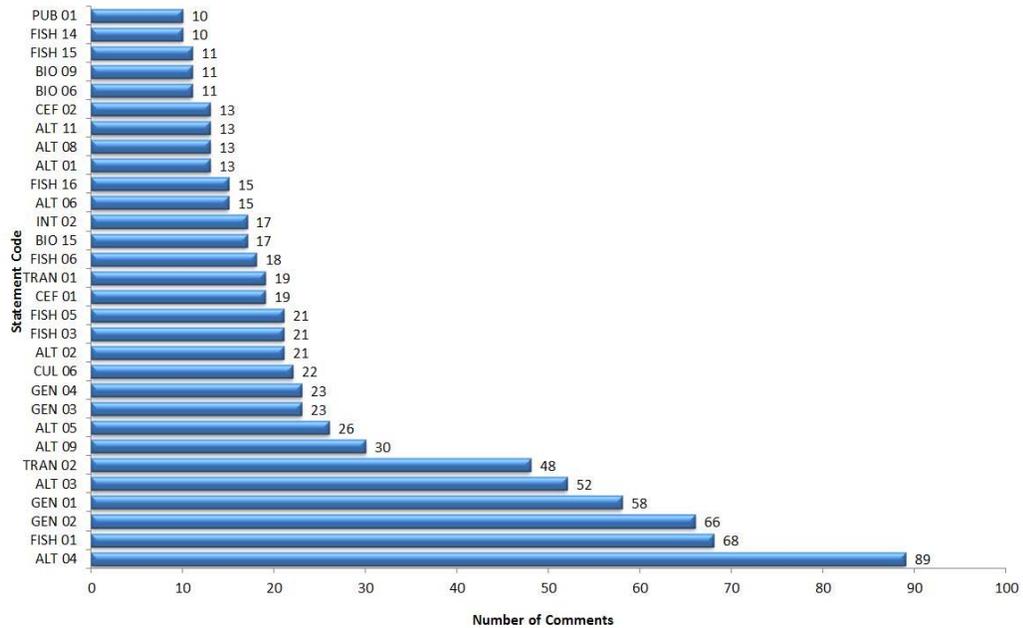
<sup>1</sup> The number of actual substantive comments is 1,180 (Table 2). However, 30 comments were coded under two issue categories therefore resulting in 1,210 comment-issues.

Table 4 presents the entire list of Issues and the number of associated Comment Summary Statements within each category. Figure 2 shows the top 30 Comment Summary Statements with the highest number of comments.

*Table 4: Number of Comment Summary Statements for each Issue*

Issue	Number of Comment Summary Statements
Alternatives (ALT)	23
Behavior Modification (BEH)	9
Cumulative Effects (CEF)	4
Diseases (DIS)	13
Ecosystems (ECO)	8
Fisheries (FISH)	16
General (GEN)	14
Hawaiian Monk Seal Biology (BIO)	17
Human-Seal Interactions (INT)	9
Inadequate Information to Assess Effects/Unclear Information (INA)	12
Management (MGT)	11
Native Hawaiian Concerns (CUL)	12
Public Coordination (PUB)	11
Regulatory (REG)	13
Socioeconomic Effects of Hawaiian Monk Seal Research and Enhancement (SOC)	10
Translocation (TRAN)	17

**Figure 2. Top 30 Comment Summary Statements with the Highest Number of Comments**



**RESPONSES TO PUBLIC COMMENTS**

NEPA requires government agencies to include in a Final EIS all the substantive comments received on the Draft. The Final document must include responses to the comments or comment summaries, and if changes to the Draft document are made as a result of those comments, indication of where they were made in the document.

This CAR provides a summary of the public comments and NMFS’s responses to those comments on the Draft PEIS. Some public comments have been responded to in their entirety within this CAR; other public comments refer readers to sections of the Final PEIS that provide additional information related to the comment. The Executive Summary of the Final PEIS summarizes where changes to the PEIS were made based on public comments. Responses to comments are organized by Comment Summary Statements and their associated code (*i.e.*, ALT 01).

To find responses to specific comments summarized in this section:

1. Look up the name of the organization’s or individual’s name in the Submission Index.
2. Note the Comment Summary Statement or Statements (*i.e.*, ALT 05, BEH 02, etc.) associated with that submission.
3. Return to this section to read the response.

*ALT Alternatives*

*ALT 01 Comments in support of Alternative 1 Status Quo (no rationale provided).*

Response: Despite the fact that Alternative 1 does address many of the Recovery Plan objectives (see Section 3.3.1.8) to varying degrees, Status Quo efforts have not reversed the decline. In addition, mitigation of disease risk and reduction of unmanageable human-seal interactions would be very limited under Alternative 1 measures.

*ALT 02 Comments in support of Alternative 2 No Action, including comments that there would be no monk seal mortalities under this alternative because permitted take of seals would stop.*

Response: The research and enhancement actions proposed in the Preferred Alternative would prevent far more mortalities than would be permitted as takes. The lack of future research and enhancement permits under Alternative 2 would likely result in higher monk seal mortality from the absence of activities like disentanglement or translocation of pups away from harmful situations. With the exception of activities that could be accomplished without permits, or those that are under the auspices of stranding response, none of the objectives of the Recovery Plan would be attained. Please also see response to ALT 16.

*ALT 03 Comments in support of Alternative 3 Limited Translocation, including comments that prohibition of moving monk seals to the MHI would reduce undesirable human contact and comments that Alternative 3 is a win-win for monk seals and fishermen because it will help seals and allow fishermen to fish.*

Response: While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does *not* include any two-stage translocation option that would involve taking weaned pups born in the NWHI and releasing them in the MHI. However, a variety of translocation actions could occur under Alternative 3, including two-stage translocation *within* the NWHI, *within* the MHI, or from the MHI to the NWHI, with the option of returning the seals to their birth location or nearest appropriate site at age 2 years and older.

Implementing two-stage translocations from the NWHI to the MHI under Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted

without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation.

The necessary monitoring and intervention protocols are the same in Alternatives 3 and 4 and could be further developed under Alternative 3 (Preferred). NMFS would also conduct other important seal research and enhancement activities under Alternative 3 and engage the public in an effort to address concerns raised during the Draft PEIS public comment process. Some of these concerns were related to undesirable contact or interaction between humans and seals, which appear to be on the rise due to the naturally increasing population of monk seals in the MHI. This is occurring despite the fact that there are no current translocations to the MHI.

NMFS concluded that Alternative 3 would best achieve project goals consistent with the purpose and need statement, and complies with the various goals, objectives and requirements of the ESA, MMPA, and other applicable laws. Alternative 3 constitutes the most effective implementation of key elements in the Recovery Plan and is the agency's Preferred Alternative. It is a very broad program, including research on population biology, ecology, health studies, foraging research, and a suite of enhancement activities and tools designed to mitigate existing and emerging threats to the species.

As described in Section 5.6 of the Draft PEIS, NMFS has developed and disseminated guidelines for fishers and others to follow to prevent and mitigate human-seal interactions. Outreach and collaboration with fishers and other community members to further prevent and mitigate interactions was recommended in Draft PEIS Sections 5.6.3, 5.6.4 and 5.6.5. NMFS recognizes that even with effective guidelines, and outreach and collaboration in place, some human-seal interactions will likely still occur. In these cases, the most effective means of addressing this are the seal behavior modification measures proposed under both Alternatives 3 and 4.

In extreme cases, even seal behavior modification methods may not be effective and translocating seals away from populated areas may be necessary, and this measure is included in Alternatives 3 and 4. NMFS recognizes that no action or combination of actions proposed in the PEIS would completely eliminate the possibility of any and all human-seal interaction. NMFS believes that Alternative 3 (the Preferred Alternative) provides the best balance between actions to benefit monk seals while minimizing the impact of human-seal interactions.

In terms of adverse impacts on fishermen resulting from human-seal interactions, Sections 4.8.1 thru 4.8.3 in the Final PEIS (Environmental Consequences of the Alternatives on commercial, subsistence and recreational fisheries, respectively), have been revised to reflect a re-evaluation of potential impacts of the Alternatives on fisheries. This re-evaluation takes into consideration public comments, and additional information and analysis. Regarding the concern about

continuing to allow fishermen to fish, the proposed action would implement research and enhancement activities under existing authorities and no new fishing restrictions or regulations are proposed under any Alternative.

***ALT 04 Comments in support of Alternative 4 Enhanced Implementation. This alternative is the best option to promote the survival of Hawaiian monk seals and gives scientists a flexible, complete set of management tools. The evaluation of Alternative 4 in the PEIS is thorough and thoughtful. Promotion of monk seal reproduction is necessary to prevent the extinction of the seals. The benefits of this alternative outweigh the risks.***

Response: While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS (see response to ALT 03). The distinction between these two Alternatives is that Alternative 3 (Preferred) does not include any two-stage translocation option that would involve taking weaned pups born in the NWHI and releasing them in the MHI.

Implementing two-stage translocations from the NWHI to the MHI under Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation.

The necessary monitoring and intervention protocols are the same in Alternatives 3 and 4 and could be further developed under Alternative 3 (Preferred). NMFS would also conduct other important seal research and enhancement activities under Alternative 3 and engage the public in an effort to address concerns raised during the Draft PEIS public comment process. Some of these concerns were related to undesirable contact or interaction between humans and seals, which appear to be on the rise due to the naturally increasing population of monk seals in the MHI. This is occurring despite the fact that there are no current translocations to the MHI.

NMFS concluded that Alternative 3 would best achieve project goals consistent with the purpose and need statement, and complies with the various goals, objectives and requirements of the ESA, MMPA, and other applicable laws. Alternative 3 constitutes the most effective implementation of key elements in the Recovery Plan and is the agency's Preferred Alternative. It is a very broad program, including research on population biology, ecology, health studies, foraging research, and a suite of enhancement activities and tools designed to mitigate existing and emerging threats to the species.

***ALT 05 Comments opposing Alternative 2 No Action including comments that Alternative 2 does not do enough to help save Hawaiian monk seals.***

Response: NMFS agrees that Alternative 2 would not contribute to Hawaiian monk seal recovery because all research and enhancement activities currently permitted would cease in 2014, and that higher monk seal mortality could further imperil the survival and recovery of the species in the absence of recovery activities, which is inconsistent with ESA and MMPA objectives.

***ALT 06 Comments opposing Alternative 1 Status Quo including comments that Alternative 1 does not help protect Hawaiian monk seals.***

Response: NMFS agrees that although Alternative 1 does address many of the Recovery Plan objectives (see Section 3.3.1.8) to varying degrees, Status Quo efforts have not reversed the decline and are unlikely to be sufficient in the future unless supplemented by additional interventions.

***ALT 07 Comments opposing Alternative 3 Limited Translocation because it subjects seals to testing for a long time.***

Response: NMFS' priority for this program is monk seal recovery, by enhancing the long-term survival of the species. All NMFS activities that involve "take" of monk seals (whether associated with research or enhancement activities) must be authorized under the ESA and MMPA. NMFS has conducted scientifically rigorous controlled studies and believes that its activities are safe for monk seals and do not cause adverse impacts on the monk seal population (Baker and Johanos 2002). Any permits issued would contain mitigation measures to avoid and minimize adverse impacts to individual monk seals and the population.

***ALT 08 Comments opposing Alternative 4 Enhanced Implementation (no rationale given).***

Response: NMFS acknowledges that some comments received did not support Alternative 4 as the Preferred Alternative. While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS (see response to ALT 03 and Alt04). The distinction between these two Alternatives is that Alternative 3 (Preferred) does not include any two-stage translocation option that would involve taking weaned pups born in the NWHI and releasing them in the MHI.

Implementing two-stage translocations from the NWHI to the MHI under Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted

without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation.

**ALT 09** *NMFS needs to evaluate predator removal or supplemental feeding in the NWHI more thoroughly as alternatives in the PEIS. The PEIS is incomplete without considering these concepts and the rationale that there is a "lack of sufficient information" used to dismiss this alternative is inadequate. What is so hard about managing predators? Open up fishing in the NWHI.*

Response: NMFS has considered reduction of competition and predation (Final PEIS Section 2.12.1) to benefit monk seals. With regard to competition, one alternative considered but discarded was to reduce populations of large predatory fish in the NWHI (Papahānaumokuākea Marine National Monument [Monument]) as a way to increase survival of Hawaiian monk seals. This proposal is based on the hypothesis that one of the primary factors limiting monk seal recovery in the NWHI is predation and direct or indirect competition with other predatory species such as sharks and jacks.

NMFS currently lacks sufficient information on NWHI food web dynamics to make a reliable prediction whether predator reduction would be an effective method for improving juvenile monk seal survival without unintended consequences. Compared to all other actions proposed in the preferred alternative, the results of large-scale predator management/removal is far more uncertain. It is not the ability to remove fish that is uncertain, but rather whether it would benefit monk seals without having unanticipated and undesirable environmental consequences. NMFS is not dismissing this concept indefinitely and plans to investigate it further with other agency and independent scientists outside the context of the PEIS. However, the time required to gather sufficient data in order to understand the impacts and effectiveness of reducing predatory fish populations would not be timely for the recovery of the monk seal – which makes predator reduction inconsistent with the Purpose and Need of this PEIS.

Removal of sharks that prey on seal pups at French Frigate Shoals has already been permitted and has been subject to the NEPA process, and the actions subject to this PEIS would complement these ongoing actions. Information regarding the effectiveness of predator removal is still being developed, and such activities alone are not expected to reverse the decline of the monk seal population.

NMFS has evaluated supplemental feeding and included the potential for feeding seals released to the wild in the NWHI after captive care in Alternatives 3 and 4. NEPA requires us to discuss a reasonable range of alternatives to the proposed action. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint, using common sense. Constructing and operating a captive facility (where monk seals could be fed) in the remote NWHI (Final PEIS Section 2.12.2) is not being analyzed because it is deemed logistically and economically infeasible. Furthermore, even assuming the necessary funding and

technical support to build such a facility, the immediate need for monk seal recovery efforts, makes such an approach impractical and would not meet the purpose and need for the action (see also response to ALT 14).

***ALT 10 I do not support reducing populations of large predatory fish.***

Response: Limited removal of Galapagos sharks is currently permitted in some areas of the NWHI (i.e., French Frigate Shoals) to reduce direct predation on monk seals. The potential effectiveness of large-scale removal of large predatory fish (such as sharks and jacks) that compete with juvenile monk seals for food is uncertain. However, the time required to gather sufficient data in order to understand the impacts and effectiveness of reducing predatory fish populations would not be timely for the recovery of the monk seal – which makes predator reduction inconsistent with the Purpose and Need of this PEIS. It is uncertain whether such action would necessarily benefit monk seals without having other unanticipated and undesirable environmental consequences. This proposed action addresses research and enhancement activities under ESA and MMPA that are currently authorized and that may result in directed take of monk seals for the purpose of enhancing the species’ survival and recovery. Please see the response to ALT09 for additional information.

***ALT 11 No alternative should include moving seals from the NWHI to the MHI. If seals move here of their own accord, that is acceptable but NMFS should not be moving seals. NMFS should focus their resources on building a healthy population of Hawaiian monk seals that should be kept in the NWHI. NMFS should focus on where seals are born before managing seals in the MHI.***

Response: NMFS is focused on building healthy populations of monk seals throughout the species’ range, including both the NWHI and MHI. In the Draft PEIS, Alternative 4 was Preferred. However, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS (see response to ALT 03). Despite this, Alternative 4 meets the Purpose and Need for this PEIS and is therefore included for analysis. The distinction between these two Alternatives is that Alternative 3 (Preferred) does not include any two-stage translocation option that would involve taking weaned pups born in the NWHI and releasing them in the MHI.

Implementing two-stage translocations from the NWHI to the MHI under Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation.

**ALT 12** *Using Palmyra as a wildlife refuge for monk seals should be considered a viable alternative in the PEIS. NMFS should consider restoring the historic range of the population of Hawaiian monk seals to Johnston Atoll, Christmas Island, Bismarck Island Chain or Kiribati Island.*

Response: The known historical range of Hawaiian monk seals includes only the Hawaiian Archipelago and Johnston Atoll (Section 3.3.1.1), areas of which comprise the project area for this PEIS. There are no known sightings of monk seals at Palmyra, Christmas Island, the Bismarck Archipelago, nor Kiribati. Translocations to Johnston Atoll could occur under Alternatives 3 and 4, but if undertaken, would be done with much caution. Johnston Atoll is considered part of the monk seal's natural range, because of sporadic sightings of seals there over the past several decades. However, Johnston Atoll has never been known to host a self-sustaining population of seals. Monk seals do not seem to persist at Johnston Atoll for long periods and adult males that have been translocated to the atoll have not remained there very long (Baker et al. 2011). It may be that Johnston Atoll is not well suited as monk seal habitat, or perhaps there simply have not been enough seals to achieve the social cohesion necessary for a sustained resident monk seal population. NMFS has not dismissed the potential for a Johnston Atoll seal population and translocations to this site could occur as part of the proposed action.

**ALT 13** *Until cumulative effects of the entire Hawaiian monk seal recovery program as well as other NMFS management actions such as designating monk seal critical habitat and including monk seals in the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS) are addressed, only Alternative 2 No Action can be supported.*

Response: Please see the response to CEF 01.

**ALT 14** *NMFS should consider building a facility in the NWHI to help Hawaiian monk seals. The PEIS states that this alternative would be cost prohibitive and logistically challenging but how much will the proposed two-stage translocation cost? The PEIS does not include how much translocation will cost. NMFS can't say one alternative is cost prohibitive and another isn't if the costs are not presented in the PEIS.*

Response: NMFS does not expect to incur substantial costs above the fiscal year 2009-2010 program operating budgets to begin implementing the translocation plan. This is especially true because Alternative 3 has been selected as the Preferred Alternative in the Final PEIS (please see response to Alt 11). By foregoing the option to conduct two-stage translocation between the NWHI and MHI, some costs associated with monitoring, mitigating human- and translocated-seal interactions, and perhaps quarantine costs may be reduced. NMFS has a history of successful translocations between islands in the NWHI (Baker et al. 2011). The proposed translocation plan has a strong foundation in science and the past experience of the research program. NMFS is confident that

the translocations proposed under Preferred Alternative 3 could be accomplished within the existing field program infrastructure (i.e. using existing staff hired for the field camps, already-scheduled cruises to deploy and pick-up the field camps).

On the other hand, the concept of building a facility in the NWHI to provide long-term care for Hawaiian monk seals in captivity is logistically and economically infeasible at this time. The NWHI have been designated as the Papahānaumokuākea Marine National Monument, as well as a United Nations World Heritage Site. Human impacts in the Monument are minimized and heavily regulated to protect the native ecosystem. All access is subject to strict permitting requirements. Construction of a facility to hold monk seals in captivity in the NWHI could theoretically be possible at a site such as Midway Atoll, which has a working runway and other infrastructure. However, given the immediate need for monk seal recovery efforts and the many years that would be required to plan, permit, build and fund such a facility in the NWHI (if it could even be done), such an approach is impractical and does not meet the Purpose and Need of this PEIS. NMFS has provided additional discussion of the alternatives considered but not carried forward in the Final PEIS (PEIS Section 2.12).

***ALT 15***        ***I support Alternative 3 but am concerned about some of the intrusive research that it includes.***

Response:        Section 1.5 lists all the federal laws that NMFS researchers must abide by in order to do intrusive research on monk seals. Laws such as the Animal Welfare Act (AWA), MMPA, and ESA include strict requirements for minimizing impacts on the seals from research. The AWA requires that research on mammals be overseen by an Institutional Animal Care and Use Committee (IACUC), as described in Section 2.11.7 of the Final PEIS. For Hawaiian monk seal research, NMFS uses the IACUC established by the University of Hawai'i (UH) in addition to the NMFS IACUC as a form of independent review and because UH personnel are involved in much of the research. The purpose and functions of the IACUC include such things as inspecting and reporting on the facilities program for humane care and use of research animals; investigating complaints concerning animal welfare; and suspending activities related to the care and use of animals if deemed necessary.

Obtaining an ESA-MMPA permit to do research on an endangered marine mammal is a rigorous process that involves reviews by outside experts, including veterinarians and scientists. The ESA and MMPA permitting requirements are summarized in Section 2.11. These include, among other things, a requirement that the research activity is conducted in a humane manner and does not present unnecessary risks to the health and welfare of marine mammals. Humane methods are those involving the least amount of pain and suffering as is

practicable. ESA-MMPA permits contain numerous conditions to minimize impacts to the seals from research. These are listed in Section 2.11 of the Final PEIS.

**ALT 16**        *We support Alternative 2 because it will allow time for the NWHI to recover from overfishing and allow NMFS to stand back and reevaluate other alternatives available. Alternative 2 also reduces NMFS's expenditures while preparing for the future when Permit 10137 expires. Alternative 2 would protect monk seals from human intervention and decrease human contact, which might be best.*

Response:        It is unclear whether fishing in the NWHI had an effect on monk seal foraging success, survival, and recovery. The cessation of the lobster fishery has apparently not resulted in a significant recovery of lobster stocks. The closure of the NWHI bottomfish fishery may result in an increase of those prey resources for monk seals, but it is not certain. What is certain is that the population of monk seals is continuing to decline in the NWHI. Without an ambitious recovery program, the population may decline to a point where recovery is highly unlikely. The activities proposed in the Preferred Alternative aim to increase the number of seals in the population and mitigate sources of mortality. Alternative 2 would not allow NMFS and its partners to implement the proposed behavior modification program and fisheries impact mitigation program, both proposed in the Preferred Alternative. Moreover, selection of Alternative 2 would result in the cessation of research and enhancement activities that have proven beneficial to the species in the past and prohibit the most promising new activities proposed for the future. NMFS would also be unable under Alternative 2 to evaluate population trends and know whether the various populations were recovering or declining further. Under the preferred alternative, NMFS would have the authorization to intervene at the appropriate level to foster the species recovery. Please also see response to ALT 02.

**ALT 17**        *The evaluation of Alternative 4 in the PEIS is problematic. The PEIS states that potential impacts on commercial, subsistence, and recreational fishing of bringing 200 more seals to the MHI would be negligible. But the Federal Register notice for monk seal critical habitat states that this number of monk seals may impact the amount of prey species; therefore, there may be restrictions on the spatial and temporal extent of commercial fisheries.*

Response:        As noted above, while Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS (please see response to Alt 03). Nevertheless, please note that Sections 4.8.1 thru 4.8.3 in the Final PEIS (Environmental Consequences of the Alternatives on commercial, subsistence and recreational fisheries, respectively), have been revised to reflect a re-evaluation of potential impacts of the Alternatives on fisheries.

This re-evaluation takes into consideration public comments, and additional information and analysis. The re-evaluation still leads to the conclusion that Alternative 4 would have negligible impacts on fisheries. Implementation of Alternative 4, if selected, would result in a maximum of 60 temporarily translocated seals in the MHI at any given time (Section 4.8.1.4 of PEIS). While under Alternative 4 a total of 200 weaned pups could be translocated to the MHI from the NWHI over a 10-year period, at most only 60 of these seals would be in the MHI at any given time since they would be returned to the NWHI when they reach 2 or 3 years of age. The analysis associated with the proposed rule to re-designate critical habitat for Hawaiian monk seals is based on the entire population of Hawaiian monk seals, including the naturally occurring population in the MHI, which exceeds the number of seals that could be temporarily translocated under the 2-stage translocation action included in Alternative 4.

In Section 4.8.1 of the Final PEIS, we acknowledge that additional fish consumption by seals may occur if seals were translocated to the MHI. However, Hawaiian monk seals are known to prey on a wide variety of fishes, cephalopods (e.g., octopus), and crustaceans (e.g., crabs), some of which are not eaten or used by people. Further, fish eaten by monk seals would not necessarily have otherwise been available to fishermen. For example, those fish may have been eaten by another predatory fish, seabird, or marine mammal. Hawaiian monk seals are also known to forage over a wide range of areas, both in terms of depth and variety of habitats, many of which are not used by commercial fishermen.

The proposed rule to revise critical habitat and the PEIS are two separate monk seal conservation initiatives under consideration by NMFS. The ESA requires that NMFS consider the economic impacts of a critical habitat designation. This separate process is ongoing, and no final decision as to critical habitat has been made.

In the Final PEIS, Sections 4.8.1 thru 4.8.3 (Environmental Consequences of the Alternatives on commercial, subsistence and recreational fisheries, respectively), have been revised to reflect a re-evaluation of potential impacts of the Alternatives on fisheries. As part of the cumulative impact assessment on the socioeconomic environment in the Final PEIS, NMFS has also re-evaluated the impacts to fisheries that may result from the proposed research and enhancement activities and the critical habitat designation. Updates regarding the critical habitat designation may be found at:

[http://www.fpir.noaa.gov/PRD/prd\\_critical\\_habitat.html](http://www.fpir.noaa.gov/PRD/prd_critical_habitat.html).

**ALT 18**        *Though it may be out of the scope of the PEIS, NMFS should address juvenile survival and starvation through more focused management of fishery resources. The recovery of key prey species is vital as this important food resource is currently depleted. For example, stocking depleted lobster stocks or enhancing prey habitat might boost prey recovery.*

Response:      This PEIS only applies to activities that involve direct interaction with monk seals requiring an ESA/MMPA permit, and general modification to fisheries resources management is not included in the alternatives considered. Although NMFS agrees that an effective monk seal conservation program would draw from and incorporate other management programs, at this point it is speculative to conclude that the recommended actions would enhance recovery of the monk seal.

There is currently no evidence that stocking depleted lobster stocks would enhance monk seal recovery, or that it would address the purpose and need identified in this PEIS. As described under the response to ALT 16, there is currently a lack of sufficient information on NWHI food web dynamics to reliably predict whether stocking lobster would be an effective method for improving juvenile monk seal survival without unintended consequences. Please also refer to Section 2.12 in the PEIS for more discussion related to this comment.

**ALT 19**        *Is the reason NMFS wants to bring seals to the MHI because no researchers want to live up in the NWHI where there are no cars or facilities?*

Response:      NMFS researchers do spend several months each year living in the NWHI in very rudimentary field camps. Each year, the number of researchers applying for temporary field camp jobs far exceeds the number of vacant positions. The lack of cars and facilities in the NWHI was unrelated to selection of translocation source or recipient sites (see Appendix F of Final PEIS).

**ALT 20**        *We support components of Alternatives 3 and 4 including: partnering with the State to develop a detailed outreach plan; consultation with the Department of Land and Natural Resources (DLNR) to identify translocation sites; a detailed monitoring plan; improved messaging plan emphasizing that translocation would be a pilot program; frequent communication with the State and development of a communication plan to alert State authorities for coordinating monitoring, outreach, and enforcement, and direct involvement in NOAA's decision framework.*

Response:      NMFS values its ongoing partnerships with DLNR and other state agencies regarding Hawaiian monk seal recovery, and will continue to place these partnerships among its highest priorities. This partnership entails developing and implementing all of the elements (outreach plan, etc.) listed in this comment. NMFS has provided a grant to DLNR under Section 6 of the ESA to help support DLNR's involvement in some of this work. See Section 5.6 of the PEIS for more

description of how NMFS intends to work in collaboration with DLNR and other partner agencies and stakeholders.

***ALT 21***        *The principal threats described in the 2007 Hawaiian Monk Seal Recovery Plan and the biological and ecological factors limiting monk seal recovery are not sufficiently addressed by any of the proposed alternatives. Merely increasing the scope of research is not a sufficient way to address the decline.*

Response:        NMFS believes that the actions proposed in Alternative 3 and 4 do more than merely increase the scope of research, they also propose new enhancement activities designed to increase the survival of the species. Research by itself is an important component of any effective long-term recovery action. In addition to necessary research, NMFS is also undertaking enhancement activities that will provide a more immediate conservation benefit. For example, there are several important new actions, including vaccinations (Appendix E of Final PEIS), seal behavioral modification (Section 2.5), and temporary 2-stage translocation (Appendices F and G of Final PEIS), that have been carefully developed and evaluated by NMFS and its scientific research partners to be the most promising and feasible actions that can be taken to address the principal threats described in the recovery plan. These threats include infectious disease, poor juvenile survival (food limitation), and human-seal interactions.

***ALT 22***        *The controversial component of Alternative 4, translocation of seals to the MHI, is misunderstood. Only a limited number of female pups would be brought to the MHI and then after three years, would be returned to the NWHI. This would not result in a noticeable increase of seals in the MHI.*

Response:        As noted previously (please see response to Alt 03), NMFS has selected Alternative 3 as the Preferred Alternative in the Final PEIS, which precludes translocating weaned pups from the NWHI to the MHI as part of two-stage translocation.

Implementing two-stage translocations from the NWHI to the MHI under Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation.

**ALT 23**        *The proposed alternatives are just modified versions of management actions already in place that have not reduced the decline in the monk seal population. NMFS should consider more management options.*

Response:        NMFS agrees that many elements of the alternatives are research and enhancement (or management) actions that have been in place for varying periods of time. Because this is a Programmatic EIS, all proposed actions requiring a permit under the MMPA or ESA and not otherwise covered under other NEPA documents, including those elements already in existence and new activities, are evaluated. NMFS disagrees that past actions have not reduced the rate of decline of the monk seal population. Actions such as disentanglement, de-hooking, mitigation of male aggression, and translocation have been successfully used to prevent monk seal mortalities. We acknowledge that past actions have been insufficient to halt or reverse the population decline, but NMFS contends that its actions have slowed the decline compared to what it would have otherwise been.

NMFS believes that an effective conservation program consisting of past actions that have proven successful in conjunction with previously unused methods is necessary to mitigate and reverse the population decline. For example, vaccination (Appendix E of Final PEIS), behavioral modification (Section 2.5), two-stage translocation (as described in Appendices F and G of Final PEIS and limited to the scope of the Preferred Alternative 3), and supplemental feeding (Section 2.5) are all programs and actions that currently do not exist. Further, NMFS will continue its efforts to identify new management options that may be effective in arresting the decline. Any new management options not covered by this PEIS will be fully analyzed in future NEPA evaluations.

**BEH**            *Behavior Modification*

**BEH 01**        *Hawaiian monk seals that have shown aggressive behavior should not be euthanized. Euthanizing seals is disrespectful and should not happen.*

Response:        Although every animal is important in a small population that continues to decline, concern for the overall species must be our priority. Since extremely aggressive males can threaten the lives of young seals, including the young females crucial to the species' future survival, the Recovery Plan for the Hawaiian Monk Seal (NMFS 2007) identifies male aggression as a threat to the species, and every option has to be explored to reduce the threat.

Available information confirms that increasing the rate of female pup survival is essential to achieving population recovery, given the reproductive potential that the female contributes to the species. Males are generally less essential to ensuring population viability, and when males injure or harm female pups, removal of the male from the population is more easily tolerated. In these extreme cases, there may be no other available option; but the decision to lethally remove an animal is

only made after careful evaluation of the situation and after exhausting all other available options (e.g. translocation to an alternate site as long as other seals would not be endangered, removal to permanent captivity, or administration of medicine to alter aggressive behavior). If seals are euthanized, the methods used must be in accordance with the American Veterinary Medical Association's guidelines on euthanasia (AVMA 2013) and in a humane manner that involves the least possible degree of pain and suffering possible to the animal involved (50 CFR 216.3).

**BEH 02**      *How does NMFS know that behavior modification or chemical alteration of aggressive male behavior will work? Why can't NMFS just move seals instead of injecting them with chemicals? What happens if seals that are not aggressive are given hormones? NMFS has stated they want to keep wild seals wild but injecting chemicals does not uphold this statement.*

Response:      NMFS does not and cannot know whether behavioral modification or chemical treatment of aggressive males will have the desired effect until these methods are tried. Promising methods, especially those that have been successful in other species, will be tried in an experimental fashion (e.g., on captive seals) and the results interpreted to refine methods (Section 2.5). Any techniques that have risks will be employed cautiously until they are proven safe.

Aggressive males may still be moved (translocated), brought into captivity, or euthanized to mitigate injury and mortality to other seals. All of these methods have some disadvantages. For example, translocation can be expensive, slow, and logistically complicated. Further, there is often no good location to bring an aggressive male where he will not pose a threat to other seals.

As described in Section 2.5, it is desirable to develop an alternative tool for mitigating male aggression that is effective, humane, feasible, affordable, and reversible. Gonadotropin-releasing hormone (GnRH)-inhibiting drugs have been used to successfully suppress aggressive behavior in other species, and NMFS believes it is worthwhile to explore their efficacy in monk seals. NMFS would not give GnRH-inhibiting drugs to seals unless there is compelling evidence that the seal has been involved in aggressive behavior that is a threat to adult females or young animals of either sex.

Aggressive males are identified based on field observations that document an individual male's involvement in multiple aggressive interactions. NMFS only intervenes with aggressive males when their behavior is extreme and a strong threat to other seals. While NMFS acknowledges that use of chemical remedies is not generally desirable, the alternative methods (translocation, captivity, lethal removal) are all arguably more extreme than successful chemical treatment would be. The latter would allow seals to remain living wild in their native habitat without presenting a persistent threat to other seals' survival.

**BEH 03**        *The behavior modification program will be important for the future of Hawaiian monk seals in the MHI independent of the two-stage translocation program. The population of Hawaiian monk seals is naturally increasing in the MHI, therefore interactions between humans and seals are also increasing. Given this, NMFS should reevaluate the lack of behavior modification under Alternative 2 which would likely result in a negative impact on the human environment.*

Response:        NMFS agrees that behavioral management of monk seals in the MHI will be important as the population continues to naturally increase. The Final PEIS evaluates the potential impacts of both Alternatives 1 and 2 on the social and economic environment (Section 4.8), taking into account the naturally increasing monk seal population in the MHI, and the lack of a behavioral management program in those two alternatives. The discussion of impacts of Alternatives 1 and 2 stresses that numerous activities to promote monk seal recovery would not be accomplished under these alternatives, including reducing unmanageable human-seal interactions.

**BEH 04**        *Behavior modification talks about keeping wild seals wild. Bringing seals to the MHI is not keeping wild seals wild, it's intermingling them.*

Response:        NMFS recognizes that it is generally desirable to avoid habituating wild animals, including monk seals, to human presence. Of the nearly 200 monk seals currently in the MHI, there are only a few that have displayed behaviors that we would consider "socialized" or "conditioned" to humans. NMFS acknowledges that some seals may also have an impact on local fishermen. For this reason, behavior modification is proposed under Alternatives 3 and 4 to help minimize potential interactions between seals and humans.

As a percentage of the whole MHI population, most seals in the MHI behave like other wild seals in the NWHI and tolerate humans at a reasonable distance, but do not seek out human interaction. Moreover, under Alternative 3 (Preferred), NMFS will not be bringing weaned pups from the NWHI and releasing them in the MHI (see response to Alt 03).

The Final PEIS Section 5.4 describes the plans for developing a detailed behavioral management program, and as described in Chapter 5.6, NMFS will continue to work with its state partners and the volunteer response programs to monitor seals and intervene if seals begin displaying potentially problematic behavior.

**BEH 05**        *There must be a better alternative than chemical alteration of seals. Please do not chemically manipulate young male seals.*

Response:        See responses to BEH 1 and BEH 2. NMFS acknowledges that chemical alteration of aggressive behavior is not ideal, and is not the first option for dealing with aggressive male seals. Aggressive interactions between adult male seals and smaller seals are normal (in a variety of species, not just monk

seals), and often leads to scratches and relatively minor bite wounds. However, adult male aggression is of particular concern when the perpetrator displays an aberrant focus on young animals, with frequent, repeated, and severely aggressive behavior that threatens the young animals' life. The extreme aggression that has been documented is highly unusual behavior amongst monk seals in Hawaii and cannot be well explained, but previous experience shows that the impact of such aggression on smaller seals can be considerable and life threatening.

The Recovery Plan for the Hawaiian Monk Seal (NMFS 2007) directs NMFS to mitigate male aggression, and NMFS has been encouraged to explore non-lethal options. In cases where a male seal is extremely aggressive and causing injuries and death of young seals, if medication can be shown to safely alter extreme aggressive behavior, that option would be considered a viable, temporary alternative to euthanizing the seal.

***BEH 06***      ***Comments in support of conducting research on effective physical or chemical deterrents and other behavior changing techniques. Specific suggestions on techniques that could be used for behavior modification such as air horns.***

Response:      NMFS anticipates that the behavior modification protocols will include a suite of techniques that are adapted to each unique situation, implemented according to specific guidelines. In identifying what techniques may be suitable, NMFS has, and will continue to, avail itself of the published literature in this field and to consult with experts in aversive conditioning and behavior modification as applied to other captive and wild populations. Sections 2.5 and 5.4 of the Final PEIS provide additional information on behavior modification and aversive conditioning.

***BEH 07***      ***Behavior modification seems unlikely unless seals are placed in captivity.***

Response:      See response to BEH 02. The outcome of behavior modification research is not certain, but there is a need to have tools to respond to seals exhibiting undesirable behaviors that will allow them to remain in the wild population. Limited behavior modification techniques used on Hawaiian monk seals thus far have been successful and behavior modification has also been used successfully on other species including black bears (Mazur 2010). In some cases, seals may be placed in temporary captivity (e.g., to test taste aversion methods), but the majority of behavioral modification techniques would need to be used on seals in the wild to be effective. In addition, seals already in permanent captivity could be used to test behavioral modification techniques.

***BEH 08            Comments opposed to behavior modification of seals - instead, behavior modification should focus on humans.***

Response:        NMFS recognizes that some undesirable seal behaviors and human-seal interactions are a consequence of seals that have received food, social interaction, or other rewards from people. In those cases, some modifications in human behaviors are also necessary to ensure that the undesirable interactions are eliminated. To this end, NMFS will continue to work with partners and community groups to develop public outreach to inform ocean users of how to avoid conditioning seals to human interaction. However, not all undesirable seal behaviors develop because humans are providing rewards or deliberately engaging with seals - in some cases the interactions are initiated by the seals. Regardless of the origin of the undesirable behavior, some behavior modification or other intervention is often necessary to extinguish the behavior and maintain the seal in the population.

***BEH 09            Intensive efforts of the NMFS Monk Seal Response Team volunteers to "protect" nursing mothers has effectively modified their behavior by interfering with birthing and rearing seals.***

Response:        The NMFS proposed actions involving "behavior management" or "behavioral modification" in this PEIS all refer to actions that would directly involve "take," or direct interaction with Hawaiian monk seals to modify the seals' behaviors. The efforts to put up signs and educate the public by the Marine Mammal Response Network members do not fall into this category and are covered by the NMFS Marine Mammal Health and Stranding Response Program, separate from the action alternatives in this PEIS. Members put up signs to notify beachgoers that a seal is resting or nursing a pup, and to provide education and information about monk seals to visitors and residents. These efforts often prevent seals from being disturbed and scared into the water (either intentionally or unintentionally) by humans or domestic animals, and help keep humans safe by providing a recommended distance to stay back from the seals. We considered the impact of the proposed action together with other monk seal conservation activities, including volunteer outreach, in the cumulative impact analysis of the Final PEIS.

NMFS is unaware of any evidence that actions taken by members of the Marine Mammal Response Network to protect nursing mothers has an adverse effect on seal behavior or affects a seal's choice of beach haul-out location in the future. NMFS places signs and, in some cases, temporary fencing, in order to protect seal pups and mothers through weaning, a critical stage in pup survival.

## *BIO Hawaiian Monk Seal Biology*

**BIO 01** *NMFS says Hawaiian monk seals don't stay in one area to feed but I see seals with the same tag on them in one area all the time, pounding the same area every week.*

Response: It is true that certain seals tend to rest on land at particular sites that they return to frequently. However, studies of at-sea movements of seals in the MHI using Global Positioning System (GPS)- and satellite-linked transmitters, show that over time periods of weeks or months, seals tend to use foraging habitats spread all around an island and even often make trips between islands. While seals certainly do revisit the same foraging areas over time, it would not likely be a good strategy for them to continuously feed in the exact same area. Knowledge about how all kinds of animals, including seals, forage suggests that they feed in a prey area until their success falls to a certain level, and then they move on to another area. Despite the above, it is understandable how one could get the impression that seals are using the same area over and over. Because seals tend to come to rest on the same beaches, they traverse the waters near shore to get to and from their resting spots. However, when we examine the individual seal's behavior on a longer time scale, their typical use of wider foraging grounds is evident.

**BIO 02** *People must remember that NMFS is proposing to translocate pups that are much smaller and eat maybe 30 to 50 percent less than adult seals. So the amount of fish the pups could eat is far less than adults. Also, seals forage on other species in addition to those sought by fishermen.*

Response: NMFS agrees with these statements and covered these topics in Sections 3.3.1.5, 4.8.5.1 and 4.9.1 of the Draft PEIS. As stated in Draft PEIS Section 4.9.1, a juvenile Hawaiian monk seal may weigh approximately 250 pounds while an adult seal may reach up to 600 pounds. Thus, the amount of fish a juvenile seal is expected to eat is much less than an adult. Despite their size, given the wide variety of fish consumed by monk seals, the likelihood that seal predation on fish could cause a long-term decline in fish populations is unlikely. Hawaiian monk seals are known to prey on a wide variety of fishes, cephalopods (e.g., octopus), and crustaceans (e.g., crabs), some of which are not generally eaten by people. Hawaiian monk seals are also known to forage over a wide range of areas, both in terms of depth and variety of habitats, many of which are not used by fishermen.

Sections 4.8.1 thru 4.8.3 in the Final PEIS (Environmental Consequences of the Alternatives on commercial, subsistence and recreational fisheries, respectively), have been revised to reflect a re-evaluation of potential impacts of the alternatives on fisheries. This re-evaluation takes into consideration public comments, and additional information and analysis. Consistent with the Draft PEIS, the re-evaluation concluded that all PEIS alternatives would have negligible effects on fisheries. Nevertheless, for reasons described in the response to Alt 03, the

Preferred Alternative (Alternative 3) in the Final PEIS does not include translocation of weaned pups from the NWHI for release in the MHI.

**BIO 03** *Please address gender balance of seals in the PEIS. NMFS talks about translocating female pups but does not mention whether or if there tend to be more males born than females. Sometimes sex ratios of species change when under stress.*

Response: Sex ratios at birth in a given year at a given site can be predominantly male or female; however, the average sex ratio of pups over time and across subpopulations is close to 50:50. At several places in Appendix F of Final PEIS (summarized in Table E-1), NMFS addresses the possibility that translocating female pups could lead to male-biased sex ratios at the source subpopulation. In summary, temporarily translocated weaned female pups will be returned to natal or nearby sites prior to sexual maturity. Presumably they will have experienced higher survival than (non-translocated) males, and therefore the two-stage translocation should ultimately result in some female bias for affected cohorts. Alternately, if in fact the translocated females fare poorer than their male counterparts or cannot be repatriated for any reason, weaned pup translocations would be suspended as described in the decision framework. This could result in male bias for a few affected cohorts, but this would be a small portion of the total population.

**BIO 04** *The PEIS does not discuss how many of the seals that have been translocated to the MHI already are surviving. What will be the measure of success; how many seals?*

Response: The only seals that have been translocated to the MHI from the NWHI were 21 adult males brought to the MHI from Laysan Island in 1994 (see Section 3.3.1.7). These seals exhibited high survival rates, which is normal for adult seals (Baker et al. 2011). However, the expected survival rates of temporarily translocated weaned pups and subadults (Alternatives 3 and 4) may be different than that of the previously translocated adults because younger animals naturally have lower survival rates compared to adults. For a review of NMFS' history of translocations, including moving seals of different ages a variety of distances, see Baker et al. (2011).

Metrics for assessing the success of translocations are described in Section 4.7.1.16 and Appendix F of Final PEIS. They involve a variety of comparisons of abundance, survival, and population status. While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS (see response to ALT 03). The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking weaned pups from the NWHI and releasing them in the MHI. However, a variety of translocation actions could occur under the Preferred

Alternative, including two-stage translocation *within* the NWHI, *within* the MHI, or from the MHI to the NWHI.

Any translocation program would continue only if successful, with any increase in numbers of translocated seals carefully managed. We would consider two-stage translocation to be successful if:

- Survival of young seals moved temporarily to a host subpopulation is better than survival of comparable seals in the subpopulation from which they came;
- Survival of seals returned to their birth subpopulation is better than the survival of comparable seals in the same subpopulation that were not translocated; and
- NMFS is able to capture and return all surviving translocated seals.

**BIO 05** *NMFS has stated that predation and disease are major factors for seals declining in the NWHI. What is to stop predation and disease from affecting seals in the MHI? Is the impact of fisheries interactions in the MHI less of a threat than food limitation and predation in the NWHI?*

Response: Galapagos shark predation is a major source of mortality to pups only at French Frigate Shoals, contributing to the decline of that subpopulation (Section 3.3.1.7). Tiger sharks are known to prey on monk seals, but NMFS stated in Section 3.3.1.7 that the exact amount or extent of mortality due to tiger shark predation is not known because the predation event usually occurs away from shore. It is possible that predation could affect seals in the MHI to a greater degree sometime in the future; however, this is unlikely because large shark population density is much lower in the MHI due to fishing pressure, compared to the NWHI (Friedlander and DeMartini 2002). NMFS has not stated that infectious disease (as opposed to emaciation and starvation due to food limitation) is a major factor contributing to the decline in the NWHI. Rather, NMFS is concerned about the potential effects of future disease outbreaks.

Section 2.5 of the PEIS states: "Current information suggests infectious disease is not limiting recovery of the Hawaiian monk seal. However, the species is rare, has very low genetic diversity, and may have been buffered from exposure to many mammalian diseases due to its isolation in the Hawaiian Archipelago for millions of years. Together, these factors raise great concern that outbreaks of diseases to which monk seals have not been previously exposed could have devastating impacts." Disease outbreaks could occur anywhere in the monk seal's range, but may be more of a risk in the MHI where there is greater exposure to potential disease carriers (i.e., vectors)(Section 5.3 of Final PEIS). Concern about disease is the motivation for ongoing disease monitoring research (Section 2.5 of Final PEIS), the proposed vaccination plan (Appendix E of Final PEIS), and the proposed health screening and quarantine protocols to accompany translocation (Appendix G of Final PEIS).

The impact of fisheries interactions is thought to be less of a threat in the MHI than food limitation and predation (from Galapagos sharks at French Frigate Shoals only) in the NWHI. Despite fishery interactions ongoing in the MHI, the seal population is growing robustly, whereas the NWHI populations are mostly declining. Because these threats are dynamic and their relative importance could change in the future, an active research and population monitoring program is essential to detect, diagnose, and, if feasible, mitigate significant threats to recovery.

**BIO 06**        *Hawaiian monk seals grub along the bottom of the ocean like pigs when they eat. This destroys microbes and coral and affects what you call "rubbish" fish that actually keep the reef healthy. This action is going to endanger fish populations in the MHI.*

Response:        While monk seals do feed on the sea floor, there is no evidence that their foraging behavior negatively impacts corals, microbes, reef health, or reef fish populations. In fact, by many measures, NWHI coral reef ecosystems, where the vast majority of monk seals have long persisted, tend to be much healthier with more robust reef fish populations compared to the MHI where there are relatively few seals.

**BIO 07**        *I don't know why monk seals are called "Hawaiian" monk seals. There is no historic evidence of monk seals or cultural reference to them. Who can validate whether they are native or not? Monk seals exist in the MHI because they were transplanted here in the 1990s by researchers.*

Response:        Hawaiian monk seals are named so because they are endemic to the Hawaiian Islands Archipelago, and found nowhere else on earth. As described in Appendices B and K, there are historic and cultural records of Hawaiian monk seals across the NWHI and MHI from many sources including Hawaiian- and English-language newspapers (1800-1900s), ships' logs (e.g. King Kamehameha IV saw several seals on Nihoa in 1857), naturalist logs (e.g. seal killed in Hilo in 1900), and oral traditions and place names. NMFS did translocate 21 male seals from Laysan Island to the MHI in the 1990s because of problems at Laysan with aggression toward female and juvenile seals. Seals already existed in the MHI at that time. Regardless, the translocation of males alone could not have established a breeding population in the MHI, as females were not translocated with the males.

**BIO 08**        *Hawaiian monk seals are endemic to Hawai'i and there is no doubt they are the most kupuna mammals here in the islands. Monk seals are here in the MHI naturally.*

Response:        NMFS agrees that based on all of the historical, biological, and physical evidence described in Appendices B and K monk seals are endemic to

the entire Hawaiian Archipelago (Section 3.3.1.1 and Appendices B and K of Final PEIS). Please also see response to BIO 07.

**BIO 09** *If monk seals are naturally increasing in the MHI, why mess that up by translocating them? Leave monk seals where they originated in the pristine sanctuary of the NWHI where there is more fish, they will not interact with humans, and can survive better.*

Response: As explained in the response to comment ALT 03, NMFS has selected Alternative 3 as the Preferred Alternative in the Final PEIS. Alternative 3 does not allow for translocation of weaned pups from the NWHI for release in the MHI. Yet, it is worth noting that in Appendix E of the Draft PEIS, NMFS explained the rationale for two-stage translocation, which under Alternative 4 could involve moving some seals temporarily to the MHI from the NWHI. Under Alternative 4, two-stage translocations between the NWHI and MHI would not be expected to either increase or decrease the natural growth of the MHI seals. Translocated seals would have resided in the MHI for a few years, then been returned to their natal areas before they reached reproductive age, thus having no net effect on the number of seals living in the MHI permanently.

With regard to the comment that seals can survive better in the NWHI, information presented in Section 3.3.1.3 and Appendix E of the Draft PEIS (renamed Appendix F in Final PEIS) demonstrates that in fact monk seals in the NWHI typically have lower survival rates compared to the MHI.

**BIO 10** *As stated, in the last 10 years, monk seals have declined 40 percent. The 10 years before that, everything was fine so what happened in these last 10 years? This should be evaluated.*

Response: NMFS would like to clarify that the overall abundance in the NWHI has declined on average for several decades (PEIS Section 3.3.1.3). To assess "current" rates of change in the overall population, NMFS uses the most recent 10 years of data. However, that does not mean that the decline only began 10 years ago. Known threats and mortality sources are described in Section 3.3.1.7 of the PEIS.

**BIO 11** *Given the behavioral plasticity and opportunistic foraging strategies of Hawaiian monk seals, it is unlikely that local adaptations would hinder long-term foraging ability or survival at donor or nursery locations.*

Response: NMFS agrees with this statement and this is supported by the success of past translocation efforts (Baker et al. 2011). However, in the modeling used to help evaluate the benefits from two-stage translocation (Appendix F in Final PEIS), NMFS incorporated one-year survival "decrements" or penalties to account for any temporary threats or adjustments that might accompany release into an unfamiliar environment.

**BIO 12** *Is inbreeding a concern with such a small population of Hawaiian monk seals?*

Response: As explained in the Draft PEIS Section 3.3.1.3: "Hawaiian monk seals exhibit extremely low genetic diversity according to a variety of measures (Schultz et al. 2008). This is probably due in part to a population bottleneck associated with overexploitation in the 19th Century, but genetic diversity appears to have been low even prior to that time (Schultz et al. 2008). There is little indication of contemporary inbreeding, and Hawaiian monk seal subpopulations have exhibited robust growth at various times despite their low genetic diversity. Further, although the species is distributed in a metapopulation, there is no evidence of genetic population structure. That is, the species is comprised of a single, panmictic (unstructured) population (or "stock") (Schultz et al. 2011)." In summary, while inbreeding may be a problem for some animal populations of this small size, data indicate that inbreeding is not a problem for the Hawaiian monk seal population.

**BIO 13** *Additional research on the MHI population is needed to determine factors that contribute to the observed success. For example, dietary factors, milk analysis, female pre-delivery weights, nutrient profiles, etc. should be evaluated.*

Response: NMFS intends to continue conducting research to better understand and detect changes in factors that contribute to success and failure of monk seals throughout their range. This work is summarized in Section 2.5 and includes measurements of body condition, foraging behavior, and diet studies. However, some of the techniques proposed in this comment (milk analysis, pre-delivery weights) would involve handling and disturbance of pregnant or nursing females, which NMFS currently does not deem prudent, due to the risks to the female seals.

**BIO 14** *The 2006 NMFS stock assessment report stated that 34 monk seals have died during rehabilitation efforts or other research. This needs to be taken into consideration.*

Response: NMFS has considered risks associated with past, current and future research and enhancement efforts. This is a major focus of Final PEIS Section 4.7.1. With regard to past mortalities, PEIS Section 3.3.1.7 states: "From 1982 to 1994, 23 seals died during rehabilitation efforts. Most of these involved seals brought into captivity for rehabilitation when they were already in exceedingly poor health. Thus, some portion of these seals would have certainly also died if they had not been brought into captivity. Additionally, two other seals have died in captivity, two adult males died when captured for translocation to mitigate male aggression, one was euthanized (an aggressive male known to cause mortality), four died during captive research and four died during field research." The PEIS specifies the number of seals that may be accidentally killed, euthanized (very ill or aggressive male seals), or brought into permanent captivity (aggressive

males) associated with research and enhancement actions. The effect of these losses on the population status was evaluated for each alternative using computer modeling (Final PEIS Sections 4.7.1.17 - 4.7.1.20).

**BIO 15** *If you bring seals to the MHI, what's going to stop the sharks here from coming in and eating seals? People are very concerned about this. I have seen more sharks in the MHI than ever before. The PEIS needs to address the issue of sharks.*

Response: A concern that monk seals in an area may attract sharks and create a human safety risk is understandable, at least partly because we know that some monk seals are eaten by sharks. However, there is currently no evidence or expert opinion indicating that more monk seals in the MHI will lead to more shark attacks on humans. When shark predation is usually cited as a threat to Hawaiian monk seals, it refers to unusual predation on pre-weaned pups at French Frigate Shoals by Galapagos sharks (Gobush and Farry 2012), not “normal” low levels of predation on the population at large. Other well-known examples of shark predation on seals occur where seals seasonally aggregate in dense colonies (for example, in South Africa and parts of California), but those situations are very different than the dispersed, low density distribution of monk seals in the MHI.

According to the *International Shark Attack File*, there have been a total of 116 documented unprovoked shark attacks on people in Hawai'i from 1828-2012, and 9 of these were fatal. The most recent fatal attacks in Hawai'i were in 2004 and 2013. Over the past 20 years, there has been an average of 3 to 4 attacks per year in the MHI, with no upward trend in the number of attacks, while the MHI monk seal population has increased substantially over the same time period. There were 10 attacks reported in the MHI in 2012, and 13 attacks reported from January through December 2013. Shark experts in Hawaii have not attributed this recent apparent spike in attack numbers to the presence of monk seals and maintain that it may “simply reflect natural variability and arise purely through chance” (Meyer and Holland, *Honolulu Star Advertiser*, Op-Ed, December 23, 2012). As of September 2013, DLNR and other researchers were starting research studies aimed at understanding shark movement around Hawaii and the apparent increase in attacks during 2012 and 2013 around Maui in particular.

In summary, while the number of monk seals in the MHI has increased due to natural population growth over the past several years, the number of **shark** attacks has not increased over that same time period in a manner that would suggest a direct correlation. This comment appears to be related primarily to translocating weaned pups from the NWHI for release in the MHI. Under the preferred alternative (Alternative 3) selected in the final PEIS, such translocations of pups from the NWHI to the MHI will not occur.

**BIO 16** *People need to understand that the issue of sharks attacking seals is unique to French Frigate Shoals and was the result of aggressive male seals*

***trampling monk seal pups. The dead and injured pups were what attracted the sharks.***

Response: As noted in Section 3.3.1.7, Galapagos shark predation on monk seal pups is only a concern at French Frigate Shoals. It is possible that the behavior was initially learned by Galapagos sharks due to the presence of pups killed by aggressive males in the 1990s. That hypothesis has been considered by NMFS but is difficult if not impossible to prove or disprove. Regardless, the shark predation behavior has continued at French Frigate Shoals long after male aggression ceased to be a significant factor. It is worth noting that some unknown level of tiger shark predation on monk seals of all ages occurs throughout their range.

***BIO 17 Hawaiian monk seals have survived for over 16 million years so this concept that they are going extinct based on computer modeling is ludicrous when data show the species is doing fine. The population has actually been stable for five years.***

Response: NMFS agrees that Hawaiian monk seals have existed for millions of years. However, many island species throughout the world have been documented to decline and become extinct following human colonization, which occurred in Hawai'i some 1500-1600 years ago. NMFS has not concluded that monk seals are certain to become extinct; rather, NMFS has concluded that the species is at risk of extinction and requires the protections of the ESA in order to recover. Computer population models are a mechanism for synthesizing all the relevant available information about populations (abundance, age of individuals, sex ratio, survival rates, birth rates, migration, etc.). Seal counts and population estimates have also revealed that overall abundance in the NWHI is declining and has not been stable for the past five years (Section 3.3.1.3).

***CEF Cumulative Effects***

***CEF 01 The PEIS must address the cumulative effects of critical habitat designation, the changes to the Hawaiian Islands Humpback Whale National Marine Sanctuary, spinner dolphin protection measures, monk seal rehabilitation centers, and the programmatic recovery actions on the Hawaiian Islands and its people. The current evaluation is subjective, misleading, and too narrow.***

Response: NMFS has addressed the potential cumulative effects of actions including designating monk seal critical habitat, modifications to the Hawaiian Islands Humpback Whale National Marine Sanctuary, spinner dolphin protection measures, monk seal rehabilitation centers, and others (as presented in PEIS Table 4.5-2 and described for specific resources throughout Chapter 4 of the PEIS). Please refer to the Response to CUL 01-10.

***CEF 02 Overdevelopment, pollution, nuclear byproducts, land-based activities, and other wastes are part of the reason why seals are declining. NMFS***

*should clean up the environment where monk seals might live. These factors need to be considered in the PEIS. NMFS needs to clean up all the garbage around the Islands.*

Response: NMFS acknowledges that ecosystem dynamics are complex and we do not know all of the effects human actions (e.g., development, pollution, and fishing) may be having on the Hawaiian marine ecosystem. However, our population monitoring clearly identifies most causes of mortality in the population and thus far, we do not have clear evidence that the issues raised in this comment are directly contributing to the current population decline. Cumulative effects of past, present, and reasonably foreseeable future actions (RFFAs) on Hawaiian monk seals have been considered, were listed in the Draft PEIS Table 4.5-2 and are described in more detail in Section 4.7.1.21 of the Final PEIS. NMFS has updated the cumulative effects assessment including a review of the actions currently considered along with other past, present, and reasonably foreseeable monk seal conservation activities in the Final PEIS. Necessary changes to the list of past, present, or RFFAs have been made such that a robust cumulative effects assessment was conducted.

**CEF 03** *Military activities should be evaluated as part of the cumulative effects analysis.*

Response: Military activities have been included in the cumulative effects assessment where warranted and as described in Table 4.5-2 and sections throughout Chapter 4 of the PEIS for specific resources. NMFS updated the cumulative effects assessment including a review of the actions currently considered for analysis in the Final PEIS. Necessary changes to the list of past, present, or RFFAs have been made such that a robust cumulative effects assessment was conducted.

**CEF 04** *The PEIS fails to address climate change, earthquakes, or tsunamis. The debris from the March 11, 2011 earthquake in Japan is likely to hit the NWHI this winter and will cover the beaches with toxic, potentially radioactive debris.*

Response: NMFS has considered the potential cumulative effects of actions including climate change, tsunamis, and earthquakes as listed in Table 4.5-2 of the Draft PEIS. At the time the Draft PEIS was being prepared, little was known regarding the debris from the tsunami in Japan in March 2011. However, since publication of the Draft PEIS, additional information is now available on debris from the tsunami in Japan; this information has been included in the cumulative effects assessment in the Final PEIS.

**CUL**            *Cultural*

**CUL 01**            *NMFS should first coordinate with the kupuna and other Native Hawaiians of these islands to improve the recovery plans in order to avoid unjust harm to the monk seals you are trying to save.*

Response:        NMFS considers coordinating with Native Hawaiians on Hawaiian monk seal recovery a high priority. To address this priority NMFS has funded (when possible) a statewide Hawaiian cultural liaison and Hawaiian practitioner network coordinator, and community liaisons on Kaua'i, O'ahu, Moloka'i, and Maui (PEIS Section 1.9.4). NMFS has also facilitated the participation of Hawaiian cultural practitioners in Hawaiian monk seal research and enhancement activities in the NWHI. As a result of these and other efforts, Native Hawaiians, including kupuna and cultural practitioners, have become increasingly engaged in the Hawaiian monk seal recovery program, and NMFS intends to continue to support this engagement to the maximum extent possible. Please also see Sections 5.5 and 5.6 of the Final PEIS for more information relevant to this comment.

**CUL 02**            *NMFS needs to consider cultural practices as well as just historic and cultural properties. NMFS must address how the proposed actions will affect the Hawaiian people and their cultural practices. The PEIS fails to consider Native Hawaiian rights and cultural practices or impacts to traditional ocean users, the fishing community, and targeted socio-economic populations as required under NEPA and Section 106 of the NHPA. A cultural impact assessment has not been prepared.*

Response:        NMFS has considered public comments and conducted additional analyses to assess potential impacts to cultural resources, traditional cultural practices, and traditional cultural properties. The results of this additional consideration and analysis are presented in Section 4.8.4 of the Final PEIS (additional information found in Appendices B and K). Potential impacts to the fishing community have also been further analyzed and the results are presented in Sections 4.8.1 - 4.8.3 of the Final PEIS. Regarding NHPA Section 106, NMFS determined that the proposed Federal agency actions to recover the Hawaiian monk seal had the potential to affect listed or eligible historic properties. Section 106 consultation was therefore initiated with the appropriate parties, including the State Historic Preservation Office (SHPO), Native Hawaiian Organizations, representatives of local governments, and the public. The NHPA Section 106 consultation was completed in compliance with the NHPA and NMFS made a determination of no historic properties affected (see Appendix A, Agency Correspondence). NMFS received no response from SHPO regarding the determination. NMFS made available to the public a separate document (Appendix B) describing the results of the Section 106 consultation process. Please also see the response to CUL 01.

**CUL 03**        *What cultural protocols does NMFS have in place if a monk seal strands or entangles itself? How has NMFS consulted with cultural practitioners to gain their insights about traditional values and stewardship for finite resources?*

Response:        In the MHI, such stranding responses are covered by the Marine Mammal Health and Stranding Response Program, which is covered by a separate EIS and permit. Stranding response in the MHI is not the subject of this PEIS. As a standard procedure, NMFS engages practitioners to conduct cultural protocols before, during, and after responses to monk seals, including responses to strandings and entanglements. The practitioners are generally associated with the ahupua`a in which the response occurs, or have been previously identified to have cultural ties to the location or the seal being responded to. The protocols conducted are generally determined by each practitioner, depending on the variables of each response. Also please see response to CUL 01.

**CUL 04**        *What happens when a Hawaiian monk seal gets into a fishpond? What does NMFS do and how is this covered in the PEIS? How is the pond going to be affected? How is the seal going to be affected?*

Response:        Monk seals that get into enclosed fishponds with functioning walls and makaha (gates) would generally be considered by NMFS to be "out of habitat" (a type of stranding) and NMFS will work with the fishpond owner or responsible party to remove the seal as safely and quickly as possible with a goal of minimal or no impact to the fishpond. The Final PEIS contains additional analysis of potential fishpond impacts (Section 4.8.4) and additional fishpond impact mitigation measures (Section 5.5).

**CUL 05**        *The island that will be most affected by this action is Moloka'i and it should receive something in return so that the island can exercise Ho'okipa, traditional in Hawai'i for a stranger that comes and needs to be fed.*

Response:        NMFS recognizes that the number of monk seals using the shores and waters surrounding Moloka`i has increased over the past several years. NMFS has worked with some members of the Moloka`i community regarding Hawaiian monk seal recovery, and has provided a grant to a Moloka`i-based organization for community liaison work. NMFS looks forward to continuing and strengthening coordination and collaboration with various Moloka`i residents, including fishermen, Hawaiian practitioners, educators and students. As described in Appendices J and K of the Final PEIS, Hawaiian monk seals are native to the MHI as well as the NWHI.

**CUL 06**        *As a Native Hawaiian community, we will not support any federal intrusion or give up any access, gathering, coastal, cultural or fishing rights. Expansion of Hawaiian monk seal critical habitat will affect our family and food resources. The proposed action infringes on our Native Hawaiian rights*

*and culture protected under State law. We depend on the ocean's resources to survive and have for thousands of years.*

Response: NMFS recognizes that there are concerns over the recent actions taken by the agency to revise critical habitat for Hawaiian monk seals. The revision to critical habitat is a federal action separate from this PEIS on monk seal research and enhancement activities and had a separate comment period that ended on January 6, 2012. Additional information on monk seal critical habitat can be found at: [http://www.fpir.noaa.gov/PRD/prd\\_critical\\_habitat.html](http://www.fpir.noaa.gov/PRD/prd_critical_habitat.html). Please also see Section 1.9.1 of the PEIS for more information on critical habitat.

Regarding the actions proposed in this PEIS on research and enhancement, based on all the analysis and research conducted by NMFS thus far, none of the actions proposed in the PEIS would cause any loss of access, gathering, coastal, cultural, or fishing rights. NMFS recognizes the value of Hawai'i's marine resources for subsistence and other purposes, and will continue to work with our government and non-government partners to ensure Hawaiian monk seal recovery actions do not adversely impact these resources or access to these resources.

**CUL 07** *Native Hawaiians are the endangered species, not monk seals. Hawaiian people are more important and we keep getting more and more restrictions on what we can do. Any time a foreign environmental concept is introduced, it destroys our culture. The Hawaiian monk seal expansion program will limit access to subsistence resources families rely on and curtail fishing in Hawaiian communities.*

Response: Please see the responses to CUL 01 and 06. Considering all research and analysis to date, this PEIS is not proposing any new restrictions on access as a result of implementation of the actions proposed in the PEIS.

**CUL 08** *We do not support Hawaiian monk seal expansion because monk seals have never been part of Hawaiian culture. Seals are not mentioned in Hawaiian history, there is no Hawaiian name for seals, and no evidence of seals in carvings, burials, hula, etc., etc.*

Response: Although not prominent and pervasive in Hawaiian culture compared to other sea creatures, such as green sea turtles, NMFS staff and contractors have consulted with Native Hawaiian practitioners and determined that some Hawaiian families have traditional ties to monk seals and there are some traditional Hawaiian cultural references to Hawaiian monk seals. Like the scattered and inconsistently distributed monk seal population, references to monk seals in Hawaiian culture are scattered and specific to certain geographic locales within the MHI. There appear to be references to monk seals in traditional place names and stories, and seal remains were found in a midden on Hawai'i Island dating from 1450-1700 A.D. (pre-European contact). Additional discussion of the significance of Hawaiian monk seals in traditional Hawaiian culture is presented in Section 3.4.7.1 and in Appendices J and K. Also see response to BIO 07.

**CUL 09** *Hawaiian monk seals are in the Polynesian Triangle so these seals will affect all cultures and people in the Polynesian Triangle.*

Response: NMFS will continue to hold community meetings and connect with Native Hawaiians. As described in Section 5.6 of the Final PEIS, NMFS is committed to a dialogue with local communities so we can hear concerns, share ideas, and work together toward monk seal recovery.

**CUL 10** *The PEIS fails to consider environmental justice to Native Hawaiians. Mokumanamana and Nihoa are spiritually significant, traditional sites registered on the National Register of Historic Places. Impacts to these areas are not given adequate consideration in the PEIS.*

Response: Environmental justice is discussed in Section 4.8.6. Nihoa Island and Mokumanamana (Necker Island) are part of Papahānaumokuākea Marine National Monument. As described in Section 5.5 of the Final PEIS, any activities associated with monk seal recovery actions undertaken within the NWHI must comply with Monument regulations and the terms and conditions of Presidential Proclamation 8031. Monument regulations state that “permittees [must] attend a cultural briefing on the significance of Monument resources to Native Hawaiians” and that there are “prohibitions against the disturbance of any cultural or historic property”. The “Monument permit program allows for a comprehensive review of proposed activities and will be administered to ensure compliance with Presidential Proclamation 8031, as well as other applicable Federal statutes (such as the NHPA) and state laws and regulations” (NOAA 2008b). Under the terms of the Monument permit, researchers and volunteers involved in Hawaiian monk seal recovery actions coordinate their activities with the Monument archaeologist and historic preservation specialists to insure that they do not adversely impact any of the Monument’s historic properties. All researchers landing on Nihoa or Mokumanamana (Necker) are instructed to limit their activities to coastal areas. The only exceptions are camping in designated camping areas and traveling between coastal areas. Monk seal researchers may place remote cameras near beach and rocky areas where seals congregate. The purpose of these cameras (Section 2.5) is to obtain monk seal data without the need for human presence. The installation and maintenance of any such remote cameras on Nihoa or Mokumanamana would be conducted in strict compliance with Monument permitting conditions.

**DIS** *Diseases*

**DIS 01** *If there is concern about Hawaiian monk seals getting exposed to disease, how is bringing seals to the MHI where there are pollutants, ships, humans, etc., minimizing risk of disease and keeping wild seals wild?*

Response: As noted in PEIS Section 2.5, "Current information suggests infectious disease is not limiting recovery of the Hawaiian monk seal. However, the species is rare, has very low genetic diversity and may have been buffered

from exposure to many mammalian diseases due to its isolation in the Hawaiian Archipelago for millions of years. Together, these factors raise great concern that outbreaks of diseases to which monk seals have not been previously exposed could have devastating impacts." There is no evidence that infectious disease is currently impacting the monk seal population, but NMFS is concerned about the potential for future outbreaks. Seals already occur throughout the Hawaiian Islands and are exposed to whatever disease threats are present in the islands now or will emerge in the future. Seals also move between the NWHI and MHI of their own accord.

While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking weaned pups from the NWHI and releasing them in the MHI (See Alt03). However, disease risk was not one of the reasons for the change in the Preferred Alternative. NMFS believes that the disease screening protocols described in Appendix G would have minimized any extra risk of disease associated with translocation to the MHI. These protocols will still apply to translocation actions included in the Preferred Alternative, including translocations *within* the NWHI, *within* the MHI or from the MHI to the NWHI. (See response to comment BIO 05). Notwithstanding the translocation programs, NMFS included enhanced disease monitoring and mitigation in Alternatives 3 and 4 precisely because of the concern about potential disease outbreaks. This includes development of a vaccination plan (Final PEIS Appendix E).

In response to the comment that seals should be kept wild, the MHI are currently within the monk seal's natural habitat, and only a small proportion of seals in the MHI become habituated to humans. Although no weaned pups will be translocated from the NWHI for release in the MHI under the Preferred Alternative, human-seal interactions are likely to continue involving the already naturally growing seal population in the MHI. For that reason, NMFS plans to implement new Behavior Modification protocols as described in Sections 2.5 and 5.4 of the PEIS.

***DIS 02***        ***NMFS has explained that monk seals move around from island to island on their own. Seals will pick up diseases as they move around and this will end up in our food chain because the monk seals will spread disease to humans and other animals in the MHI.***

Response:        Seals do move around from island to island throughout their range. There is no indication that monk seals carry diseases that are not already in the ecosystems in which they live. The concern is the opposite - that monk seals may become exposed to diseases that are not typical marine mammal diseases (see PEIS Section 3.3.1.7) through contact with other wild or domesticated species, or human secretions. For example, *Toxoplasma gondii*, a parasite that can cause the

disease toxoplasmosis, can infect both seals and humans, but only sexually reproduces in cats. Overall, the minute risk of spreading disease to humans and other animals in the MHI already exists regardless of the alternatives presented in this PEIS, as the MHI monk seal population is naturally growing and moves freely among the islands.

**DIS 03**        *There is not enough information about the effects of disease vaccines and de-worming medicines on Hawaiian monk seals to understand all the risks involved.*

Response:      NMFS is currently conducting deworming research described in the Final PEIS (Section 2.5) on wild seals under Permit No. 10137, which has accompanying NEPA analyses on the use of various deworming drugs and their effects on monk seals and the environment. We propose to continue deworming research under the Preferred Alternative to collect sufficient data to determine the efficacy of treatments in the wild prior to implementing a deworming enhancement program. Results of preliminary deworming studies on monk seals have been published (Gobush 2011) and are summarized in Section 4.7.1.11 of the Final PEIS. Also, current and future permits would contain mitigation measures such as requiring researchers to halt studies if adverse effects are observed, and to demonstrate that the deworming drugs are safe, effective, and will not adversely impact non-target species prior to conducting deworming as an enhancement activity.

Appendix E of the Final PEIS includes information on previous use of vaccinations in Hawaiian monk seals and other phocids. Vaccinations for West Nile Virus (WNV) have been used for over five years on 8 captive Hawaiian monk seals as part of the normal husbandry and medical care those seals receive, with no adverse effects observed. The WNV vaccine is considered safe for use in wild monk seals as discussed in Appendix E. Two facilities are currently permitted to test the proposed canine distemper virus (CDV) vaccination on captive Hawaiian monk seals, and one captive Hawaiian monk seal has been vaccinated to date with no adverse effects observed. Additional research on use of the CDV vaccination will be done on more captive Hawaiian monk seals. The PEIS proposes such additional vaccination research before these tools would be safely applied to the benefit of the monk seal in the wild.

**DIS 04**        *Any vaccination protocol must be used with extreme caution to minimize the possibility of adverse events in a population that is already endangered. Please test vaccines on captive animals before using them on the wild population.*

Response:      This is precisely the approach that NMFS has taken to date and proposes to continue in the future (Final PEIS Appendix E). See response to DIS 03.

**DIS 05**        *Since vaccines may not always be effective for treating disease, NMFS should make sure there is a backup plan to treat and handle affected animals in order to minimize mortality.*

Response:        NMFS uses very detailed protocols to minimize risk of injury and mortality when handling monk seals, both in the wild and in captivity. Many of these procedures require the involvement of a veterinarian, and in some cases, animals are taken into captivity for additional treatment or rehabilitation. In addition, as described in Appendix E of the Final PEIS, NMFS will first assess the safety and efficacy of vaccines before they are used on the broader monk seal population to minimize potential negative effects.

**DIS 06**        *If a virus mutates and spreads into Hawaiian monk seals, how is NMFS going to vaccinate animals if there is no vaccine available?*

Response:        NMFS is proposing to use vaccines already developed for other species to provide immunization against the same or similar viruses (e.g. *morbillivirus* and West Nile Virus, see Appendix E). Sometimes a vaccine developed for a particular pathogen can confer immunity against a related but not identical virus. If a new virus emerges in monk seals against which no existing vaccine is effective, then NMFS will not be able to provide a vaccine to protect seals. However, NMFS has developed protocols for addressing an Unusual Mortality Event (UME). The UME plan is designed to enable rapid mobilization and response for any emergent mortality risk, whether from disease or other causes. The UME protocols are not evaluated in this PEIS, as they are addressed under separate permits and NEPA analysis for the national Marine Mammal Health and Stranding Response Program.

**DIS 07**        *The use of vaccines in Hawaiian monk seals is valuable. High priority should be given to testing a vaccine for morbillivirus on captive animals to identify potential effects of the vaccine. NMFS should also modify the criterion for triggering morbillivirus vaccination on wild seals to include the detection of canine distemper in any species outside of quarantine in the MHI.*

Response:        Since the completion of the Draft PEIS, NMFS and partners have updated the vaccination plan with somewhat more sensitive triggers in the Final PEIS. For instance, any confirmed case of canine distemper in a dog or any other species outside quarantine in Hawai'i would trigger vaccination of wild seals. A confirmed case of morbillivirus in a cetacean in the MHI would trigger testing of seals for antibodies but not necessarily vaccination of wild seals. NMFS conferred with the respondent and other specialists when developing revised triggers in the Final PEIS.

**DIS 08** *Vaccines should not be tested on Hawaiian monk seals. They have not been shown to be safe. Many vaccines are produced in China these days.*

Response: As described in Appendix E of the Final PEIS, some testing of West Nile Virus vaccine and canine distemper virus vaccine have already been tested in captive monk seals and shown to be safe thus far. NMFS plans to move forward cautiously with more captive (and then wild) seal testing for safety and achievement of the desired antibody response.

**DIS 09** *Translocation is problematic because there is a chance you will be introducing diseases to the NWHI.*

Response: NMFS acknowledges that there is some risk of disease transmission associated with translocation of seals between any two subpopulations. That is why NMFS has established strict health and disease screening protocols any time seals are moved among subpopulations (Appendix G of Final PEIS). In addition, these protocols allow for a quarantine period for seals being moved from the MHI to the NWHI, recognizing the potentially greater disease transmission risk associated with moves in that direction. As explained in the Final PEIS, Appendix G: "When transporting seals from the MHI to the NWHI, a period of quarantine may be necessary to reduce the likelihood of transferring a disease between the two regions. Quarantine holding will be done at a facility, on board a ship or in shore pens depending on the situation and facilities availability. The quarantine period should be long enough for the analysis of biomedical samples or longer than the prepatent period for the demonstration of clinical signs for the diseases of greatest concern. Two weeks is the generally accepted period and this period could include the transport period." Note that toxoplasmosis is an infectious disease threat to seals in the MHI. This disease cannot be transmitted from seal to seal, but is transmitted to seals by oocysts shed by domestic cats in the MHI. Thus, although seals are at risk for the disease in the MHI, they cannot transmit toxoplasmosis to seals in the NWHI.

**DIS 10** *Hawaiian monk seals may not show symptoms of disease (asymptomatic) and therefore spread disease to other vulnerable animals. It seems prudent to use a prophylactic approach rather than an outbreak response approach to treating diseases. It is not clear in the PEIS which approach is preferred by NMFS. This should be illustrated more clearly in the Final PEIS.*

Response: NMFS acknowledges that it has not taken a position regarding whether a prophylactic or outbreak response approach to vaccination is preferred. A comprehensive prophylactic vaccination program may be advantageous, but such an effort can be both costly and risky. Disease risks to monk seals may be better characterized through vaccination research, even in early stages of the program. The costs of administering vaccines to all seals would be substantial and whether it is warranted will depend upon the probability and magnitude of a disease outbreak as well as the estimated protection afforded by vaccination. One

other consideration is that by vaccinating seals prophylactically and eliciting an antibody response, the ability to detect exposure to disease versus vaccination is lost. Thus, there would be a loss of disease monitoring potential in a vaccinated population. Despite the above considerations, NMFS considers prophylactic vaccination to be a viable approach and will consider its relative merits as research and response actions accrue. A revised vaccination plan is included in the Final PEIS (Appendix E).

**DIS 11** *NMFS should describe how translocation health screenings are part of a larger framework for disease monitoring throughout the Hawaiian Archipelago. It is not clear how NMFS will implement a population-wide disease monitoring program. In addition, the PEIS should provide more information on how long the vaccination or de-worming trials would last.*

Response: The population-wide disease monitoring program elements are described in Section 2.5 and include opportunistic sample collection, analysis of carcasses, and opportunistic sample collection from live animals for health status. Translocation health screenings information will augment these efforts, and the samples will be analyzed, archived, and logged in the same system as the overall disease monitoring program.

NMFS has determined that disease monitoring should normally be done opportunistically whenever a seal is captured and sedated for other reasons (e.g., telemetry studies, hook removal, etc.). That is, unless some specific seal health concern arises (e.g., illness or injury), NMFS rarely captures and samples seals simply for health assessment. This is based on 1) the constraints involved in choosing seals for safe handling (e.g., finding a safe location, no pregnant or molting seals, etc.); 2) analysis of samples collected in the past during dedicated disease monitoring effort; and 3) recommendations from an external review of the Hawaiian monk seal health and disease program.

NMFS did not state how long vaccination and deworming trials would last. This will depend upon a number of factors, including funding, the results of the trials to date, and the availability of new drugs, routes of administration, or vaccines.

**DIS 12** *The Draft PEIS should provide more explanation on the criteria used to determine whether a seal is healthy or unhealthy. These criteria will determine the effectiveness of disease monitoring and how disease risk will be determined for each location.*

Response: Determining whether a seal is healthy or unhealthy depends on numerous variables (e.g., morphology, blood chemistry, disease exposure, behavior, growth, presentation of possible disease symptoms, and other factors) and are highly context dependent (e.g., presence of other threats). Standardized health forms and biomedical sampling (included in Appendix G of Final PEIS) are used to determine the health of an animal, and judgments are typically made on a case-by-case basis with the assistance of veterinarian consultation. Standardized

criteria are used to assess whether an Unusual Mortality Event (UME) is occurring, as addressed above in DIS 06.

**DIS 13**        *To make the translocation program consistent, and to increase validity of any survival outcomes, NMFS should apply deworming treatment to both MHI-born seals and seals that may be translocated in order to compare both groups and assess the performance of the translocation program.*

Response:     If deworming is proven to be an effective way to improve the condition and survival of young seals, it may be applied anywhere in the monk seals' range and in conjunction with other activities (Final PEIS Appendix H). That includes potential treatment of seals translocated anywhere for any purpose within the strictures of NMFS' research and enhancement permit. NMFS acknowledges that if deworming notably affects survival and it isn't applied to both treatment and control groups in translocations, then it could affect NMFS' assessment of the translocation program performance. The commenter specifies that deworming should be applied to both MHI-born seals and any translocated to the MHI. NMFS has selected Alternative 3 as the Preferred Alternative in the Final PEIS (please see response to ALT 03), under which there would be no translocations of weaned pups from the NWHI to the MHI. Regardless, the commenter's point could be applicable to any translocation scenario where survival of translocated seals would be compared to another group (i.e., whether the translocation was to or from the MHI or within the NWHI).

In any case, NMFS agrees that it will be important to design these studies in such a way that multiple factors can be accounted for (in this case deworming and translocation effects). Two-stage translocation remains an action available under the Preferred Alternative 3 so long as it does not involve moving seals born in the NWHI to be released in the MHI. The first stage of 2-stage translocation is expected to involve recently weaned pups. Seals at this age have typically not been feeding independently and have not acquired parasites, thus deworming would rarely if ever be conducted during the first stage of the translocation. The NMFS deworming permissions to date specify that seals would only be treated at least 120 days post-weaning. However, seals being returned to their natal areas at age 2-3 years may be treated for parasites prior to release. If that is deemed warranted and feasible, NMFS may treat a separate group of similarly-aged seals at the release site to help separate de-worming from translocation effects. It is not yet clear whether this could be accomplished. NMFS is currently conducting research to determine whether deworming can be effectively accomplished in the field with minimal disturbance or stress to wild seals. Captive seals (such as those being translocated), may be more readily treatable for parasites because they are under more controlled veterinary care for at least several days.

**ECO Ecosystems**

**ECO 01** *NMFS must consider that moving seals around is manipulating the ecosystem just as is removing top predators. We don't understand the ecosystem effects of either of these things. There may be unintended consequences of moving 60 female pups that we don't understand.*

Response: NMFS expects that any effective predator manipulation program would require a rather large-scale effort involving large numbers of predators (many orders of magnitude more than the potential number of seals that could be translocated). In contrast, NMFS stands by its analysis (Final PEIS Section 4.7) that the proposed level of translocation of young seals under any of the Alternatives would have negligible or minor adverse effects on other species in the ecosystem. Note that under the Preferred Alternative in the Final PEIS (Alternative 3), weaned pups would not be translocated from the NWHI to the MHI, but two-stage translocation could be conducted *within* the NWHI, *within* the MHI, or *from the* MHI to the NWHI. While a total of 200 weaned pups could be translocated over a 10-year period, only a maximum of 60 of these could be at any host site at any given time as each seal will be returned when it reaches 2 or 3 years of age. Nevertheless, unintended consequences are possible, and that is why NMFS has proposed a gradual cautious approach for implementation (Final PEIS Section 5.2) and continuous monitoring to detect problems (Final PEIS Appendix F).

**ECO 02** *Hawaiian monk seals have lived in the NWHI for hundreds or thousands of years so what has changed with the ecosystem? Has NMFS really looked at what has changed in the NWHI ecosystem that has created all these problems? We are not going to save the seals if we don't understand what is wrong with their habitat. NMFS needs to fix the problem in the NWHI first.*

Response: The dynamics of marine ecosystems extending over hundreds of thousands of square kilometers are extremely complex. NMFS and other divisions within NOAA conduct a great deal of research evaluating the NWHI ecosystem beyond monk seals. This will continue to be an active area of research as noted in Table 2.12-1, including continuing demographic and ecosystem modeling, using remote sensing technology to collect elevation and bathymetry data for the NWHI, and conducting oceanographic studies to determine effects of oceanographic variability on prey abundance availability and foraging success. Many habitat and ecosystem issues thought to affect monk seals are described in Section 3.3.1.7. See also ECO 5 and BIO 10.

**ECO 03** *Competition between Hawaiian monk seals and predators for the same food resources will destroy the ecosystem and all species will be negatively impacted. Bringing seals to the MHI will dramatically impact the ecosystem.*

Response: NMFS disagrees. Hawaiian monk seals have been an integral part of the Hawaiian marine ecosystem for many millions of years. More than 900 seals live and forage in the NWHI, and the reefs there tend to be much healthier with

more robust reef fish populations compared to the MHI, so that NMFS does not believe the natural increase in the MHI monk seal population will have any negative impact on the ecosystem. Nevertheless, note that the Preferred Alternative in the Final PEIS (Alternative 3) does not allow for weaned pups to be translocated from the NWHI and released in the MHI (please see the response to ALT 03). Please also see the response to ECO 01 and BIO 06.

**ECO 04**        *The PEIS should include a discussion about ecosystem-based management measures to improve conditions to enhance juvenile survival. Ecosystem-based management may be necessary to conserve seals and maintain the biodiversity of the atoll and island ecosystem.*

Response:        This PEIS supports the goals of the recovery program for the Hawaiian monk seal, and is required by the ESA and MMPA (Section 1.0 of the PEIS). This is a focused single-species goal although arguably achieving this goal could have ecosystem benefits. Thus, ecosystem-based management in the Hawaiian Archipelago is not one of the alternatives considered in this PEIS. NMFS considered the impact of the proposed action together with other monk seal conservation activities in the cumulative impact analysis of the Final PEIS. (See also responses to ALT 09 and ALT 10).

**ECO 05**        *Ecosystem-based management might involve numerous individuals and groups, and require many years to evaluate options, identify solutions, and gain approval. Nonetheless, failing to begin such discussions now could result in resource managers being ill-prepared in the future when measures must be taken and are most needed. In order to save one species, we must look at the entire ecosystem.*

Response:        NMFS does not disagree with these statements and in fact is eager to continue and expand discussion of these topics. Once specific monk seal recovery actions have been sufficiently developed, NMFS may pursue permits and associated NEPA processes to be able to implement them. However, these ecosystem-based approaches are not sufficiently developed to be included in the PEIS for reasons, such as the uncertainty regarding important ecological processes, food-web dynamics, etc., explained in Section 2.12.1 of the Final PEIS. (See also responses to ALT 09 and ALT 10).

**ECO 06**        *Prior to adopting the translocation program, NMFS must consider the ecosystem changes that may result in areas where seals proliferate. Will there be a depletion of marine life in those areas? Will there be enough food resources available for monk seals and humans?*

Response:        Note that under the Preferred Alternative in the Final PEIS (Alternative 3), seals may not be translocated from the NWHI to the MHI, but two-stage translocation could be conducted *within* the NWHI, *within* the MHI, or *from* the MHI to the NWHI. As described in Appendix F, NMFS would only translocate a small number of seals at any given time to another subpopulation.

While a total of 200 weaned pups could be translocated over a 10-year period in the first stage of two-stage translocation, only a maximum of 60 of these could be at the host site at any given time as they will be returned when they reach 2 or 3 years of age. Further, NMFS has stated that it would implement the translocation program (under either Alternative 3 or 4) gradually initially and monitor for any unintended consequences. This would constitute a small proportion of the already existing seal population at a host site. NMFS has explained how it will monitor various seal population variables to ensure that any undesired effects that should result will be detected. If such problems are found, the translocation plan would be adjusted accordingly. NMFS does not believe this small number of seals will deplete marine life (See also responses to ECO 03). These issues are described in Appendix F of the Final PEIS.

**ECO 07**        *The ecosystem is connected and each species is important. The ecosystem will become unbalanced if monk seals go extinct.*

Response:        NMFS agrees that monk seals are an integral part of the Hawaiian ecosystem. Aiding in the monk seals' survival and recovery is the fundamental purpose of the Recovery Program supported by this PEIS (Section 1.0).

**ECO 08**        *Historical human disturbance in the NWHI such as military activity, guano mining, and seal hunting has thrown the ecosystem of the NWHI off balance.*

Response:        There have likely been many human-caused and natural disturbances in the NWHI over last few hundred years and the respondent has certainly identified several of them. The level of human use and disturbance now occurring in the NWHI is relatively low as compared to historical times, but there are undoubtedly many residual effects from decades of intensive use, manipulation, and, in some cases, extraction.

**FISH**            *Fisheries/ Fishermen*

**FISH 01**        *Monk seals are going to compete with fishermen, which will cause considerable negative impacts to commercial, subsistence, and recreational fisheries in the MHI. NMFS's target is 500 monk seals in the MHI. We depend on fishing to feed our family and this will affect our way of life. Humans are the top of the food chain and should be first. These impacts will affect islanders well into the future. What is NMFS going to do about that? NMFS is protecting seals but who is protecting us?*

Response:        Under the Recovery Plan for Hawaiian Monk Seals, 500 seals in the MHI is part of the criteria identified for potentially reclassifying the monk seal from "endangered" to "threatened" status under the ESA. NMFS recognizes the importance of fishing to the lives of many Hawaii residents. Alternatives 3 (the Preferred Alternative in the Final PEIS) and 4 include important mitigation measures (described in PEIS Sections 2.5 and 5.4 - 5.6), including a seal behavior

modification program and various measures to engage stakeholders, including fishermen. These mitigation measures are designed to address many concerns regarding adverse impacts caused by monk seals interacting with fishermen and other ocean users.

The Draft PEIS analysis concluded that any adverse impacts on fisheries associated with the proposed alternatives would be negligible. NMFS revised sections of the PEIS related to fisheries impacts (Final PEIS Sections 4.8.1 - 4.8.3), considering comments received regarding the Draft PEIS and further analysis conducted by NMFS (Sprague et al. 2013). The updated analysis in the Final PEIS confirmed the conclusions from the Draft that impacts of all alternatives on fisheries would be negligible. Moreover, the Preferred Alternative of the Final PEIS does not include moving weaned pups from the NWHI for release in the MHI. It is also important to note that no new restrictions or regulations on fishing, access, gathering, or other resource use activities are expected to occur as a direct result of implementing the proposed action.

***FISH 02*** NMFS must evaluate the impacts of the proposed action on recreational fisheries close to shore, not commercial fisheries in the outer islands. The PEIS only compares fish consumption by juvenile seals to commercial catch in the NWHI, which is not right.

Response: NMFS revised sections of the PEIS related to fisheries impacts (Final PEIS Sections 4.8.1 - 4.8.3), considering comments received regarding the Draft PEIS and further analysis conducted by NMFS (Sprague et al. 2013), which specifically focuses on nearshore fishery resources in the MHI and includes data from reported commercial and recreational fishery landings in the MHI. The updated analysis in the Final PEIS confirmed the conclusions from the Draft that impacts of all alternatives on fisheries would be negligible. Moreover, the Preferred Alternative of the Final PEIS does not include moving weaned pups born in the NWHI for release in the MHI.

***FISH 03*** The number of Hawaiian monk seals that will be in the MHI is not going to have a notable effect on fish that might be sought after by commercial, recreational, or subsistence fishermen. In fact, seals have much more to fear from people. Fishermen should share fish resources with seals or move to other fishing areas if monk seals are present.

Response: Please note that under the Preferred Alternative in the Final PEIS (Alternative 3), weaned pups may not be translocated from the NWHI to the MHI. NMFS believes that monk seals and fishermen can co-exist in the MHI with minimal adverse interaction and has provided grant funds to the State of Hawaii, DLNR under Section 6 of the ESA, in part to support DLNR's work to minimize adverse fishery interactions with monk seals. NMFS has also partnered with DLNR in disseminating guidelines for fishermen that are intended to prevent and mitigate fishery-seal interactions. These guidelines may be viewed at the

following URL:

[http://www.fpir.noaa.gov/Library/PRD/Hawaiian%20monk%20seal/HMS-fishing\\_guidelines-FINAL-PUBLIC.pdf](http://www.fpir.noaa.gov/Library/PRD/Hawaiian%20monk%20seal/HMS-fishing_guidelines-FINAL-PUBLIC.pdf)

**FISH 04** *When a monk seal gets into our fishpond, who is going to pay for our fish? We spend a lot of money on fish for our fishpond but all NMFS talks about is saving the seal. NMFS should consider setting up a compensation program for fishermen to alleviate the financial burden of monk seal interactions. This may soften some of the negative feelings fishermen have toward seals.*

Response: The Final PEIS considers potential impacts on fishponds in Section 4.8.4 and presents a related mitigation measures in Sections 5.4 – 5.6. NMFS must operate within authorized appropriations and currently has no authority or plans to set up a compensation fund for fishpond incursions. As noted in the response to comment CUL 04, monk seals that get into enclosed fishponds with functioning walls and *makaha* (gates) would generally be considered by NMFS to be "out of habitat" (a type of stranding) and NMFS will work with the fishpond owner or responsible party to remove the seal as safely and quickly as possible with a goal of minimal or no impact to the fishpond.

**FISH 05** *There are already too many Hawaiian monk seals. Monk seals are going to eat all the fish. Comments calculating the amount of fish consumed by Hawaiian monk seals based on their average weight. Based on calculations stated in comments, a single monk seal eats from 50 to 100 pounds of fish per day. Currently there are 150 seals eating up to 2,737,000 pounds of food per year. If NMFS brings 60 more seals to the MHI, that will equal 210 seals. This many seals could eat up to 6,387,500 pounds of fish per year. The amount of fish monk seals are going to eat is going to have an effect on commercial, subsistence, and recreational fishing. How can the PEIS state there would be no impact?*

Response: The calculations presented in the comment appear to be based on inaccurate overestimates of daily consumption by Hawaiian monk seals. For example, a recent NMFS analysis found that monk seals likely eat, on average, around 15 lb. of prey per day, perhaps less (Sprague et al. 2013). Furthermore, much of the fish consumed by monk seals are not targeted by fishers in the MHI (Sprague et al. 2013). NMFS revised sections of the Final PEIS related to fisheries impacts (PEIS Sections 4.8.1 - 4.8.3), considering comments received regarding the Draft PEIS and the further analysis conducted by NMFS (Sprague et al. 2013). The updated analysis in the Final PEIS confirmed the conclusions from the Draft that impacts of all alternatives on fisheries would be negligible. Moreover, the Preferred Alternative of the Final PEIS does not include moving seals from the NWHI for release in the MHI.

**FISH 06** *Fishermen in Hawai'i are already under pressure given recent closures and restrictions. This proposed action will again increase pressure on Hawaiian fishermen. Fishermen are having a hard time dealing with monk seals*

*interacting with fishing gear. Please keep the fishermen in mind when moving forward on this action.*

Response: NMFS will continue and enhance its collaboration with Hawai'i's fishing community to the maximum extent possible. NMFS has provided a grant to DLNR to help support such collaboration with fishermen. Part of DLNR's grant project includes development and testing of a system to report Hawaiian monk seal interactions with fishing gear. NMFS appreciates fishermen who report interactions, as this provides information useful in developing and implementing the fishery interaction mitigation program discussed in Section 2.5 of the PEIS. It is important to note that no new restrictions or regulations on fishing or other resource use activities are expected to occur as a direct result of implementing the proposed action, because no such restrictions or regulations are proposed in any of these Alternatives.

Please also see the response to comment FISH 01 for more information relevant to this comment.

***FISH 07 The Hawaiian monk seals are increasing in the MHI and our lobster population is declining. Is there a correlation?***

Response: NMFS is not currently aware of a correlation nor a causative link between lobster and monk seal trends. Please also see the response to comment FISH 01 for more information relevant to this comment.

***FISH 08 Is NMFS going to put Hawaiian monk seals in fishing grounds? Fishermen have very substantial concerns about this and it needs to be adequately addressed in the PEIS.***

Response: In the Final PEIS, the Preferred Alternative is Alternative 3, under which weaned pups may not be translocated from the NWHI to the MHI, but translocations could be conducted *within* the NWHI, *within* the MHI, or *from the* MHI to the NWHI. As described in Section 5.2 and Appendix F of the Final PEIS, several criteria will be considered in determining the locations to which seals would be translocated. One of these criteria will be the likelihood of fishery interactions, and with all other criteria being equal, areas where fishing activity is known to be heavy would rank lower for translocation purposes than areas where fishing activity is relatively light. Section 5.6 of the Final PEIS describes how NMFS plans to engage fishermen and local community leaders as part of the process to determine appropriate translocation release sites. Please also see the response to comment FISH 01 for more information relevant to this comment.

**FISH 09** *There is a lot of confusion about the types of fish that Hawaiian monk seals eat. I've been told that monk seals eat fish that are six to eight inches long. They are not eating the large fish in the holes. Monk seals often eat fish further from shore than where fishermen fish.*

Response: As described in Section 3.3.5 of the PEIS, the fish families most frequently consumed by seals in the MHI are *Balistidae* (triggerfish), *Acanthuridae* (surgeonfish), *Muraenidae* (moray eels), *Serranidae* (groupers, basslets etc.), *Holocentridae* (squirrelfish), *Labridae* (wrasses), *Scaridae* (parrotfish), *Ostraciidae* (boxfish), *Monacanthidae* (filefish), *Scorpaenidae* (scorpionfish), and *Congridae* (eels). There are numerous other families consumed but at a very low frequency. Cephalopods (octopus and squid) occur less frequently in the monk seal diet than fish; the most important species are day octopus, night octopus, and a squid species. The size of prey in the diet varies, but based on footage collected by seal-mounted video cameras, most of the prey were small (3-4 inches on average). However, there are occasionally exceptions when a large fish or octopus was captured and brought to the surface for eating.

There is also a large amount of variability in foraging strategies employed by individual monk seals. Tracking studies of over 30 seals in the MHI show that seals begin searching the bottom for food immediately after leaving the beach. Some seals stay within a mile of shore while others will travel out 30 miles or more to feed. Most foraging occurs in water less than 200 feet deep but some seals dive over 1,500 feet to find their food. All monk seals feed along extensive tracks of coastline and ocean, not just one single location, thus distributing their foraging effort and making it unlikely that seals will dramatically impact any one place.

**FISH 10** *Fishery-monk seal interactions should be monitored more closely by government given the rate of incidental mortality that occurs in the near-shore fisheries. NMFS should work closely with the State to reduce fishery-related interactions.*

Response: NMFS agrees with this comment. Please also see the response to comment FISH 01 for more information relevant to this comment.

**FISH 11** *Commercial fisheries impacts result from interactions with Hawaiian monk seals in terms of increased fuel cost and trip length to compensate for depredation events rather than changes in MHI commercial catch data as presented in the PEIS.*

Response: NMFS revised sections of the PEIS related to fisheries impacts (PEIS Sections 4.8.1 - 4.8.3), considering comments received regarding the Draft PEIS and further analysis conducted by NMFS (Sprague et al. 2013). The updated analysis in the Final PEIS confirmed the conclusions from the Draft that impacts of all alternatives on fisheries would be negligible. Nevertheless, Alternatives 3 (the Preferred Alternative in the Final PEIS) and 4 include important mitigation measures (described in PEIS Sections 2.5 and 5.4), including a seal behavior

modification program and a fisheries interactions mitigation program. These mitigation measures are designed to address many concerns regarding adverse impacts caused by monk seals interacting with fishermen and other ocean users. Please also see response to comments FISH 01, FISH 06, FISH 08, and FISH 09.

**FISH 12** *NMFS's conclusion that the potential impact of Hawaiian monk seals on commercial fisheries would likely constitute only 0.6% to 1.6% of annual commercial catch. However, monk seal prey typically do not include pelagic species. Thus, the annual consumption of prey species by monk seals should instead be compared with non-pelagic commercial fisheries landings, which would have been approximately 4.8% of the total commercial catch for 2009.*

Response: NMFS has revised sections for the Final PEIS related to fisheries impacts (Sections 4.8.1 - 4.8.3) considering this comment and other comments received regarding the Draft PEIS as well as further analysis conducted by NMFS. Sprague et al. (2013) have made revised and very conservative estimates of monk seal consumption of fish prey specifically in nearshore areas (excluding pelagic catch) and compared this to estimated consumption by other apex predators (i.e., sharks and jacks) as well as nearshore fishery landings. The conclusion from the Draft PEIS that all alternatives would have negligible impacts on fisheries did not change with the revised Final PEIS analysis. While this was focused on nearshore resources, it remains important to note the lack of impact monk seals have on the very important pelagic fisheries, which make up ~95% and ~82% of the landed weight by commercial and recreational fisheries, respectively. In assessing impacts it is important to document areas where there will be no competition or conflict as well as those areas where such potential exists. Please refer to FISH 09 for a description of the partial overlap of fish consumed by monk seals and targeted by fishers.

**FISH 13** *The bottomfish fishery in Hawai'i has been under strict management since 2007 and the fact that Hawaiian monk seals are foraging generalists that may compete with the fisheries creates reasonable concern in the fishing community. NMFS should continue to engage the fishing community to alleviate these concerns.*

Response: NMFS agrees with this comment and will engage the fishing community to the maximum possible extent. Please also see responses to comment FISH 01, FISH 08, and FISH 09.

**FISH 14**        *The amount of fish a monk seal could consume pales in comparison to the amount of fish caught each year by people in Hawai'i. It is difficult to evaluate the potential effects of a larger monk seal population on recreational fisheries given there is little federal or state oversight of this industry. Thus, NMFS should continue to work with the recreational and commercial fishing sectors to obtain better data on fishery landings as well as continue to pursue studies on monk seal foraging habits.*

Response:        NMFS agrees with this comment, and intends to continue the work referred to in the comment to the maximum extent possible. NMFS will continue to work with DLNR to get the best possible data on recreational and commercial landings to best manage potential interactions with Hawaiian monk seals. Please also see the recent NMFS publication by Sprague et al. (2013).

**FISH 15**        *Hawaiian monk seals impact fishermen by damaging fishing gear which results in lost income. Comments describing interactions with Hawaiian monk seals while fishing including accounts of monk seals eating fish off of gear.*

Response:        NMFS recognizes that interactions do occur. Reporting fisheries interactions is a requirement for commercial fishers (see 50 CFR 229.6) and is important for monk seal recovery as well as for fisheries impact mitigation purposes. Timely reports of interactions help NMFS work with fishermen and effectively manage seals to minimize interactions and potentially reduce damage to gear. NMFS has produced a set of guidelines to help reduce these interactions and also maintains a toll-free hotline to report the interactions and other marine mammal incidents. The seal behavior modification program and stakeholder engagement activities, described in Section 5.4 - 5.6, are designed to help reduce the frequency and impact of seal-fisheries interactions. NMFS revised its analysis regarding fisheries impacts considering this and other comments received and present this analysis in the Final PEIS (Sections 4.8.1-4.8.3). Also please see the response to FISH 06.

**FISH 16**        *Seals are migrating naturally to the MHI because they are starving in the NWHI. They are reproducing on their own in the MHI. The reason they are starving in the NWHI is because of humans overfishing species like lobsters, not because of seals eating them all. Overfishing needs to be stopped and monk seals should not take the blame for how much fish are in ocean.*

Response:        A small number of seals have been documented moving between the NWHI and the MHI; however, the growth of the MHI seal population (Section 3.3.1.3) cannot be explained by the low level of migration observed from the NWHI. Instead the MHI population is growing due to high survival and reproduction of the local MHI population. The lobster fishery in the NWHI has been closed since 2000, and whether the fishery affected monk seals is unresolved (Section 3.3.1.7). The bottomfish fishery closed in 2009 (Section 3.3.1.7), so there is no commercial fishing occurring in the NWHI.

**GEN**            **General**

**GEN 01**            ***Comments expressing general support for the proposed action. Hawaiian monk seals should receive the most protection possible, particularly for juvenile seals. Comments in support of saving Hawaiian monk seals from extinction.***

Response:        NMFS acknowledges the recommendation to implement Alternative 4, which was the Preferred Alternative in the Draft PEIS. In accordance with the mandate of the ESA, NMFS is committed to using necessary and appropriate measures to ensure the survival and recovery of the Hawaiian monk seal population. While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking weaned pups from the NWHI and releasing them in the MHI. Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation. NMFS also intends to conduct other important seal research and enhancement activities and to engage the public in an effort to address concerns raised during the Draft PEIS public comment process, especially concerns related to the two-stage translocation process. It is our goal to ensure that all future management and recovery efforts are as successful as possible by staying engaged with, and responsive to, Hawaii's communities. See response to ALT 03.

**GEN 02**            ***Comments expressing general opposition for the proposed action. The proposed action is too risky and will not be good for the communities that would be affected in the MHI or the Hawaiian monk seals. Comments expressing general public safety concerns about seals in the MHI.***

Response:        NMFS disagrees that the proposed actions would be risky for monk seals or people. Several measures are currently in place, and additional measures would be added to monitor and mitigate any possible public safety risks that might arise from implementation of any of the proposed actions. These measures include seal behavior modification actions and stakeholder engagement activities as discussed in Sections 2.4 and 5.4 – 5.6 of the PEIS. Moreover, under the Preferred Alternative (Alternative 3) in the Final PEIS, no seals will be moved from the NWHI and released in the MHI.

**GEN 03**        *Hawaiian monk seals do not belong in the MHI. Comments expressing general support for protecting monk seals as long as they remain in the NWHI.*

Response:        See response for BIO 07. The best available evidence indicates that Hawaiian monk seals have inhabited the Hawaiian Islands Archipelago for several million years. The Hawaiian Islands are a continuous archipelago from Hawai'i Island to Kure Atoll, and wild animals do not recognize the invisible line that humans have drawn between the NWHI and MHI. NMFS understands that many people have concerns about interactions between Hawaiian monk seals and humans in the MHI. However, monk seals are protected throughout their range under MMPA and ESA, and NMFS must use necessary and appropriate means to provide for the conservation of the species throughout this range. As explained in Section 5.6, NMFS is committed to working with communities in Hawai'i to discuss issues, quantify interactions, identify seals of potential concern, and work toward solutions for humans and seals to coexist safely in Hawai'i.

**GEN 04**        *NMFS should let nature take its course and not intervene by trying to protect Hawaiian monk seals. Every time NMFS tries to manage nature, it gets messed up. Permits should be revoked due to scientific misconduct.*

Response:        NMFS intends to continue to implement actions that promote Hawaiian monk seal recovery as required by and authorized under the ESA and MMPA. Scientific studies show that NMFS Hawaiian monk seal research handling has had no negative impact on the species and only very rarely on the individual seals handled (Baker and Johanos 2002). Recovery actions over the past several decades have saved many seals from injury and death due to entanglement, hookings, shark predation, aggressive males, etc. The NMFS PIFSC has no violations of their current permit (No. 10137) and takes a conservative approach to conducting new activities. NMFS maintains high scientific standards and complies with stringent scientific review and oversight protocols, and requests that any allegation of scientific misconduct be accompanied by supporting information.

**GEN 05**        *NMFS must limit human intervention to only what is necessary to promote survival of Hawaiian monk seals so that survival does not become impeded.*

Response:        NMFS shares the concerns about limiting human intervention with Hawaiian monk seals to only what is necessary to promote survival. As described in PEIS Sections 1.5.2 and 1.5.3, NMFS activities that require interaction with monk seals in Hawai'i (such as moving seals away from harmful situations) are all permitted by the NMFS Office of Protected Resources under the ESA and MMPA. NMFS research and enhancement activities also adhere to the Animal Welfare Act standards and requirements (see Section 1.5.10). All NMFS activities are stringently reviewed during the permitting process and are reviewed at

regular intervals to ensure that activities are continuing to benefit, and not harm, the monk seal population.

**GEN 06** *State of Hawai'i buy-in with this proposed action is essential for the success of the Hawaiian monk seal program. Some type of legislation may be necessary to mitigate some of the effects that might occur.*

Response: NMFS values its partnership with the Hawai'i state government and will continue to coordinate and collaborate with DLNR and other state agency partners to the maximum extent possible. NMFS has provided grant funds to DLNR under Section 6 of the ESA, in part to support DLNR's work on Hawaiian monk seal recovery. NMFS is not aware of any new legislation necessary for successful implementation of the actions proposed in the PEIS.

**GEN 07** *The USEPA has rated the Draft PEIS on Hawaiian Monk Seal Recovery Actions as Lack of Objections (LO).*

Response: NMFS acknowledges the USEPA has not identified any potential environmental impacts requiring substantive changes to the proposal. We will continue to coordinate with USEPA as required by NEPA and other laws and regulations.

**GEN 08** *Hawai'i has so many unique species that are becoming endangered, including Hawaiian monk seals. Monk seals represent how poorly humans have taken care of our environment and the challenge we face to reverse this trend.*

Response: NMFS agrees that some human activities in the past, especially in the NWHI, contributed to the current endangered status of Hawaiian monk seal. NMFS recognizes the challenge we face in promoting Hawaiian monk seal recovery, and we believe the actions proposed in the PEIS represent the best way to address this challenge.

**GEN 09** *Some of the proposed actions seem to address the "symptoms" of monk seal decline and a more retroactive approach that is expensive rather than effective long-term recovery.*

Response: NMFS has carefully considered actions that hold promise to support Hawaiian monk seal recovery and has determined that the actions proposed in the PEIS are most likely to result in the most effective and positive outcome for Hawaiian monk seal recovery. Please also refer to Section 2.12 in the PEIS for more discussion related to this comment.

**GEN 10** *As long as the monk seals don't prohibit our fishing and beach use, I support the proposed action.*

Response: No new rules or regulations are proposed in the PEIS including any new or additional prohibitions on fishing or beach use resulting from implementation of the actions proposed in the PEIS.

**GEN 11** *An example of where something like this was very successful is the Gulf of Mexico. A lot of research has been done where fishermen used sea turtle "excluder" devices to keep endangered sea turtles away from their nets. This prevented costly damage to shrimp trawler nets and protected the endangered turtles.*

Response: NMFS will continue to look for and consider solutions to fishery interactions and other Hawaiian monk seal recovery issues within Hawai'i and throughout the world. We frequently confer with our American and international colleagues to make sure we are aware of conservation measures that may be applicable for Hawaiian monk seal recovery.

**GEN 12** *Where is the projected negative impact study on this plan? Where are the documents that describe how monk seals will negatively affect our island?*

Response: Chapter 4 of the Final PEIS describes adverse and beneficial impacts (including some minor adverse impacts) that are anticipated to be associated with the proposed alternatives. Please see the Executive Summary as well as Section 4.7 for descriptions of biological impacts and Section 4.8 for descriptions of social (including cultural) and economic impacts. In summary, among the biological resources, all effects on sea turtles, cetaceans, and fish species were found to be *negligible* for all alternatives. Likewise, among socio-economic resources, all effects on fishing (commercial, subsistence, and recreational), environmental justice, and military resources were determined to be *negligible* for all alternatives. After considering substantive comments received regarding the Draft PEIS and further analysis, NMFS revised the description of cultural impacts and impacts on fisheries in the Final PEIS.

**GEN 13** *NMFS should determine the cost of translocating seals and include costs in the decision-making process. A cost-benefit analysis should be provided in the PEIS for each alternative.*

Response: NMFS does, and will continue to, consider costs among several factors in its decision-making processes related to actions it undertakes to promote Hawaiian monk seal recovery. While NEPA does not require explicit discussion of direct costs of implementing proposed actions in a PEIS, the actions proposed in this PEIS do consider feasibility of implementation, including cost. Alternatives were primarily selected however, because of their potential to provide the greatest benefit to Hawaiian monk seal recovery. NMFS is required to undertake activities within authorized appropriations, and routinely makes decisions concerning the allocation of limited financial resources to competing conservation programs.

**GEN 14**      *If NMFS moves seals to the MHI, they will be killed and eaten.*

Response:      See response to GEN 03 and BEH 04. It is against federal law to kill or harm a Hawaiian monk seal without proper authorization under the ESA and MMPA. Violations of the MMPA and ESA can be charged either civilly or criminally, with criminal fines under the ESA of up to \$50,000 or imprisonment for up to one year, or both. NMFS recognizes that some monk seals have been intentionally killed already and that may continue to occur regardless of the fact that under the Preferred Alternative in the Final PEIS (Alternative 3), no weaned pups will be translocated from the NWHI and released in the MHI. NMFS will continue to address this type of issue through education, outreach, and enforcement activities.

**INA**              *Inadequate Information to Assess Effects/Unclear Information*

**INA 01**              *The PEIS should include an assessment of the carrying capacity in the NWHI and the effects of climate change to gain a better understanding of the state of the ecosystem.*

Response:      NMFS provided a discussion of carrying capacity in Section 3.3.1.6 of the Draft PEIS, explaining the concept and the difficulty associated with its determination. There is considerable uncertainty about the underlying factors driving the decline, and the role of climate change remains uncertain. While it would be beneficial to have a more complete understanding of the role of climate change in altering the NWHI ecosystem, NMFS does not believe that beneficial recovery actions can or should be deferred while we pursue that understanding. Waiting until NMFS has a significantly better understanding of climate change effects is not compatible with the needs of monk seals (and therefore with the Purpose and Need of this action).

Refer to Section 3.3.1.7 of the PEIS for a discussion of the current understanding about the role of climate change, including apparent effects of varying oceanographic productivity on monk seal survival and body condition, and potential effects of sea-level rise on terrestrial habitat for monk seals.

**INA 02**              *The PEIS should include an evaluation of whether the numbers of monk seals is realistic for the NWHI where the land is disappearing. The analysis of the proposed alternative is not quantitative.*

Response:      NMFS published the first study on the potential effects of sea level rise on NWHI terrestrial habitat and biota (described in PEIS Section 3.3.1.7). Recently, the USGS published a more complete analysis of land elevations and projected sea level rise impacts in the NWHI (Reynolds et al. 2012, available at <http://pubs.usgs.gov/of/2012/1182/>). The future of sea level rise and the potential for mitigating habitat loss remains uncertain. NMFS considers this an important issue and is committed to preserving the NWHI as important habitat for monk seals in the foreseeable future.

**INA 03** *NMFS does not know enough about the impacts of moving 10 to 20 seals a year to the MHI or about removing predators such as jacks (ulua) from the NWHI to move forward on this action.*

Response: NMFS conducted an impact assessment of the proposed 2-stage temporary translocation in the Draft PEIS, and updated fishery impacts analysis for the Final PEIS. While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 (Preferred) does not include any two-stage translocation option that would involve taking seals born in the NWHI and releasing them in the MHI.

Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation.

Nevertheless, please note that the updated fishery impacts analysis in the final PEIS (Sections 4.8.1-4.8.3) concluded (consistent with the Draft PEIS) that impacts on fisheries from all Alternatives would be negligible. Regarding the removal of jacks (ulua) and other Hawaiian monk seal competitors in the NWHI, NMFS agrees that the impacts of this type of activity remain uncertain. Please also see the response to ALT 09.

**INA 04** *The PEIS does not take anything into account except the translocation program. The statements that there are negligible impacts on ocean users are just not true. A complete review of the entire monk seal recovery program is needed.*

Response: The PEIS evaluates all aspects of NMFS' monk seal research and enhancement program. This encompasses not just the proposed translocation action, but also all other research and enhancement actions, whether ongoing or new. Please refer to Chapter 4 of the PEIS for this information.

**INA 05** *The PEIS does not explain what sampling monk seals for genetic analysis means or includes.*

Response: In Section 2.5 of the Draft PEIS NMFS described the three sources for genetic sampling of Hawaiian monk seals. 1) Shed molt (skin) samples, 2) tissue collected from dead seals and 3) small flipper skin punches which are a byproduct of flipper tagging.

**INA 06**        *The PEIS does not include any kind of pictorial display or description of what having 500 monk seals in the MHI will look like. How many seals will be in what areas of the islands and what impact will they have?*

Response:      Seal abundance in the MHI is increasing naturally. Under the Preferred Alternative (Alternative 3) in the Final PEIS, no weaned pups would be translocated from the NWHI and released in the MHI. The expanding naturally occurring population and the movements of individual seals in various habitats makes it difficult to depict precisely how monk seals would be distributed if the population reaches 500 seals.

**INA 07**        *The PEIS is not based on evidence. The whole idea of translocation is based on computer modeling; it's not even based on real data. The science presented in the PEIS is inadequate.*

Response:      NMFS disagrees with this comment. The PEIS is based on years of scientific research. The translocation concept is not based on computer modeling; rather it is based on over 25 years of detailed demographic data, successful experience with translocation (including published results), and sound conservation science. The stochastic simulation model (described in Appendix M) is closely tied to the most recently available field research data. The model serves to integrate all of the relevant data in order to better predict, quantify, and compare the probable outcomes derived from various possible translocation scenarios. In this way, the model helps identify the most beneficial translocation scenarios based on everything we know about monk seal demographics and previous translocation experience.

**INA 08**        *The PEIS needs to be more specific and describe where seals would be translocated. There is lack of information describing the science behind an increase in the number of translocations. Why does NMFS believe an increase in the number of translocations will support recovery? There is no explanation of what "additional permits above the number permitted" means in the alternatives.*

Response:      The exact locations where seals would be translocated have not been decided; however, the process by which those decisions would be made is described in Appendix F and Section 5.2 of the Final PEIS. The scientific process by which the number of seals to translocate will be decided is also described in Appendix F.

Although Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking seals born in the NWHI and releasing them in the MHI. However, a variety of translocation actions could occur under the Preferred Alternative, including two-stage translocation *within* the NWHI, *within* the MHI, or from the MHI to the NWHI. The maximum

numbers that could be translocated under each alternative are presented in Appendix H and the Executive Summary of the Final PEIS.

When specific locations are chosen for translocation, NMFS will evaluate the potential effects of moving seals to chosen sites as part of the permitting process. Site-specific activities will be evaluated against the analyses presented herein for future NEPA compliance and the appropriate level of NEPA review will be completed accordingly as described in Section 1.6 and Chapter 5 of the Final PEIS.

The respondent may be referring to wording in the Alternative Proposed Table 2.10-1, which mentions additional takes over the status quo in some alternatives. These are explicitly enumerated in Appendix H. Also, scientific research permits are valid for up to 5 years, and the PEIS is intended to cover a 10-year period. Thus, more than one permit will be required over the duration of the PEIS.

***INA 09***        *The establishment of feeding stations as described in the PEIS raises concerns and needs further explanation in the Final PEIS. It is not clear whether feeding stations will require human involvement or be self-sufficient. Feeding stations may draw in other animals besides Hawaiian monk seals. The PEIS states that this approach has not been tried to date with monk seals yet later states that it was tried successfully in the 1990s making it unclear whether feeding stations have been tested or not.*

Response:        NMFS agrees that "feeding stations" was inadequate wording and have explained this concept more thoroughly in the Final PEIS (Section 2.5). In short, the draft PEIS discussed a proposal to provide supplemental feeding of seals after release back to the wild in the NWHI following captive care. Trained technicians would perform the feeding after the seals have been conditioned to take food in this way during their captivity. This temporary process would help the seal meet its subsistence requirements while it transitions to self-sufficiency on a natural diet. NMFS has previously fed seals in head start or captive care programs in shore pens in the NWHI using reef fish or frozen herring in the past, so feeding fish to seals in the remote NWHI has been accomplished before. The proposal in the PEIS differs in that the seals may not be held in pens for feedings. As with any of the recovery actions, this strategy will be approached with caution and the implementation of supplemental feeding will be designed to quantitatively determine effectiveness.

***INA 10***        *There are no impact criteria presented in the PEIS for recreation and tourism. The terms "negligible" and "moderate" are far too subjective for this analysis.*

Response:        Impact criteria for recreation and tourism and descriptions of what is meant by "negligible" and "moderate" are included in Sections 4.4.3 and 4.8.5 of the Final PEIS."

**INA 11**        *The Draft PEIS does not provide enough detail on how long the de-worming or vaccination trials would last. NMFS should address food limitation first before beginning other initiatives such as de-worming and translocations.*

Response:      NMFS did not state how long vaccination (Appendix E) and deworming trials (Section 2.5) would last. This will depend upon a number of factors, including funding, the results of trials, and the availability of new drugs, routes of administration, or vaccines. NMFS does not agree that it should solve food limitation before developing other tools to aid recovery. The monk seal is in crises and NMFS believes it should pursue all promising tools for recovering the species without deferring action pending additional long-term investigations. NMFS will continue to investigate the nature and underlying causes of food limitation affecting juvenile survival. The common objective of many recovery actions evaluated in the PEIS is to preserve or enhance the number of reproductive-aged females so that the population maintains its capacity to respond once natural foraging conditions become more favorable to growth.

**INA 12**        *Impacts to piscivorous wildlife species, global climate change, sea level rise, tourism, or the military are not adequately considered in the PEIS. Information about the marine ecosystem and food web is not available for the MHI or NWHI.*

Response:      The following sections of the Final PEIS address each of the topics mentioned in the comment: 1) Section 4.7.5 (Fish); Section 4.7.6 (Birds); Section 4.8.5 (Recreation and Tourism); and Section 4.8.7 (Military Activities). The potential effects of climate change and the issue of sea level rise are addressed as part of the cumulative effects analysis for each resource evaluated in the PEIS as listed in Table 4.5-2 Reasonably Foreseeable Future Actions Within the Project Area. NMFS also notes that Sections 4.8.1 – 4.8.3 regarding potential impacts to commercial, subsistence, and recreational fisheries, have been revised in the Final PEIS.

**INT**            *Human-Seal Interactions*

**INT 01**        *NMFS wants to minimize human-seal interactions but you are exposing yourselves to seals during research. What's the difference? Is human disturbance due to research contributing to population decline? Research should be closely monitored to ensure there are no deleterious effects.*

Response:      NMFS has historically been, and remains, extremely sensitive to the potential for adverse effects of research on seals. NMFS keeps careful records of all research- and enhancement-related disturbances and handling of monk seals, and monitors for deleterious effects. All research and enhancement activities are conducted in a precautionary manner to minimize the potential for negative effects. NMFS has published peer-reviewed scientific articles evaluating the effects of research and has not found negative effects, with the exception of a

very small number of unintended seal deaths over the long history of the research program. The protocols and their conservative nature are described throughout Section 2.5 of the PEIS.

NMFS also recognizes that, despite past performance, there is some risk of harm or death to seals associated with research and enhancement activities. That is why NMFS is applying for a permit that includes a limited number of unintentional mortalities (Final PEIS Appendix H), the potential impacts of which are analyzed in Chapter 4. Research and enhancement activities do involve some risk to the individual animals, but this small level of risk is acceptable in relation to the expected conservation benefits to the species. In contrast, most non-research and non-enhancement interactions between humans and seals entail risks of harm to both the seals and the people, and achieve no benefit to the seals.

***INT 02            Increasing the number of Hawaiian monk seals in the MHI will increase the number of human-seal interactions. It seems the existing mitigation measures used to manage human-monk seal interactions are insufficient. Seals do nothing for us but cause problems such as closing roads and beaches. Seals are also at more risk for injury where there are more interactions.***

Response:     See response to BEH 03. NMFS acknowledges that people have concerns about interactions between humans and Hawaiian monk seals. The Hawaiian monk seal population in the MHI is naturally increasing due to high survival rates of pups that are born here. While seals may still experience harmful interactions or injuries, survival is still high relative to most sites in the NWHI.

Note that while Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking weaned pups born in the NWHI and releasing them in the MHI. Therefore, any increase in the number of seals in the MHI will be attributable to natural growth of the population. NMFS acknowledges that Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation.

Given the natural population increase in the MHI, NMFS agrees that the currently permitted options may be insufficient to manage the expected corresponding increase in seal-human interactions. To address this need, NMFS has proposed a behavioral management program in PEIS Chapter 2 (included in Alternatives 3 and 4). NMFS believes that humans and seals can safely coexist and share the beaches and ocean around the Hawaiian Islands.

As described in Section 5.6 of the PEIS, NMFS acknowledges that it will need the cooperation and involvement of the community in Hawai'i to learn about interactions and work with communities to develop solutions. See response to SOC 06 regarding closure of roads and beaches.

**INT 03** *If a monk seal is on a beach and becomes aggressive with small children that are there, am I going to risk getting fined for intervening or am I supposed to watch a child get injured or possibly die in front of my eyes?*

Response: NMFS acknowledges that people have concerns about monk seals and human safety. NMFS would like to emphasize that seals and people generally coexist peacefully in the waters and beaches around Hawai'i. However, in some situations, people may be concerned for their safety, or the safety of others, around a seal displaying aggressive behaviors (or defensive, in the case of mothers and pups). Monk seals are protected by both the Endangered Species Act and the Marine Mammal Protection Act, and both statutes have provisions that ensure that actions that are taken in self-defense or in defense of others are not subject to prosecution (see PEIS Sections 1.5.2 and 1.5.3).

NMFS would like to stress that in any case where it is made aware (through input from the public or other sources) that a seal is engaging in behaviors that cause risk to either humans or the seal, it would investigate and, if necessary, apply appropriate mitigation (behavior modification, removal, or other action as appropriate). Input from the public is vitally important for these protocols to be effective and implemented in a safe, timely manner. Also refer to the response to INT 04 below.

**INT 04** *NMFS should know that if people are threatened by a monk seal, they are going to kill the seal. There is no safety among seals and seals are harming people. Monk seals are aggressive and they are going to bite. What is your accountability if someone gets injured?*

Response: All scientific evidence, field observations, and public reports to date indicate that public safety risks associated with Hawaiian monk seals in the wild are extremely low. Monk seals are not aggressive by nature and only exhibit aggressive behavior toward humans when they feel threatened or when they have been previously fed by humans or otherwise interacted with, and have thereby been conditioned or "trained" to seek out human interaction. As discussed in the PEIS (Section 3.4.9) only a very small number of such interactions have occurred in the MHI over the past 20 years. NMFS has, and will continue to conduct outreach and education activities that help prevent human-seal interactions and minimize the risk of injury when they occur. The seal behavior modification program (described in Sections 2.5 and 5.4 of the PEIS) included in Alternatives 3 and 4 of the PEIS is designed in part to further address this concern. If the public follows the viewing guidelines and ESA/MMPA regulations, the risk of injury

from a seal is negligible to non-existent. Please also refer to the response to INT 03.

**INT 05**            *Given the high number of human-seal interactions and the unsustainable number of monk seal mortalities in recent years, NMFS should dedicate more attention to this issue in the Final PEIS. Additional community outreach and education to address interactions should be highlighted in more detail and recommendations for reducing interactions should be included. Alterations in human behavior are mentioned in Section 5.4 as an effective measure for preventing socialization of seals. NMFS should provide greater attention to this in the Final PEIS.*

Response:        NMFS has presented information regarding human-seal interaction in Section 3.4.9 of the Draft PEIS. Section 3.4.9 of the Final PEIS reflects significant new human-seal incidents that have occurred between the release of the Draft PEIS and the completion of the Final PEIS.

Sections 5.4 and 5.6 present information regarding community education and outreach to address human-seal interactions. NMFS agrees that recommendations and guidelines for reducing interactions are important to disseminate to the public and additional education and outreach efforts in this regard are currently high priorities for NMFS. Since publication of the Draft PEIS, NMFS developed a public service announcement on human behavior around monk seals. This video and guidelines for human behavior are available on the NMFS web site

[http://www.fpir.noaa.gov/PRD/prd\\_good\\_neighbors.html](http://www.fpir.noaa.gov/PRD/prd_good_neighbors.html) and are an important component of ongoing outreach efforts. The focus of this PEIS, however, is on research and enhancement activities directed on Hawaiian monk seals.

**INT 06**            *Comments describing interactions with Hawaiian monk seals.*

Response:        NMFS recognizes that, as with many other wildlife species around the world, there are interactions in the MHI where seals and humans overlap in their use of resources. NMFS appreciates the public sharing this information and encourages continued dialogue to help us better manage seals in the MHI in the future. Section 5.4 of the Final PEIS describes the plan for the development of a behavior modification program to help minimize seal-human interactions.

**INT 07**            *When Hawaiian monk seals hear a boat engine, they begin following the boat. Older seals already in the MHI are going to teach the pups to interact with the fishermen. These seals are going to end up relying on handouts for food.*

Response:        Scientific evidence to date does not support the idea that monk seals "teach" other monk seals. Monk seals are typically solitary animals, living and foraging mostly by themselves. Even mother seals and pups do not spend a significant amount of time together (only about 39 days during nursing) and

weaning occurs rather abruptly when the mother seal leaves her pup and swims offshore to feed (Kenyon and Rice 1959; Wirtz 1968; Johnson and Johnson 1984).

Nevertheless, NMFS agrees that interactions with fisheries, including interactions with fishing boats, represent a serious recovery issue. For this reason, NMFS has proposed, under Alternatives 3 and 4, seal behavior modification programs intended to address this issue. Seal behavior modification programs are described in Sections 2.5 and 5.4. Please also see the response to comments FISH 01, FISH 06 and FISH 08 for more relevant information.

**INT 08**            *We need to help Hawaiian monk seals by ending human-seal interaction as it contributes to population decline. Chronic disturbance may cause seals to abandon haul-out sites important for maturation.*

Response:        One of the recovery actions specified in the Recovery Plan for the Hawaiian Monk Seal (NMFS 2007) is to “reduce the likelihood and impact of human disturbance”. As explained in PEIS Section 5.6.1, the Marine Mammal Response Network supports the Hawaiian Monk Seal Recovery Program by responding to monk seal haul-outs to protect seals from disturbance and alert the public that a seal is resting on the beach. Response network activities that do not involve direct interaction with monk seals are not included in the alternatives considered in the PEIS because they have been authorized under a separate permit, but are analyzed in the cumulative impact analysis of the Final PEIS. As described in Section 5.6.1, the Marine Mammal Health and Stranding Response Network was analyzed in a separate NEPA evaluation which was published in 2009. Section 5.4 of this Final PEIS describes the plan for the development of a behavior modification program to help minimize seal-human interactions. NMFS considers the impact of the proposed action together with other monk seal conservation activities, including volunteer outreach, in the cumulative impact analysis of the Final PEIS. Also see response to BEH 09.

**INT 09**            *More human-monk seal interactions are only going to lead to more prosecutions of Hawaiians and fishermen.*

Response:        Please see response to comment REG 05.

**MGT**            *Management*

**MGT 01**            *I support Hawaiian monk seal recovery but I do not support NMFS's role in the recovery. NMFS should not be the lead agency on this project. A joint task force should be developed which should include true Hawaiian practitioners, community members, and ocean users so NMFS would not be making decisions in a vacuum.*

Response:        The leadership role and responsibility of NMFS in Hawaiian monk seal recovery is specified in federal law (ESA and MMPA). NMFS agrees, however, that close coordination and collaboration with other government and

non-government partners and stakeholders is essential for successful Hawaiian monk seal recovery. Public involvement and solicitation of public comments is incorporated in many aspects of the NMFS recovery program, including during the process of applying for federal permits and PMNM permits for various recovery activities. The Hawaiian Monk Seal Recovery Team also includes members of the Hawaiian community and ocean users. Plans for NMFS to engage Hawaiian practitioners and other community members are discussed in Section 5.6 of the PEIS.

**MGT 02**        *Community-based resource management has been very successful in Hawai'i and now is an opportunity to train people to address your concerns with Hawaiian monk seals. NMFS could learn from the experts who know the coastline and oceans better than anyone.*

Response:        NMFS agrees. NMFS places a high priority on the uses of community-based resource management strategies for the purposes of Hawaiian monk seal recovery. Section 5.6 of the PEIS presents various ways in which NMFS will engage local communities, including community members who have special knowledge and expertise relevant to Hawaiian monk seal recovery.

**MGT 03**        *Moloka'i needs protection from commercial fishermen and others that come from off-island to take or use our resources. People of Moloka'i should have some say in whether or not people can fish here.*

Response:        The purpose of this PEIS is to analyze the recovery actions proposed for Hawaiian monk seals, and the PEIS does not address general issues concerning public access to fishing resources.

**MGT 04**        *NMFS must coordinate with other departments in the federal and state government and communicate better to successfully manage resources and work with the community.*

Response:        NMFS places a high priority on coordination with other federal and state government agencies. NMFS intends to continue to coordinate and collaborate closely with our government partners, including NMFS's Office of National Marine Sanctuaries and the State of Hawai'i, DLNR. Please also see the response to comment ALT 20. Although NMFS is the agency with the mandate and responsibility to recover Hawaiian monk seals, NMFS recognizes that successful recovery of the species will depend on coordination with federal and state partner agencies. PEIS Section 1.8 describes the involvement of other agencies involved in the PEIS. USFWS and Hawai'i DLNR were invited to be cooperating agencies in the PEIS process, but both declined the invitation. Section 5.6 of the PEIS describes NMFS' plans to coordinate with stakeholders and communities. NMFS always strives to improve coordination with partners and continued communication to successfully manage our shared resources around the Hawaiian Islands.

**MGT 05**      *The PEIS should address the need for supplemental funding to support the preferred alternative, the likelihood this funding will be secured, and the extent to which a lack of funding could limit critical research and recovery activities.*

Response:      Please see the response to comment GEN 13.

**MGT 06**      *Will the State of Hawai'i have sufficient resources to be able to enforce these new management measures to protect seals?*

Response:      No new rules or regulations are included in the actions proposed in the PEIS. NMFS has provided grants to the State of Hawai'i DLNR, under a cooperative agreement and joint enforcement agreement, in part to support Hawaiian monk seal recovery and enforcement of Hawaiian monk seal protections specified in the ESA and MMPA.

**MGT 07**      *Federal budget constraints must be considered for this project. Why implement a program that will fail unless it receives a large amount of federal funding?*

Response:      NMFS will only implement actions for which it is allocated adequate funding. Please also see comment GEN 13 for information relevant to this comment.

**MGT 08**      *Is it normal or natural to cordon off sections of beach around a monk seal? It may be safer for the seal or for humans but is it natural?*

Response:      See response to BEH 09. NMFS believes that Hawaiian monk seals and humans can safely coexist and share the beaches and ocean, in part, because this is already occurring in several places around Hawai'i. NMFS is committed to Hawaiian monk seal recovery, as well as human safety, and believes that the response network program that helps to notify and educate beachgoers about Hawaiian monk seals supports this mission. When NMFS cordons off sections of beach around a monk seal, it is to allow the seal the ability to exhibit its natural behaviors (*e.g.*, resting, nursing) without being harassed by humans, and for public safety. NMFS will continue to use an adaptive management approach in providing protection to monk seals and guidance to the public along Hawai'i's beaches and shorelines. Cordoned off areas, or seal protection zones (SPZs), are erected and managed by NMFS and government partners on a case-by-case basis depending on specific criteria and guidelines that consider the location, the individual seal(s), levels of human use, etc. NMFS policy calls for the use of SPZs only when certain criteria are met. The harassment of monk seals by humans is illegal for a reason – human actions that alter the behavior of endangered species can harm the animals' ability to survive.

**MGT 09**      *There is a wonderful opportunity to educate the public through the Hawaiian Monk Seal Response Team. It would be helpful if the Response Team was given some sort of badge of authority, a shirt or jacket with the NMFS logo,*

*or a flag or sign that we could place in the sand explaining that we are volunteers for NMFS.*

Response: The Marine Mammal Response Network is a NMFS program not part of the action alternatives analyzed in this PEIS. However, it is standard policy for trained volunteers who have completed a certain number of hours and regularly respond to monk seal haul-outs to wear a shirt identifying them as a member of the NMFS-approved Response Network. Volunteers are invaluable to NMFS' Hawaiian monk seal recovery efforts, helping to inform and educate beachgoers about the seals with which we share our beaches and ocean, and by doing so, helping to keep humans and monk seals safe. Shirts or jackets are provided to response volunteers to identify them as trained and authorized response network members, but this does not confer any authority or permission to "take" or approach more closely to monk seals than the general public. However, the identification helps direct beachgoers to a vetted source of information, and helps the recommendations of the volunteer regarding safe viewing to carry more weight. If trained volunteers need shirts, they should coordinate with their respective Island Response Coordinator.

**MGT 10** *It is critical that NMFS work with the State Legislature on the objectives of this program.*

Response: NMFS provided an informational briefing regarding the PEIS and the proposed re-designation of Hawaiian monk seal critical habitat to members of the Hawai'i State Legislature on November 18, 2011. NMFS will continue to provide relevant information and seek the views of the Hawai'i State government regarding Hawaiian monk seal recovery.

**MGT 11** *How will the public know what NMFS's progress on this proposed action will be? What if these actions fail - how far will NMFS go to intervene? At what point will the program be deemed successful?*

Response: Please see the response to BIO 04. NMFS will provide updates on the progress of the Hawaiian monk seal recovery program, including progress on implementing the actions proposed in the PEIS via the NMFS PIRO website, news media advisories, public presentations, community meetings and other methods of community engagement, many of which are described in Section 5.6 of the PEIS. Regarding how far NMFS will go to intervene, NMFS will only implement actions that have been carefully assessed in the PEIS or otherwise subjected to review and analysis as specified in NEPA and all other applicable laws and regulations, such as the ESA and MMPA. Regarding how the success of the program will be measured, several evaluation criteria are specified in the PEIS (please see Sections 5.2 - 5.4, and Appendix F of the Final PEIS), and additional criteria will be specified in the required ESA-MMPA permit, which NMFS must obtain prior to implementing the actions proposed in the PEIS.

**PUB**                    *Public Coordination*

**PUB 01**            *Public outreach to further explain more about the monk seal's decline will help the public understand the uniqueness of the situation and build support for the project. Community support is essential for this project to be successful. The project is progressing too fast.*

Response:        NMFS agrees that community support is essential for the recovery of the Hawaiian monk seal to be successful. NMFS began outreach efforts for the PEIS in October 2010 with the beginning of the public scoping period (details can be found in the Draft PEIS Appendix B). After the scoping period, while NMFS was incorporating the public comments and preparing the Draft PEIS, NMFS held numerous “talk story sessions” and information sharing sessions with government partners, stakeholders, and community members on all populated islands (except Niihau) to provide information and answer questions regarding the need for, and potential impacts of, the proposed actions. Although NMFS staff learned a great deal from these meetings, they were held to have informal discussions with stakeholders and were not documented for the record as part of the official NEPA public process. NMFS’s goal is to ensure that all future management and recovery efforts are as successful as possible by staying engaged with, and responsive to, Hawaii’s communities. Section 5.6 of the Final PEIS describes the range of NMFS planned or ongoing activities to coordinate with stakeholders and communities. Please also see the response to PUB 03.

**PUB 02**            *NMFS should coordinate with the community to select release sites and provide continued outreach to make sure people understand the status of the project. Continued public outreach on a regular basis is necessary for this project to be successful.*

Response:        Section 5.2 of the Final PEIS and Appendix F describe the monitoring plan for the two-stage translocation process and how NMFS has developed a decision framework to support decision-making and assessment at each stage of the process. NMFS emphasizes that recipient sites would be carefully chosen with public input. The details of the decision framework are covered in depth in Appendix F. Note that while Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking seals from the NWHI and releasing them in the MHI. However, translocations may occur within the MHI under Alternative 3, and community input would be considered when conducting those translocations.

Section 5.6 of the Final PEIS describes the range of NMFS’ planned or ongoing activities to coordinate with stakeholders and communities. Also, as described in Section 1.6 and Chapter 5 of the Final PEIS, site-specific activities will be

evaluated against the analyses presented herein for future NEPA compliance and the appropriate level of NEPA review will be completed accordingly.

**PUB 03** *In the past, NMFS has done a terrible job at communicating with community members and practitioners, despite promises made at town hall meetings and public hearings. NMFS has never led a well-coordinated outreach effort. It fails to be seen how NMFS can successfully communicate the status of activities with the monk seal recovery program. The public outreach on the PEIS and critical habitat for monk seals has been very disappointing.*

Response: NMFS is committed to continually improving outreach efforts. The NEPA process is an information disclosure and gathering process to include the public in the decision-making of federal agencies. NMFS began this process with the scoping period in October-November 2010.

Although not documented for the record as part of the official NEPA process, NMFS held numerous informational meetings with government partners, stakeholders, and members of the community to discuss the proposed actions. NMFS held 20 meetings with federal, state, and county government agency staff (e.g. DLNR, HIIWNMS, County Parks & Rec, WESPAC, OHA), 17 meetings with nearly 200 stakeholders (e.g. tour operators, fishermen, coastal property managers, Aha Kiole), 14 town hall meetings on 6 islands to answer questions, and 6 meetings with over 140 response volunteers.

Once the Draft PEIS was released in August 2011, NMFS held 6 formal public hearings on 5 islands to receive public comments. In an effort to do this, even after the official public comment period for the PEIS closed, NMFS conducted a televised briefing for two committees of the state House of Representatives, and has sent a letter with an update about the PEIS and critical habitat processes (along with background information) to every state legislator, mayor, and county council member. NMFS will continue its efforts to involve and engage the community and appreciates suggestions for how to better accomplish this. Section 5.6 of the Final PEIS describes the range of NMFS planned or ongoing activities to coordinate with stakeholders and communities.

**PUB 04** *Has NMFS met with local and state government officials? What outreach efforts have been done as part of this PEIS? It is not clear what level of public scoping took place.*

Response: See response to MGT 04, PUB 01, and PUB 03 for information regarding public scoping and coordination with government officials. A detailed description of the public scoping process can be found in Appendix B of the Draft PEIS.

**PUB 05** *Better use of the media is needed to effectively reach our communities. Propose notification in newspapers should be published on this project. The meetings seem to have come up quickly. I have not seen any banners*

*or heard radio announcements about public hearings. It is critical that NMFS connect with communities and does not appear sneaky.*

Response: NMFS acknowledges that announcements and notification about upcoming public meetings are important. During the scoping period starting in October 2010, NMFS published paid public notices in 7 newspapers on 5 islands. Notices were published 14 days in advance of each public scoping meeting, and again 7 days prior to the meeting date. Public Service Announcements (PSAs) were also sent to 7 television and radio stations, but airing of those announcements is at the discretion of the station. The same procedure was followed for the comment period following publication of the Draft PEIS. Announcements of the meetings were also sent out on different email mailing lists and listserves for several different organizations and community groups.

Finally, a press release was issued when the Draft PEIS was released and several print articles were published in local newspapers (e.g., the *Honolulu Star-Advertiser*, *Moloka'i Dispatch*, *Honolulu Weekly*, and *The Garden Island*), as well as print stories picked up by the national press and television stories on local news stations. NMFS will continue its efforts to communicate with communities and improve notification of important issues.

**PUB 06** *When will the public be able to view comments and testimony and what has been done to address our concerns?*

Response: As described in the beginning of this Comment Analysis Report, this report provides a summary of the public comments received on the Draft PEIS during the comment period and NMFS' responses to those comments as required by NEPA. Where changes were made in the Final PEIS, NMFS has specifically noted such in the responses to comments included in this report.

**PUB 07** *NMFS should produce an informative video about the monk seal's decline and the proposed recovery actions. This video could be shown at film festivals, ball park movie nights, and on airplanes for tourists coming to visit Hawai'i.*

Response: NMFS agrees that outreach is a very important strategy for Hawaiian monk seal recovery and that films, in particular, provide a visually engaging medium for conveying information to the public. NMFS has co-produced a video presenting information relevant to the proposed seal behavior modification activity and other impact mitigation measures related to human-seal interactions. This video can be viewed at: [http://www.fpir.noaa.gov/PRD/prd\\_good\\_neighbors.html](http://www.fpir.noaa.gov/PRD/prd_good_neighbors.html). NMFS acknowledges this comment and will take it into consideration when planning outreach projects in the future.

**PUB 08** *People are financially stretched right now and feel threatened by this project. The more fishermen and kupuna NMFS can coordinate with to promote the proposed actions, the more successful it will be.*

Response: See response to PUB 03. NMFS recognizes that coordination with the community is an essential component of Hawaiian monk seal recovery. NMFS is committed to working with the fishermen, *kupuna*, and communities that are directly affected by monk seals to work toward productive solutions for coexistence. Section 5.6 of the Final PEIS describes the range of NMFS planned or ongoing activities to coordinate with stakeholders and communities.

**PUB 09** Why can't we provide comments on critical habitat during this public comment period?

Response: As discussed in Section 1.9.1 of the PEIS, revising monk seal critical habitat is a separate federal action with a different process. The PEIS and critical habitat processes are similar because each action relates to the recovery of Hawaiian monk seals and requires public engagement. However, these actions are subject to differences in administrative process, because these actions are guided by different provisions of the ESA.

The revision of critical habitat was prompted by a petition, which under section 4 of the ESA compels an agency response based on the best available information. If a revision is warranted, NMFS may identify critical habitat in areas occupied by the species (i.e. within the range) and/or in areas not currently occupied by the species but necessary for survival and recovery. Once designated, federal agencies must consult with NMFS or USFWS, as appropriate, to ensure that any action that they fund, permit, or carry out will not destroy or adversely modify critical habitat. Existing monk seal critical habitat is described as part of the environmental baseline (Chapter 3) and the proposed revision is evaluated as part of the cumulative effects assessment in Chapter 4.

This PEIS looks at the effects from the federal government funding, permitting, and carrying out research and enhancement activities on the species itself, the Hawaiian monk seal. There are different requirements for the two processes. Activities carried out on monk seals are also regulated by the MMPA, AWA, and other laws described in PEIS Section 1.5. In addition, an ESA consultation must be done to make sure that the federal actions carried out on monk seals, as described in the PEIS, will not jeopardize the existence of monk seals or destroy or adversely modify monk seal critical habitat.

Please visit this website for more information on critical habitat:

[http://www.fpir.noaa.gov/PRD/prd\\_critical\\_habitat.html](http://www.fpir.noaa.gov/PRD/prd_critical_habitat.html)

**PUB 10** *Why didn't NMFS have a public meeting in Hana about this project?*

Response: NMFS held an informational community meeting in Hana on July 21, 2011 to discuss the PEIS and proposed redesignation of Hawaiian monk seal critical habitat, although this meeting was not documented for the record as part of the official NEPA or critical habitat designation process. NMFS held the formal public hearing for the Draft PEIS in Kihei to reach a larger portion of the Maui community. In total, NMFS held a total of two informational town hall style meetings (in Hana and Kihei) and one public hearing (in Kihei) on Maui. NMFS held a total of 14 informational, town hall-style meetings on 6 islands (not documented for the record as part of the NEPA process) and 6 NEPA public hearings across the state. See Response to PUB 03.

***PUB 11*** *Despite all the public opposition that continues to be expressed at these meetings and in comments, it still seems as if they are being ignored. It seems like this is already a done deal.*

Response: NMFS is aware of opposition among members of the public to various current and proposed Hawaiian monk seal recovery activities. NMFS has and will seriously consider all substantive public comments in the development, assessment, and implementation of the Hawaiian monk seal recovery program. Public support for an endangered species recovery program, such as the Hawaiian monk seal recovery program, is desirable for recovery purposes, and significant efforts have been and will be taken by NMFS to effectively address legitimate concerns.

While NMFS acknowledges opposition among some members of the public, NMFS has also received numerous supportive public comments regarding the actions proposed in the PEIS and regarding the Hawaiian monk seal recovery program in general. Decisions regarding implementation of any recovery action proposed in the PEIS will be based on the strength of the recommendation and on which alternative meets the purpose and need identified and which best contributes to the recovery of the monk seal.

***REG*** *Regulatory*

***REG 01*** *Please explain when the Section 106 consultation process will be initiated and subsequently completed in accordance with the National Historic Preservation Act. We cannot concur with a determination of no effect on cultural and historic properties as stated in the PEIS. Additional documentation on the effects on cultural and historic properties is needed.*

Response: In fulfilling its responsibilities under Section 106 of the NHPA NMFS undertook a compliance process (See Appendix B) which included consultation with Native Hawaiian Organizations (NHO) and individuals that attach traditional religious and cultural significance to eligible or listed historic properties that have the potential to be affected by the undertaking associated with monk seal recovery as outlined in this PEIS. The intent of the consultation

was to identify historic properties potentially affected by the undertaking and to seek ways to avoid, minimize, or mitigate any adverse effects on those properties.

NMFS held eleven community meetings were held on six islands between October 29 and December 13, 2013. The announcement for these meetings was sent out via the monk seal listserv, and to everyone on the PEIS email contact list. The meeting announcement, along with an invitation to consult, was also sent to DLNR PIO, HIHWNMS, PMNM, OHA, WESTPAC, SHPD, and to a list of NHOs, including Association of Hawaiian Civic Clubs, Island Burial Councils, and Hui Malama I Na Kupuna O Hawai'i Nei. Notices ran in major newspapers around the state.

The NHPA Section 106 consultation was completed in compliance with the NHPA and a determination of no historic properties affected was made. On November 14, 2013 NMFS made available to the public, via its website, a separate document (Appendix B) describing the results of the Section 106 consultation process. This document was sent to the Hawaii State Historic Preservation Officer (SHPO) on November 12, 2013 (see Appendix A). NMFS received no response from SHPO regarding the determination. The document describing the NHPA 106 process was also sent to all consulting parties on November 19, 2013 (see Appendix A).

**REG 02**        *This PEIS is not in compliance with federal and State of Hawai'i laws such as the Coastal Zone Management Act or Hawai'i Environmental Protection Act (HEPA). Specifically, a cultural impact assessment has not been prepared.*

Response:        NMFS will continue to comply with all applicable laws, including the CZMA. Section 5.6 of the PEIS provides an overview of the coordination and consultation NMFS has conducted and will continue to conduct related to the Hawaiian monk seal recovery program. An assessment of potential cultural impacts is presented in Section 4.8 of the Final PEIS and additional information can be found in Appendix K, which presents a detailed cultural impact assessment.

**REG 03**        *This PEIS must comply with the Admissions Act and explain how the proposed action will benefit Native Hawaiians and the general public. NMFS has a mandate to work with Native Hawaiians and protect Native Hawaiian access.*

Response:        The activities proposed under the PEIS are fully compliant with and authorized by federal law. Both MMPA and ESA authorize NMFS employees, in the performance of official duties, to undertake activities that take or harass protected species and marine mammals under certain circumstances that will aid in the conservation of those species, including research and enhancement.

NEPA requires NMFS to consider the impact of the proposed activity on communities and cultural resources, which appears in sections 3.4.6 and 4.8.4 of

the PEIS. In addition, NMFS has revised the cultural impact assessment section of the PEIS (Section 4.8) and presents further cultural impact assessment in Appendix K. NMFS has completed the NHPA compliance process for the actions proposed in Alternative 3, the Preferred Alternative (see Appendix B).

NMFS also intends to engage Native Hawaiians and other key stakeholders via the measures described in Sections 5.5 and 5.6 in the PEIS. Refer to REG 01 and CUL 02 for more information on NEPA and the NHPA processes.

**REG 04**        *State law already protects monk seals so there is no need for federal law enforcement to overlap with state enforcement. Designation of the MHI as critical habitat is not necessary to assist law enforcement in protecting monk seals.*

Response:      No new federal regulation is proposed in this PEIS. Federal and State law enforcement agencies (such as NOAA Office of Law Enforcement and State of Hawai'i DLNR Division of Conservation and Resources Enforcement) routinely coordinate on law enforcement related to Hawaiian monk seals, pursuant to a joint enforcement agreement under the ESA. Refer to Response to PUB 09 regarding critical habitat designation.

**REG 05**        *Having more seals in the MHI is going to lead to more prosecutions of fishermen, Hawaiians, and residents. People are going to be fined, incarcerated, or get injured by seals.*

Response:      NMFS recognizes the importance of fishing to many Hawai'i residents, and does not agree that more seals in the MHI would likely result in more prosecution of fishermen, Hawaiians, or other residents. The evidence to date indicates that while the Hawaiian monk seal population has increased substantially in the MHI over the past several years, no substantial increase in prosecutions has occurred.

NMFS has worked, and will continue to work, with fishermen, fishing clubs, and others in the fishing community to promote co-existence among Hawaiian monk seals, fishermen, and fisheries. NMFS has developed guidelines (available via the NMFS PIRO web site:

[http://www.fpir.noaa.gov/Library/PRD/Hawaiian%20monk%20seal/HMS-fishing\\_guidelines-FINAL-PUBLIC.pdf](http://www.fpir.noaa.gov/Library/PRD/Hawaiian%20monk%20seal/HMS-fishing_guidelines-FINAL-PUBLIC.pdf)), in consultation with DLNR, that are intended to prevent or minimize monk seal interactions with fishing gear and thereby reduce the chances of possible ESA or MMPA violations.

**REG 06** *If monk seals die in fishing nets, is that going to lead to a ban on fishing? If seals wind up dead on the beach with ulua hooks in their throats, is NMFS going to ban ulua fishing? Will there be more restrictions on fishing grounds? What will be the impact on beach goers?*

Response: NMFS recognizes the importance of fishing to many Hawai'i residents and is not proposing any new ban or restriction on any type of fishing in this PEIS. Please see response to comment REG 05.

**REG 07** *Hawai'i does not need any more rulemaking or critical habitat expansions.*

Response: No new federal law or rule is proposed in this PEIS. Federal agencies are required to comply with NEPA and analyze the effects of their proposed actions on the environment. In this case, NMFS is applying for a new permit (not a proposed regulation or rule) for research and enhancement that involves the take of Hawaiian monk seals under the ESA and MMPA. Thus, the PEIS is the environmental analysis of the proposed activities in the permit application that is required by NEPA. Please also see the response to comment PUB 09 regarding critical habitat.

**REG 08** *When a seal beaches itself, the area around it is closed. If you increase the number of seals in the MHI, every time a seal beaches itself the beach is going to be closed. This will affect families who want to spend time at the beach.*

Response: Please see responses to MGT 9, SOC 6, SOC 7, and SOC 08.

**REG 09** *The Endangered Species Act precludes NMFS from choosing Alternative 2. The only reason Alternative 2 is part of the PEIS is because NEPA requires it.*

Response: NMFS does not agree with this comment. The ESA requires federal agencies to develop and implement recovery plans for the conservation and survival of the species. To that end, NMFS prepared a recovery plan that contains measurable criteria for achieving recovery goals. Nothing in the ESA requires that NMFS implement any particular alternative that has been analyzed in this EIS. However, we believe implementation of the Preferred Alternative is most consistent with the objectives outlined in the recovery plan.

**REG 10** *NMFS's voluntary guidelines for fishermen only serve as mitigating factors in an investigation or enforcement action for an unintended species interaction.*

Response: Please see response to comment REG 05.

**REG 11**      *Under Hawai'i Statutes it is a Class C felony to "take" a monk seal. I do not recall any exemption for "take" due to permits.*

Response:      The activities proposed under the PEIS are fully compliant with and authorized by federal law. Under the Section 104 of the MMPA and Section 10 of the ESA, there are exceptions to the moratoria and prohibitions on taking marine mammals and threatened and endangered species. These exceptions include permits for scientific research and enhancement, and other activities. NMFS employees have federal permits under the MMPA and ESA authorizing them to harass or otherwise take protected species for scientific research and enhancement purposes. The State of Hawaii also issues special exemption permits allow persons or organizations to conduct certain activities that would normally be prohibited.

**REG 12**      *Under Field Manual 2710, NMFS must follow the laws of the land and as a Hawaiian national, I do not give consent for this project.*

Response:      The activities proposed under the PEIS are fully compliant with and authorized by federal law. Both MMPA and ESA authorize NMFS employees, in the performance of official duties, to undertake activities that take or harass protected species and marine mammals under certain circumstances, including research and enhancement.

**REG 13**      *NMFS can renew their permits any time they want so it doesn't matter what we say in our comments about this program. They are going to do what they want.*

Response:      This comment is not accurate. In order to obtain an ESA-MMPA permit to do research and enhancement activities on an endangered marine mammal, researchers must go through a rigorous process with each application that is submitted. This process typically takes a year to complete. This includes submitting a detailed application justifying and describing the proposed activities, having the application subject to public and expert review, and completing the necessary consultations and environmental analyses. NMFS must take into consideration substantive comments received on a permit application that are relevant to the ESA and MMPA permitting requirements, which are summarized in this document and Section 2.11.

The ESA-MMPA permit process is subject to additional requirements, as shown in Section 1.5, which lists all the federal laws that researchers must abide by in order to work with monk seals. Some laws require additional permits to carry out this work and others require consultations (*e.g.*, the ESA) and environmental review (*e.g.*, NEPA).

The permit cannot be issued until the PEIS Record of Decision and ESA consultation are complete. As described in Section 2.11, scientific research and enhancement permits may be issued for a maximum of five years from the date of

issuance. The five-year period may be extended by a minor amendment up to 12 months, but such extension by a minor amendment may not authorize an increase in the number of animals taken, or changes to the geographic locations or species. Any major change to a permit requires the same process as applying for a new permit, including the 30-day public comment period and any necessary consultations and environmental analyses.

**SOC                    *Socioeconomic Effects of Hawaiian Monk Seal Research and Enhancement***

**SOC 01                *The economic assessment is incomplete and incorrect. The PEIS summary of potential impacts lists a beneficial impact of the proposed project for tourism. Not everyone views seals in the MHI as positive. The fishing community does not view seals as positive. Having more seals in the MHI is going to hurt the economy.***

Response:        An assessment of potential economic impacts is presented in Section 4.8 of the Draft PEIS. The assessment of impacts on recreation and tourism (PEIS Section 4.8.5) and fisheries (PEIS Sections 4.8.1 - 4.8.3) associated with Alternatives 3 and 4 include consideration of important mitigation measures, including a seal behavior modification program and a fisheries interactions mitigation program. These mitigation measures are expected to address many concerns regarding adverse impacts caused by monk seals interacting with humans.

NEPA requires that impacts be assessed based on the best available information related to actual impacts. Negative views or perceptions regarding Hawaiian monk seals or the proposed alternatives would not necessarily lead NMFS to predict adverse impacts unless these views or perceptions would likely manifest as actual adverse impacts on the resources being assessed. A recent public survey conducted throughout Hawai'i did not find a widespread or majority negative view of Hawaiian monk seals among fishermen surveyed. Nevertheless, NMFS has revised sections of the PEIS related to fisheries impacts (Sections 4.8.1 - 4.8.3).

The public survey report is available at the following URL:

[http://www.fpir.noaa.gov/Library/PRD/Hawaiian%20monk%20seal/MonkSea1\\_SurveyResults\\_Final.pdf](http://www.fpir.noaa.gov/Library/PRD/Hawaiian%20monk%20seal/MonkSea1_SurveyResults_Final.pdf).

**SOC 02                *This project is the epitome of environmental injustice yet the PEIS states that there is a negligible impact on environmental justice. Not considering cultural impacts is environmental injustice. The potential to remove fish and poi is not a negligible impact.***

Response:        Most of the proposed actions in this PEIS involve direct intervention with seals in the NWHI (e.g. vaccinations, monitoring, tagging, deworming). None of these actions is expected to affect cultural resources in the MHI. Please note that while Alternative 4 was Preferred in the Draft PEIS,

Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking seals from the NWHI and releasing them in the MHI. Nevertheless, NMFS understands that there are interactions between some seals and humans in the MHI, and that some people feel that their ability to catch fish is being impacted by monk seals. However, the PEIS analyzes the impact of the various alternatives on the environmental baseline that includes the monk seals already in the MHI (PEIS Section 4.8).

For the purposes of a NEPA analysis, the term “environmental justice” refers to the requirement that federal agencies evaluate whether a proposed action would have a disproportionately high adverse impact on low income populations, minority populations or Indian tribes (CEQ (1997a)). NMFS analyzed potential effects of the proposed action on resources such as fisheries, cultural resources and historic properties. Based on the best available information, NMFS determined that the anticipated environmental effects that could potentially raise environmental justice concerns (as defined above) would be negligible and not likely to be disproportionately borne by native Hawaiians, other minority populations, and/or low-income populations. Nor would any of these effects appreciably exceed effects to the general population. For more description of the analysis and summary of effects, please see sections 4.8.4, 4.8.6 and 3.4.6 of the Final PEIS. Please also refer to REG 01 to address NEPA and the National Historic Preservation Act. Most of the proposed actions in this PEIS involve direct intervention with seals in the NWHI (e.g. vaccinations, monitoring, tagging, deworming). None of these actions are expected to affect cultural resources in the MHI.

Regarding the last statement of the comment, Hawaiian monk seals are carnivores so while they eat fish and invertebrates in the ocean, they do not eat taro (grown inland in freshwater), poi (dish made from cooked taro), limu, or other plants or algae. Updated information about monk seal consumption and the potential overlap with fisheries are provided in Final PEIS Sections 4.8.1 through 4.8.3. In addition to the specific actions covered in the PEIS, NMFS is committed to working with communities in the MHI to assess the current impacts of monk seals already in the MHI and work to manage impacts as the resident monk seal population continues to naturally increase.

**SOC 03**        *The economy in Hawai‘i is not doing well. Many tourists say the highlight of their trip in Hawai‘i is to see a monk seal. More tourists means more jobs in hotels and restaurants. Saving monk seals will help the environment and tourism.*

Response:        Please see the response to SOC 01. Many people visit Hawai‘i to enjoy the unique experiences and unique natural resources, including viewing

Hawaiian monk seals, that make Hawai'i special and unlike anywhere else in the world. Like many of Hawai'i's other endemic species, Hawaiian monk seals can be found nowhere else in the world and visitors often find it to be a memorable experience when they share the beach or ocean with an endangered seal during their visit. NMFS' analysis in the PEIS concluded that under Alternatives 3 and 4, the increase in the monk seal population (compared to Alternatives 1 or 2) would improve viewing opportunities, and thus have an impact on the experience of tourists visiting Hawai'i (Section 4.8.5.2 of the PEIS).

**SOC 04**        *Given how badly our economy is doing right now, there are better ways to spend federal funding than to support this project.*

Response:        Annual federal funding allocated for Hawaiian monk seal recovery activities has yet to reach the level specified in the Hawaiian Monk Seal Recovery Plan. Nevertheless, NMFS appreciates the current overall fiscal climate in which our Hawaiian monk seal recovery program functions and will continue to pursue the best value with any and all allocated funds in compliance with all federal acquisition rules and regulations. In any event, NMFS is required by ESA and MMPA, within existing appropriations, to undertake those measures that are necessary to restore the monk seal population to a viable, self-sustaining level.

**SOC 05**        *This project is not going to improve our quality of life in Hawai'i*

Response:        For purposes of this PEIS, NMFS is required to discuss the environmental impacts of the federal action that are reasonably expected to occur and to inform the public of reasonable alternatives which would avoid or minimize adverse impacts. NEPA is a procedural statute, which does not mandate particular results. The ESA recognizes that certain species of fish, wildlife, and plants in the United States have gone extinct because of economic growth and development without adequate concern for conservation. Other species such as the Hawaiian monk seal are in danger of extinction, and these animals are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people.

Hawaiian monk seals are the only seal in the world that live in a tropical coral reef ecosystem. Hawaiian monk seals are endemic to Hawai'i, meaning they are only found in Hawai'i and nowhere else in the world. Peer reviewed publications (Kittinger et al. 2011) have documented reports of monk seals sighted in the MHI going back to the 1800s, and archaeological remains of monk seals dating to AD 1400 - 1700 were found on the Island of Hawai'i.

Although not as prominent in Native Hawaiian culture as other sea creatures, like sea turtles, recent research reveals that some Hawaiian families have traditional ties to monk seals and there are some historical Hawaiian cultural references to monk seals. This is presented in Appendices J and K of the PEIS. The protection and recovery of monk seals is important to the history and culture in Hawai'i and

to the ecosystem in the Hawaiian Islands. The loss of this species would represent the loss of a unique animal that is found nowhere else on earth.

**SOC 06** *The entire community and our natural resources are all going to be affected by this proposed action including fish, monk seals, fishermen, ocean users, residents, and Native Hawaiians. Monk seals are going to take over our beaches and oceans.*

Response: Please see responses to INT 02, FISH01, and SOC 07. NMFS recognizes that there are concerns about the impact that Hawaiian monk seals may have on the MHI ecosystem and human uses of the ocean. This is an understandable concern, given that many introduced species have indeed become problematic invasive species in Hawai'i. However, monk seals are not alien species and the biology of slow-growing, native, tropical marine mammals (like the Hawaiian monk seal) is very different than the biology of Hawai'i's invasive alien species (e.g. fish, plants, and land mammals).

The Hawaiian monk seal is a long-lived species that reproduces slowly. Therefore, the population could not "explode" like alien species have in Hawai'i, or even grow to populations comparable to other seals or sea lions in other locations, like California sea lions on the mainland west coast. The current population in the MHI stands at about 200 individuals, and even by the year 2030, it is estimated there will still likely be less than ~700 seals in the MHI.

In their interaction with the marine environment, Hawaiian monk seals are a natural part of Hawai'i's coral reef ecosystems and have been so for several million years. Monk seals are generalist feeders, meaning they eat many different prey species, so their impact on any one species in the ocean is very small.

**SOC 07** *Recreation and tourism are going to be negatively affected by having more monk seals in the MHI. Right now, if a seal is on the beach, it is fenced off and people have to stay 150 feet away from the seal. If there are 350 seals in Hawai'i, that equals 52,500 feet of beach space that could be fenced off and cannot be used. If beaches are closed, the economy will be damaged.*

Response: Please see responses to BEH 09, MGT 08, and SOC 03. The Hawaiian monk seal population is small, declining, and in danger of becoming extinct; therefore, the seals are protected by the ESA, MMPA, and other laws. These protections make it illegal for humans to disturb, harass, harm, or kill monk seals (or attempt to do so). In some cases, this means that people are asked to give seals a reasonable amount of space to rest, forage, or tend their pups, and to keep people safe. NMFS and the State of Hawai'i do not close entire beaches or areas of the ocean in the MHI because of monk seals. Signs, cones, and ropes on beaches are not a legal barrier that closes the beach. Rather, the signs notify beachgoers that there is a seal on the beach and that it is illegal to disturb the animal.

Federal guidelines suggest staying at least 150 feet away to avoid potentially violating the ESA or MMPA by disturbing the seal. In the MHI, most Hawaiian monk seals do not react strongly to human presence at a reasonable distance on the beaches they share, unless there is direct disturbance (*e.g.*, loud noises or yelling, approaching very closely, or attempting to touch the seal). As a result, the Marine Mammal Response Network members very rarely erect a "seal protection zone," or SPZ, a full 150 ft. away from the seal in each direction.

For "regular" haul-outs of seals coming onshore to rest, volunteers are asked to create a temporary SPZ of the minimum size necessary to prevent disturbance of the seal, allowing humans to have the maximum area possible for beach use and transit through the area. On extremely busy beaches, the area of the SPZ for the seal is often made even smaller to account for human use of the beach. Given the over 750 miles of coastline in the State of Hawai'i, and the fact that only a small number of the total seals are ever on shore simultaneously (usually each for a relatively short time), the presence of monk seals will not prevent humans from using the beaches.

**SOC 08**        *How will the proposed action affect ocean and beach access? Will ocean users be pushed out of areas?*

Response:      See responses to SOC 06 and SOC 07.

**SOC 09**        *The PEIS concludes that impacts on ocean users are negligible which is incorrect. NMFS must not be taking into account the translocation program to come to this conclusion.*

Response:      The assessment of impacts on ocean users engaged in recreation and tourism (Section 4.9.5) and fisheries (Sections 4.9.1 - 4.9.3) in the Draft PEIS associated with Alternatives 3 and 4 did include consideration of the proposed 2-stage translocation as well as other types of translocation. These assessments also included consideration of important mitigation measures, including a seal behavioral management program and a fishery interactions mitigation program. These mitigation measures are designed to address many concerns regarding adverse impacts caused by monk seals interacting with ocean users.

Moreover, NMFS revised sections of the Final PEIS related to fisheries impacts (Sections 4.8.1 -4.8.3) considering comments received regarding the Draft PEIS and further analysis conducted by NMFS.

Finally, please note that while Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking weaned pups from the NWHI and releasing them in the MHI.

**SOC 10**      *The people of Hana depend on the land and the ocean to survive.*

Response: NMFS recognizes the strong relationships many Hana (Maui) residents have with the land and the ocean. NMFS also appreciates the support many Hana residents have provided in monitoring and responding to Hawaiian monk seals, including the seal pup known as "Koki," in and around Hana. The Draft PEIS predicted that implementation of the proposed actions would cause only negligible impacts on commercial and non-commercial use of land and ocean resources. Nevertheless, NMFS revised sections of the PEIS related to fisheries impacts (Sections 4.8.1 -4.8.3) considering comments received regarding the Draft PEIS and further analysis conducted by NMFS. The revised analysis also found that the alternatives in the PEIS would have negligible impact on fishery resources.

Finally, please note that while Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking weaned pups from the NWHI and releasing them in the MHI.

**TRAN**      *Translocation*

**TRAN 01**      *Comments expressing general support for the translocation program. The Draft PEIS Appendix E provides a well-considered adaptive management approach to translocation. NMFS should move forward with this program as quickly as possible. This action is the most promising for slowing the decline.*

Response: NMFS agrees with the comment that the translocation program is a promising alternative for slowing the decline of the monk seal population. While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking seals born in the NWHI and releasing them in the MHI.

Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation.

NMFS would also conduct other important seal research and enhancement activities under Alternative 3 and engage the public in an effort to address concerns raised during the Draft PEIS public comment process, especially concerns related to human-seal interactions. See also response to ALT 03.

**TRAN 02** *Comments opposing all translocations or translocating monk seals to the MHI. Translocating seals should only occur within the NWHI.*

Response: Please see response to TRAN 06.

**TRAN 03** *The PEIS does not adequately address the impacts of more seals in the MHI and focuses too much on translocation as the preferred method for recovery. There is much public opposition to translocating seals to the MHI and this is cause for concern. At a minimum, the number of female pups should be limited to no more than six over the next five years.*

Response: While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking seals from the NWHI and releasing them in the MHI.

Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation. NMFS would also conduct other important seal research and enhancement activities under Alternative 3 and engage the public in an effort to address concerns raised during the Draft PEIS public comment process, especially concerns related to human-seal interactions.

It is our goal to ensure that all future management and recovery efforts are as successful as possible by staying engaged with, and responsive to, Hawaii's communities. Based in part on input during the comment period, additional analysis of potential effects on fish and fishing resources are included in the final PEIS (Sections 4.8.1-4.8.3), though the analysis still concluded that all PEIS alternatives would have negligible impacts on fisheries. NMFS would also point out that two-stage translocation is one of many potential tools proposed for aiding recovery in the PEIS. These actions are described in the alternatives (Chapter 2). While NMFS hopes that two-stage translocation (as constrained under Alternative 3, the Preferred Alternative) will prove an effective tool, it will be conducted along with numerous other recovery actions.

**TRAN 04** *Translocating seals within the NWHI is faulty because we are only moving seals around in an environment that is not suitable for survival.*

Response: Based on survival rates prevalent in most of the NWHI a few years ago, NMFS would have largely agreed with this comment. However, in 2009 and 2010, even when survival was generally poor in the six main NWHI subpopulations, successful translocations from French Frigate Shoals to Nihoa

Island were conducted and the translocated seals fared better than those pups that remained at French Frigate Shoals.

In the past few years, there are indications that juvenile survival rates at some NWHI sites have improved, suggesting that there may be merit in conducting translocations within the NWHI.

NMFS's approach is based on recognition that conditions for survival are highly variable and a specific action that may be without merit currently could be very helpful a few years in the future. The ability to take advantage of this variability and adapt the translocation program to prevailing conditions is a cornerstone of the two-stage translocation proposal (Final PEIS Appendix F). A variety of translocation actions could occur under the Final PEIS Preferred Alternative, including two-stage translocation *within* the NWHI, *within* the MHI, or from the MHI to the NWHI.

**TRAN 05** *NMFS states that the fish down alternative is not feasible due to logistics and cost but those would be the same issues associated with translocation. Translocation should be a last resort not a first choice.*

Response: NMFS did not state that a fish down alternative was not feasible due to logistics or cost. In Section 2.11.1, the Draft PEIS states "There is currently a lack of sufficient information on NWHI food web dynamics to reliably predict whether predator reduction would be an effective method for improving juvenile monk seal survival without unintended consequences. Potential undesirable changes in predator-prey dynamics could be caused by fishing and therefore a more complete understanding of the system's trophic dynamics is required prior to undertaking any predator reduction experiment, whether locally or system wide. Therefore, given the available information, this alternative is not practical or feasible and will not be carried forward for analysis."

**TRAN 06** *Why does NMFS want to translocate monk seals to the MHI where they will be exposed to more threats such as interaction with humans, disease, and competition with fishermen? Seals should be translocated to the NWHI where they won't be killed by fishermen.*

Response: While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking seals born in the NWHI and releasing them in the MHI.

Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted

without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation. NMFS would also conduct other important seal research and enhancement activities under Alternative 3 and engage the public in an effort to address concerns raised during the Draft PEIS public comment process, especially concerns related to human-seal interactions.

It should be noted that under the Preferred Alternative, a variety of translocation actions could occur, including two-stage translocation *within* the NWHI, *within* the MHI, or from the MHI to the NWHI. Appendix F of the Final PEIS presents the decision framework that will be used to determine the best option available given prevailing biological conditions and the constraints of the Preferred Alternative and the associated NMFS permit. Please also see response to ALT 03.

To help address the concerns mentioned in this comment regarding threats to seals in the MHI, NMFS has proposed actions such as behavioral modification (PEIS Sections 2.5 and 5.4) as well as outreach and education programs and other ongoing activities (PEIS Section 2.13 and 5.6). These actions are intended to help minimize negative interactions between seals and humans. Please also see response to BEH 04, BIO 07, BIO 05, GEN 14, and INT 02.

**TRAN 07**      *How does NMFS plan to move the animals and what precautions are you going to take with handling? NMFS should carefully examine the procedures used to handling seals if it appears this could lead to mortalities.*

Response:      As described in Section 2.5 of the PEIS, NMFS has developed extremely conservative protocols for seal handling that are designed to achieve the research or enhancement objectives, while minimizing disturbance to other seals in the area, and the risk of harm to the seal and the human handlers. These protocols have been developed over a long and successful history of safely handling seals with very low risk to the animals involved (Baker and Johanos 2002).

**TRAN 08**      *The abduction of monk seals from their neighborhood is cruel. These are sentient beings.*

Response:      Research studies indicate that Hawaiian monk seals that are translocated to areas of lower seal mortality fare better than do seals that are not translocated (Baker *et al* 2011). In most cases, beneficial results are observed, such as better survival, when compared to similar seals that are not translocated. Translocation would be conducted only to provide seals with better chances for survival so that they may mature and contribute to the recovery of the species.

**TRAN 09**      *How does NMFS know that a monk seal is going to stay in the same place that it is moved? If you move them back to the NWHI, they are just going to come back to the MHI. What assurances can you make that all seals translocated will be recaptured?*

Response:      Please note that while Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking weaned pups born in the NWHI and releasing them in the MHI. However, a variety of translocation actions could occur under the Preferred Alternative, including two-stage translocation *within* the NWHI, *within* the MHI, or from the MHI to the NWHI.

A recent study published by NMFS (Baker *et al* 2011) reviewed almost 250 translocations of Hawaiian monk seals that were conducted for various reasons over several decades. The paper reports that translocated seals, especially the younger ones, tend to stay in the region where they are released. Past experience indicates that such a long-distance return (from the NWHI to MHI) is unlikely. Recently weaned pups tended to stay at the same beach area where they were released for weeks to months and then began moving around more. Adult males tended to leave their release sites very quickly, but did not return to where they originated. For example, 21 adult males were taken from Laysan Island to the MHI in 1994, and none returned to Laysan Island. Only one returned, temporarily to the NWHI (to Nihoa Island) and then came back to the MHI. NMFS expects that seals translocated in future actions under the Final PEIS Preferred Alternative, will behave similarly to those translocated in the past and will plan details of future translocations in part on this extensive history. However, if the seals behave differently than expected, NMFS will alter the translocation program accordingly.

Recapturing individual seals can indeed be difficult and this remains an important consideration regardless of the fact that under Alternative 3 (Preferred), no seals born in the NWHI will be translocated from the NWHI and released in the MHI. There are a number of considerations that make NMFS confident recaptures can be achieved. First, the number of seals that will need to be recaptured will be fewer than the number initially translocated because there will be some natural mortality in the intervening years. Second, NMFS has a population monitoring program that provides sighting information on tagged animals. Seals often show patterns in which they haul out at favorite beaches, and this will guide searching effort when it is time for recapture. Third, though it can require persistence, NMFS has a long history of successfully finding and recapturing target animals for various purposes. Still, it is possible that a seal may not be found when it is scheduled to be recaptured. If so, that seal will simply

remain on the search list and will be caught and translocated at the next opportunity.

**TRAN 10** *NMFS should consult with outside experts (i.e., captive facilities, Marine Mammal Commission, and Monk Seal Recovery Team) on the translocation program and review the progress of the program after a suitable period of time. It does not seem advisable at this stage to set strict criteria for terminating the program as the agency will likely need flexibility.*

Response: NMFS has and will continue to consult with these and other outside experts as the translocation program is conducted. The decision framework described in Appendix F of the Final PEIS identifies a variety of adjustment and course changes that would be informed by new demographic information and evaluation of the translocations conducted to date. NMFS is sensitive to the possibility that setbacks and failures may occur unexpectedly and that terminating any enhancement effort too early is a risk. It is particularly important to gauge the effectiveness of the project based on results from multiple years rather than on observations from a single year, whether good or bad. The permit for this work would include a cap on the number of mortalities that could occur during translocations; as long as these mortalities were not reached, the translocations could proceed even in the event of some loss of seals.

**TRAN 11** *It is difficult to determine whether a soft release (when an animal is held at a release site to help it acclimate) or hard release (released immediately upon arrival) will be more successful. Thus, it will be important to tag animals before they are released at a site in order to track their movements. Depth recorders on translocated animals could also help with foraging studies.*

Response: As described in Section 5.2 and Appendix F of the Final PEIS, all translocated seals will be tagged with plastic flipper tags and some will also be instrumented with tracking devices and dive recorders. These measures will greatly assist in evaluating the success of the program. The proportion of translocated seals that will be instrumented will be partially determined by available funding, but some prioritization is likely so that seals of particular interest (e.g., release location, body condition, or other factors) can be tracked.

**TRAN 12** *NMFS should consider moving seals born in the MHI to the NWHI within the first year of the program to determine whether this phase of the program is successful and allowing managers to adjust the approach as necessary. This may also avoid a net change in the number of seals in the MHI, thus alleviating public concerns.*

Response: While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking weaned pups born in the NWHI and releasing them in the MHI. Nevertheless, a variety of translocation

actions could occur under the Preferred Alternative, including two-stage translocation *within* the NWHI, *within* the MHI, or from the MHI to the NWHI.

Appendices F and H of the PEIS provide for the experimental movement of up to six juvenile seals annually (separate from the two-stage translocation program) in order to obtain some early information about the likely success and magnitude of survival decrements associated with the second stage of two-stage translocation. In addition, if seals in the MHI develop unmanageable behavior and persistently interact with people, they may be candidates for translocation to the NWHI. This would resolve their interactions with people and also inform NMFS about the success of translocations from the MHI to NWHI. Experimental translocations of seals could be conducted at any time, but will not necessarily precede translocations of weaned pups as described in Alternative 3 (Preferred).

**TRAN 13** *Weaned pups should only be translocated to communities that support this program; otherwise, they will not survive.*

Response: While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking weaned pups born in the NWHI and releasing them in the MHI.

Alternative 4 would be infeasible at this time. NWHI pups, if brought to the MHI, could become involved in fishery and other human interactions, just as has occurred among some seals born in the MHI. Capacity and techniques for monitoring translocated seals, and intervening to prevent and mitigate such interactions, must be further developed before this action can be conducted without risking failure as measured both in terms of seal survival and public attitudes toward monk seal conservation. NMFS would also conduct other important seal research and enhancement activities under Alternative 3 and engage the public in an effort to address concerns raised during the Draft PEIS public comment process, especially concerns related to human-seal interactions.

It is our goal to ensure that all future management and recovery efforts are as successful as possible by staying engaged with, and responsive to, Hawaii's communities. See PUB 02, PUB 03, and PUB 08. NMFS agrees that community support is essential recovery activities recovery actions to succeed.

**TRAN 14** *The decision-framework for translocation presented in Appendix E of the Draft PEIS should include community consultations and socioeconomic factors as part of decision-making.*

Response: While Alternative 4 was Preferred in the Draft PEIS, Alternative 3 has been selected as the Preferred Alternative in the Final PEIS. The distinction between these two Alternatives is that Alternative 3 does not include any two-stage translocation option that would involve taking weaned pups born in the

NWHI and releasing them in the MHI. Because of this change, this respondent's specific concerns may be reduced. Nevertheless, a variety of translocation actions could still occur under Alternative 3 (Preferred), including, for example, translocation of seals within the MHI to alleviate risks to seals and to mitigate human-seal interactions. NMFS will continue to engage local communities when conducting such actions (see Chapter 5).

**TRAN 15** *In the description of translocation activities listed in Table 2.10, Alternative 3 indicates that seals age three or older that are native to the MHI may be moved to the NWHI in order to evaluate their survival rates. This differs from the description of activities under Alternative 4, which implies NMFS would move seals age three or older from the MHI to NWHI only if seals were originally from the NWHI and were now returning to their natal site. Table 2.10-1 appears to be inconsistent with the rest of the PEIS, and may give the reader a false impression of translocation plans under each alternative. If Table 2.10-1 is correct, then it is not clear why NMFS would be willing under Alternative 3 to take the risk of moving native MHI seals to the NWHI, where survival rates are much lower, but would not be willing to do this at the same time they are taking weaned pups down from the NWHI to the MHI during the first phase of translocation under Alternative 4. A diagram presenting the various scenarios of translocation would be extremely helpful.*

Response: In Table 2.10, the translocation box for Alternative 4 states that it would include everything in Alternative 3 *plus* the additional items listed. Therefore, the translocation of seals to evaluate their survival (from MHI to NWHI) could be conducted under either Alternative 3 or 4. Further, this action is listed under both alternatives in Appendix H. (Also refer to the response to comment TRAN 12)

**TRAN 16** *It is unclear under Alternative 3 if animals evaluated for survival would be "problem animals" translocated from the MHI to the NWHI*

Response: NMFS interprets this comment to pertain to the 6 seals per year that may be translocated to experimentally evaluate survival under Alternative 3 and 4 (Appendix H of the PEIS). These could be "problem" seals, but need not be. (Also refer to the response to comment TRAN 12).

**TRAN 17** *It is unclear how sites will be evaluated for their viability as nursery sites and which criteria will be used. Decisions should not just be based on survival but pup body condition, parasite loads, and other indications for successful foraging.*

Response: NMFS believes that recent survival of seals at potential recipient sites provides the best "bottom line" indicator of how favorable that site may be for weaned pups. Survival (or mortality) is a process that integrates multiple factors such as foraging opportunities, health status, etc. In practice, any

outstanding factors that might influence the success or failure of the project, and which are not fully addressed in the stipulated criteria, will be considered.

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*Appendix C*  
*Hawaiian Monk Seal Comment*  
*Submission Index*

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<u>Name/Organization</u>	<u>Submission Number</u>	<u>Received On</u>	<u>Submission Source</u>	<u>Number of Substantive Comments</u>	<u>* Concern Codes</u>
<b>Alejandra Ramirez</b> <i>Iao Intermediate</i>	268	10/1/2011	Wailuku Letters		ALT 03
<b>Alex Malabey</b> <i>Individual</i>	126	9/12/2011	Honolulu Public Hearing		CEF 01; FISH 06; GEN 01; PUB 01
<b>Alika Yoakum</b> <i>Iao Intermediate</i>	281	10/1/2011	Wailuku Letters		BIO 17; FISH 01
<b>Alje Morelik</b> <i>Iao Intermediate</i>	248	10/1/2011	Wailuku Letters		ALT 04; ALT 06; GEN 01
<b>Amanda Kahalehoe</b> <i>Individual</i>	209	9/27/2011	Hana letters		GEN 02; SOC 01

\* Some commenters expressed the same concern in more than one of their comments. In these cases, only one instance of a Concern Code is shown

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<b>Amber Burgos</b> <i>Iao Intermediate</i>	340	10/1/2011	Wailuku Letters		ALT 03; ALT 05
<b>Andrea Traurin</b> <i>Fisherman</i>	173	9/15/2011	Kihei Public Hearing		GEN 02; GEN 05
<b>Andrew Nicolas</b> <i>Iao Intermediate</i>	320	10/1/2011	Wailuku Letters		ALT 04; ALT 05
<b>Anonymous</b> <i>Individual</i>	220		Letter (print/scan or electronic)		ALT 09; CUL 01; CUL 05
<b>Ariana Elizares</b> <i>Iao Intermediate</i>	323	10/1/2011	Wailuku Letters		ALT 04; FISH 14

\* Some commenters expressed the same concern in more than one of their comments. In these cases, only one instance of a Concern Code is shown

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<b>Azton Cayetano</b> <i>Iao Intermediate</i>	262	10/1/2011	Wailuku Letters		ALT 04
<b>Barbara Robeson</b> <i>Individual</i>	18	8/24/2011	Email message		ALT 04
<b>Basil Oshiro</b> <i>Maui Cooperative Fishing Association</i>	34	9/17/2011	Email message		BIO 06; CUL 06; FISH 01; GEN 01; GEN 13; GEN 14; SOC 06; SOC 07; TRAN 02
	172	9/15/2011	Kihei Public Hearing		ALT 03; ALT 11; BIO 06; CUL 06; FISH 01; FISH 05; FISH 06; GEN 02; GEN 03; INT 02; REG 06; TRAN 02
<b>Beige Reinhardt</b> <i>Iao Intermediate</i>	245	10/1/2011	Wailuku Letters		GEN 07

\* Some commenters expressed the same concern in more than one of their comments. In these cases, only one instance of a Concern Code is shown

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<b>bk1492@aol.com</b> <i>Individual</i>	22	8/15/2011	Email message		DIS 08; TRAN 02
<b>Bonnie Jean Blackmore</b> <i>Individual</i>	17	8/25/2011	Email message		GEN 02; GEN 05
<b>Braden Ruiz</b> <i>Iao Intermediate</i>	274	10/1/2011	Wailuku Letters		ALT 04; ALT 05
<b>Brent Carman</b> <i>Individual</i>	6	9/12/2011	Email message		BIO 08; GEN 01
<b>Brian Kimata</b> <i>Individual</i>	16	8/29/2011	Email message		ALT 12; BEH 06; BIO 06; GEN 02; INT 02; TRAN 02
	133	9/12/2011	Honolulu Public Hearing		ALT 02; ALT 09; FISH 01; MGT 11; TRAN 06; TRAN 09

\* Some commenters expressed the same concern in more than one of their comments. In these cases, only one instance of a Concern Code is shown

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<b>Bruce Ito</b> <i>Individual</i>	27	9/15/2011	Email message		GEN 03; REG 06; TRAN 02
<b>Bryant Nakagawa</b> <i>Iao Intermediate</i>	237	10/1/2011	Wailuku Letters		ALT 04; GEN 01
<b>Bryson Sakaj-Soto</b> <i>Individual</i>	110	9/14/2011	Hilo Public Hearing		BEH 01; BEH 02; CUL 03; CUL 04; DIS 01; INA 05; INT 01; PUB 03; PUB 05; TRAN 06; TRAN 07
<b>Cailee Gomes</b> <i>Iao Intermediate</i>	315	10/1/2011	Wailuku Letters		ALT 04
<b>Carl Berg</b> <i>Surfer Foundation, Kauai Chapter</i>	95	9/17/2011	Lihue Morning Public Hearing		ALT 03; CEF 01; CUL 10; DIS 01; DIS 03; DIS 08; DIS 09; FISH 08; GEN 03; TRAN 02

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<b>Carl Jellings</b> <i>Fisherman</i>	141	9/12/2011	Honolulu Public Hearing		BIO 07; BIO 09; BIO 11; FISH 01; FISH 06; FISH 11; FISH 15; GEN 03
<b>Chad Kubo</b> <i>Commerical Fisherman; Recreational Fisherman</i>	122	9/17/2011	Lihue Afternoon Public Hearing		ALT 02; BIO 01; BIO 15; GEN 02
<b>Chaniya Silva</b> <i>Iao Intermediate</i>	278	10/1/2011	Wailuku Letters		ALT 04; ALT 05; FISH 03; INA 11
<b>Chayse Tamaki</b> <i>Iao Intermediate</i>	243	10/1/2011	Wailuku Letters		ALT 04; FISH 09
<b>Chaz Edlao</b> <i>Iao Intermediate</i>	263	10/1/2011	Wailuku Letters		ALT 03

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<b>Cheryl Lovell-Obatak</b> <i>Individual</i>	116	9/17/2011	Lihue Afternoon Public Hearing		REG 01
<b>Cheryl Obatake</b> <i>Individual</i>	44	10/17/2011	Email message		CUL 06; CUL 11; PUB 05
<b>Chris Kadooka</b> <i>Individual</i>	1	9/14/2011	Email message		BIO 04; BIO 09; GEN 05; GEN 06; INA 12; MGT 11; TRAN 02
<b>Chris Lish</b> <i>Individual</i>	40	10/16/2011	Email message		GEN 01
<b>Christian Eugenio</b> <i>Iao Intermediate</i>	301	10/1/2011	Wailuku Letters		ALT 01; ALT 03; ALT 07; ALT 08

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<b>Clariza Tabag</b> <i>Iao Intermediate</i>	326	10/1/2011	Wailuku Letters		ALT 03
<b>Clyde W. Namu'o</b> <i>DLNR Office of Hawaiian Affairs</i>	64	10/17/2011	Attachment		CUL 02; CUL 11; ECO 07; GEN 01; INT 02; REG 01; REG 10; TRAN 03
<b>Conrad Cordeiro</b> <i>Iao Intermediate</i>	298	10/1/2011	Wailuku Letters		ALT 04; ALT 06
<b>Conrad Ventura</b> <i>Individual</i>	169	9/15/2011	Kihei Public Hearing		ALT 11; CUL 07; GEN 02
<b>Cora Schnackenberg</b> <i>Individual</i>	193	9/13/2011	Molokai Public Hearing		BIO 15; CUL 01; CUL 02; CUL 06; FISH 05; GEN 02; INA 07; INA 08; PUB 03; TRAN 16

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<b>Cory Harden</b> <i>Individual</i>	107	9/14/2011	Hilo Public Hearing		ECO 05; FISH 03; GEN 01; PUB 02
<b>Craig Mitchell</b> <i>Individual</i>	13	8/29/2011	Email message		GEN 02; TRAN 02
<b>Daisy Franco R.</b> <i>Iao Intermediate</i>	319	10/1/2011	Wailuku Letters		ALT 04
<b>Dan Dennison</b> <i>Individual</i>	4	9/13/2011	Email message		GEN 01
<b>Daniel K. Corpuz</b> <i>Iao Intermediate</i>	235	10/1/2011	Wailuku Letters		GEN 01

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<b>Danny Domingo, Jr.</b> <i>Iao Intermediate</i>	294	10/1/2011	Wailuku Letters		ALT 03; ALT 05; ALT 06; ALT 08
<b>Danny Teixeira</b> <i>Individual</i>	5	9/12/2011	Email message		FISH 01
<b>Darrell Tanaka</b> <i>Recreational fisher</i>	19	8/23/2011	Email message		BIO 06; FISH 01; FISH 04
<b>Darren-Lee Tamura-Lynch</b> <i>Iao Intermediate</i>	341	10/1/2011	Wailuku Letters		ALT 03
<b>David Kareo Kaimanaoikealoha Prais</b> <i>Individual</i>	162	9/15/2011	Kihei Public Hearing		ALT 09; FISH 01; FISH 04; GEN 05

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<b>David Lee</b> <i>Iao Intermediate</i>	251	10/1/2011	Wailuku Letters		ALT 03; ALT 04; ALT 06; FISH 14
<b>David-John Fernandez</b> <i>Iao Intermediate</i>	275	10/1/2011	Wailuku Letters		ALT 03; ALT 05; FISH 17
<b>Dayna McGinnis</b> <i>Iao Intermediate</i>	313	10/1/2011	Wailuku Letters		ALT 04; ALT 05
<b>Daynette Morikawa</b> <i>State Representative for the South and West side of Kauai</i>	42	10/6/2011	Email message		ALT 09; BIO 15; DIS 01; FISH 05; FISH 06; GEN 01; GEN 02; TRAN 01
<b>Dayton K Hoewaa</b> <i>Iao Intermediate</i>	253	10/1/2011	Wailuku Letters		ALT 03

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<b>Dean Ogoshi</b> <i>Individual</i>	130	9/12/2011	Honolulu Public Hearing		ALT 11; ALT 19; FISH 01; FISH 06
<b>Dean Sensui</b> <i>Individual</i>	148	9/12/2011	Honolulu Public Hearing		ALT 11; BIO 09; FISH 06; GEN 02; INT 09; TRAN 02
<b>Debbie Takayama</b> <i>Individual</i>	106	9/14/2011	Hilo Public Hearing		BEH 01; BIO 04; DIS 06; GEN 01; GEN 03
<b>Deigan Cadiz-Aceret</b> <i>Iao Intermediate</i>	266	10/1/2011	Wailuku Letters		ALT 03
<b>Dennis Eguchi</b> <i>Individual</i>	104	9/17/2011	Lihue Morning Public Hearing		ALT 01; ALT 02; CEF 01

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<b>Dennis Kamikawa</b> <i>Commercial Fisherman</i>	140	9/12/2011	Honolulu Public Hearing		BIO 09; FISH 01; TRAN 02
<b>Desiree Nelson</b> <i>Iao Intermediate</i>	234	10/1/2011	Wailuku Letters		ALT 04; FISH 03; GEN 01
<b>Dezlin Helekahi-Park</b> <i>Individual</i>	205	9/27/2011	Hana letters		FISH 01
<b>Diana R. Faulve</b> <i>Iao Intermediate</i>	290	10/1/2011	Wailuku Letters		ALT 03; ALT 04
<b>Diane Gabumpa</b> <i>Iao Intermediate</i>	337	10/1/2011	Wailuku Letters		ALT 04; FISH 03

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<b>Dillon</b> <i>Iao Intermediate</i>	302	10/1/2011	Wailuku Letters		ALT 04
<b>DMSOPR.PMRF</b> <i>Individual</i>	36	9/16/2011	Email message		BIO 07; ECO 06; FISH 05; GEN 02
<b>Dr. David Y. Tsunehiro, Jr</b> <i>Individual</i>	86	10/25/2011	Letter (print/scan or electronic)		BIO 15; FISH 06; GEN 02; INT 06
<b>Earle Medeiros, Jr.</b> <i>Individual</i>	151	9/15/2011	Kihei Public Hearing		ALT 09; ALT 11; CUL 07; FISH 01; GEN 02; INT 02; REG 08; TRAN 02
<b>Earle Medeiros, Sr.</b> <i>Individual</i>	155	9/15/2011	Kihei Public Hearing		ECO 01; ECO 03; FISH 01; FISH 05; GEN 02; SOC 05; TRAN 02

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<b>Ed Watamura</b> <i>Waiialua Boat Club, President</i>	128	9/12/2011	Honolulu Public Hearing		BIO 10; ECO 01; FISH 15; INT 02; INT 06; REG 08; TRAN 02
<b>Eddie Tanaka</b> <i>Individual</i>	195	9/13/2011	Molokai Public Hearing		BIO 06; CEF 02; FISH 01; FISH 06
<b>Eduardo</b> <i>Iao Intermediate</i>	231	10/1/2011	Wailuku Letters		ALT 04; ALT 06; FISH 03
<b>Eduardo Benitez</b> <i>Iao Intermediate</i>	241	10/1/2011	Wailuku Letters		ALT 04
<b>Elizabeth Nailling</b> <b>Elizabeth Nailling</b> <i>Individual</i>	41	10/16/2011	Email message		GEN 05; GEN 14; TRAN 03

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<b>Emily Mckeon</b> <i>Iao Intermediate</i>	327	10/1/2011	Wailuku Letters		ALT 03
<b>Emma Kaimiola</b> <i>Iao Intermediate</i>	271	10/1/2011	Wailuku Letters		ALT 03; ALT 06; FISH 14
<b>Emmsley James Drake</b> <i>Individual</i>	98	9/17/2011	Lihue Morning Public Hearing		GEN 02; INT 03; REG 05; SOC 06
<b>Eric Waggeman</b> <i>Commercial fisherman</i>	136	9/12/2011	Honolulu Public Hearing		ALT 02; FISH 15; GEN 05
<b>Errik Agdeppa</b> <i>Iao Intermediate</i>	261	10/1/2011	Wailuku Letters		ALT 08

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<b>Eunice Bea</b> <i>Iao Intermediate</i>	317	10/1/2011	Wailuku Letters		GEN 01
<b>Foster Ampong</b> <i>Individual</i>	168	9/15/2011	Kihei Public Hearing		CEF 02; CEF 04; CUL 06; GEN 02; TRAN 02
<b>Frank Farm</b> <i>Individual</i>	144	9/12/2011	Honolulu Public Hearing		ALT 01; ALT 08; ALT 09; ALT 23; BIO 09; BIO 15; FISH 06; INT 09
<b>Garyn Tuquero</b> <i>Iao Intermediate</i>	318	10/1/2011	Wailuku Letters		ALT 03; CUL 12; FISH 17
<b>George R. Harker</b> <i>Individual</i>	12	8/30/2011	Email message		BIO 17; REG 07; REG 11

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<b>George R. Harker</b> <i>Individual</i>	67	10/17/2011	Attachment		BEH 09; BIO 07; BIO 17; FISH 01; FISH 05; GEN 05; REG 04; REG 07
<b>Gina Bondi</b> <i>Individual</i>	49	12/11/2010	Letter (print/scan or electronic)		MGT 09
<b>Glenn Jose</b> <i>Iao Intermediate</i>	236	10/1/2011	Wailuku Letters		ALT 04; FISH 17
<b>Gordon LaBedz</b> <i>Individual</i>	91	9/17/2011	Lihue Morning Public Hearing		DIS 03; FISH 17; GEN 05; TRAN 08
<b>Gordon LaBedz, MD</b> <i>Individual</i>	45	10/17/2011	Email message		BEH 07; DIS 03; GEN 01; INT 01; INT 02; TRAN 08

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<b>Greg Holzman</b> <i>Hawaiian Ocen Users</i>	33	9/17/2011	Email message		CEF 01; GEN 03; SOC 09
<i>Commercial Fisherman</i>	96	9/17/2011	Lihue Morning Public Hearing		ALT 15; CEF 01; GEN 03; TRAN 02
<i>Hawaiian Ocean Users</i>	119	9/17/2011	Lihue Afternoon Public Hearing		ALT 11; ALT 13; CEF 01; INA 04; TRAN 01; TRAN 03

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<b>Guy Naehu</b> <i>Individual</i>	183	9/13/2011	Molokai Public Hearing		MGT 02; SOC 06
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<b>Hailama</b> <i>Individual</i>	159	9/15/2011	Kihei Public Hearing		FISH 05
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<b>Hailee Yoshida</b> <i>Iao Intermediate</i>	226	10/1/2011	Wailuku Letters		ALT 03; ALT 05; ALT 06; ALT 08
<b>Halona Kaopuiki</b> <i>Individual</i>	190	9/13/2011	Molokai Public Hearing		ALT 11; FISH 01; GEN 03; INA 07
<b>Heidi Webber</b> <i>Individual</i>	147	9/12/2011	Honolulu Public Hearing		ALT 01; ALT 03; ALT 04; ECO 04; FISH 06; FISH 17; GEN 12; INA 09; INT 05; INT 08
<b>Helen Strang</b> <i>Individual</i>	23	8/15/2011	Email message		BIO 06; BIO 15; CEF 02; CEF 03; CUL 01; INT 01; PUB 11
	32	9/19/2011	Email message		BIO 04; BIO 06; BIO 07; BIO 15; CEF 02; CEF 03; CUL 07; FISH 01; GEN 02; GEN 04; INT 02

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<b>Henry H Dinh</b> <i>Iao Intermediate</i>	322	10/1/2011	Wailuku Letters		ALT 04; FISH 03
<b>Hong Seko</b> <i>Individual</i>	146	9/12/2011	Honolulu Public Hearing		ALT 09; GEN 01; GEN 03; INT 02
<b>Hope Kallai</b> <i>Individual</i>	70	10/17/2011	Attachment		ALT 02; ALT 12; BEH 05; CEF 01; CEF 02; CEF 04; CUL 02; CUL 10; GEN 02; GEN 03; INA 12; MGT 07; REG 02; TRAN 02
	118	9/17/2011	Lihue Afternoon Public Hearing		ALT 09; ALT 12; CEF 02; CEF 03; CUL 02; FISH 01; FISH 02; INA 03; PUB 03; REG 02; SOC 01; SOC 02
<b>Icane (sp?) Helekahi-Krinn (sp?)</b> <i>Individual</i>	203	9/27/2011	Hana letters		FISH 01; SOC 07

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<b>Irene Bowie</b> <i>Maui Tomorrow Foundation, Executive Director</i>	73	10/17/2011	Attachment		ALT 04; ALT 22; BIO 08; CUL 12; FISH 05; FISH 17; GEN 01; PUB 01
	174	9/15/2011	Kihei Public Hearing		ALT 04; BIO 08; CEF 02; CUL 12; PUB 01
<b>Isaac Pena</b> <i>Iao Intermediate</i>	233	10/1/2011	Wailuku Letters		ALT 04; FISH 03; GEN 01
<b>Isaiah K Pu-Akim</b> <i>Individual</i>	202	9/27/2011	Hana letters		FISH 01
<b>Jacelyn Wiggers</b> <i>Iao Intermediate</i>	227	10/1/2011	Wailuku Letters		ALT 04; FISH 03

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<b>Jackie Frost</b> <i>Individual</i>	35	9/17/2011	Email message		GEN 01; PUB 07; PUB 08
<b>Jackie Kanna</b> <i>Individual</i>	99	9/17/2011	Lihue Morning Public Hearing		PUB 03; PUB 04; PUB 05; PUB 06
<b>Jacob Platiro</b> <i>Iao Intermediate</i>	276	10/1/2011	Wailuku Letters		ALT 03; ALT 05; FISH 03
<b>Jaden Texeira</b> <i>Iao Intermediate</i>	335	10/1/2011	Wailuku Letters		ALT 03; FISH 14
<b>James Foster</b> <i>Individual</i>	198	9/13/2011	Molokai Public Hearing		ALT 09; BIO 09; BIO 15; ECO 02; FISH 07; GEN 02; TRAN 02

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<b>James Kanaka</b> <i>Commercial Fisherman</i>	180	9/15/2011	Kihei Public Hearing		GEN 02; GEN 05; TRAN 02
<b>James Melcher</b> <i>Individual</i>	191	9/13/2011	Molokai Public Hearing		FISH 05
<b>James Oneha</b> <i>Individual</i>	31	9/19/2011	Email message		ALT 08; BIO 06; ECO 04; FISH 05; INT 02
<b>Jane Cho</b> <i>Iao Intermediate</i>	336	10/1/2011	Wailuku Letters		ALT 03
<b>Jason Kagihara</b> <i>Individual</i>	15	8/29/2011	Email message		BIO 06; BIO 15; FISH 01; SOC 01

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<b>Jaynalee Hoopai</b> <i>Individual</i>	204	9/27/2011	Hana letters		FISH 01; SOC 06; SOC 10
<b>Jeffrey L. Pabello</b> <i>Iao Intermediate</i>	289	10/1/2011	Wailuku Letters		ALT 04; ALT 05; FISH 03
<b>Jennifer Kline</b> <i>Individual</i>	8	9/3/2011	Email message		GEN 01
<b>Jerry L. Chang; Donovan M. Dela Cruz</b> <i>State Representative; State Senator</i>	74	9/12/2011	Letter (print/scan or electronic)		ALT 02; ALT 03; ALT 16; GEN 06
<b>Jessica Teel</b> <i>Individual</i>	10	9/2/2011	Email message		ALT 04; BEH 01; GEN 01; SOC 03

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<b>Jimmy Gomes</b> <i>Commercial Fisherman</i>	176	9/15/2011	Kihei Public Hearing		ALT 14; CEF 01; GEN 02; REG 07; REG 13; SOC 06; SOC 07
<b>Johanna Kamaunu</b> <i>Individual</i>	163	9/15/2011	Kihei Public Hearing		FISH 01; FISH 06; FISH 15; GEN 02; INA 07; SOC 06
<b>John Bondi</b> <i>Individual</i>	50	12/11/2010	Letter (print/scan or electronic)		MGT 09
<b>John Dumo</b> <i>Iao Intermediate</i>	293	10/1/2011	Wailuku Letters		ALT 04; ALT 05
<b>John Meston</b> <i>Commercial Fisherman</i>	178	9/15/2011	Kihei Public Hearing		ALT 14

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<b>Joie Victoria-Dyment (sp?)</b> <i>Individual</i>	211	9/27/2011	Hana letters		FISH 01; GEN 03; SOC 07
<b>Jon Kamikawa</b> <i>Commercial fisherman</i>	131	9/12/2011	Honolulu Public Hearing		GEN 05; INT 06; INT 07
<b>Jora May-Ann Kasikiaiakealoha Tolentino-Smith</b> <i>Individual</i>	218		Letter (print/scan or electronic)		GEN 11
<b>Jordan Keahi</b> <i>Iao Intermediate</i>	342	10/1/2011	Wailuku Letters		ALT 02; ALT 04
<b>Jose Bulatao, Jr.</b> <i>Individual</i>	53	9/13/2011	Attachment		BIO 07; CUL 03; ECO 06; MGT 06; SOC 08

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<b>Joshua Acidera</b> <i>Iao Intermediate</i>	224	10/1/2011	Wailuku Letters		ALT 03; ALT 05
<b>Joyce R Schaunaman</b> <i>Individual</i>	84	10/1/2011	Letter (print/scan or electronic)		ALT 04; TRAN 13
<b>Joyclynn Costa</b> <i>Individual</i>	165	9/15/2011	Kihei Public Hearing		GEN 02; INT 04; MGT 11; REG 12
<b>Judy Caparida</b> <i>Individual</i>	188	9/13/2011	Molokai Public Hearing		FISH 01
<b>Justin Arcano</b> <i>Iao Intermediate</i>	328	10/1/2011	Wailuku Letters		TRAN 01

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<b>Justin J. Perreira</b> <i>Iao Intermediate</i>	287	10/1/2011	Wailuku Letters		ALT 04; ALT 05; FISH 03
<b>Justin Ngan</b> <i>Iao Intermediate</i>	312	10/1/2011	Wailuku Letters		ALT 04
<b>Justine Rosemund</b> <i>Individual</i>	214	9/27/2011	Hana letters		BIO 09; GEN 05
<b>Kaeo Sclafani</b> <i>Iao Intermediate</i>	304	10/1/2011	Wailuku Letters		ALT 04; ALT 06; FISH 03; SOC 03
<b>Kaipo Paschoal</b> <i>Iao Intermediate</i>	297	10/1/2011	Wailuku Letters		ALT 03

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<b>Kaitlin Smith</b> <i>Iao Intermediate</i>	334	10/1/2011	Wailuku Letters		ALT 03
<b>Kalani Kapunia</b> <i>Individual</i>	102	9/17/2011	Lihue Morning Public Hearing		FISH 01; GEN 02; INT 04
<b>Kamanu Lind</b> <i>Individual</i>	207	9/27/2011	Hana letters		FISH 01
<b>Kanalu Andrade</b> <i>Iao Intermediate</i>	321	10/1/2011	Wailuku Letters		ALT 04; ALT 06; BIO 15; GEN 01; TRAN 01
<b>Kaniloa Kamaunu</b> <i>Individual</i>	164	9/15/2011	Kihei Public Hearing		CUL 06; SOC 08

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<b>Kanoelani Babcock</b> <i>Iao Intermediate</i>	240	10/1/2011	Wailuku Letters		ALT 04; ALT 06; FISH 03
<b>Karen Holt</b> <i>Individual</i>	186	9/13/2011	Molokai Public Hearing		CUL 05; FISH 17; MGT 03
<b>Kate Ligot</b> <i>Iao Intermediate</i>	303	10/1/2011	Wailuku Letters		ALT 04; FISH 03
<b>Kathleen Goforth</b> <i>Environmental Review Office Communities and Ecosystems Division, Manager</i>	68	10/17/2011	Attachment		ALT 04; DIS 01; GEN 08; INT 02; INT 05; MGT 05
<b>Kawehi Kaikala</b> <i>Individual</i>	157	9/15/2011	Kihei Public Hearing		CUL 06; FISH 05; FISH 06; GEN 02; PUB 10

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<b>Kawika Cutcher</b> <i>Individual</i>	94	9/17/2011	Lihue Morning Public Hearing		ALT 12; BIO 07; CUL 06; CUL 07; CUL 08; ECO 03; FISH 01
	217	8/31/2011	Letter (print/scan or electronic)		ALT 03; ALT 12
<b>Kawoka Stoner</b> <i>Individual</i>	208	9/27/2011	Hana letters		CUL 06
<b>Kayla Takakura</b> <i>Iao Intermediate</i>	314	10/1/2011	Wailuku Letters		ALT 04; ALT 05; BIO 02; FISH 03
<b>Kaylee Pahukoa</b> <i>Iao Intermediate</i>	225	10/1/2011	Wailuku Letters		ALT 04

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<b>Kealoha Pisciotta</b>  <i>KAHEA: Hawaiian-Environmental Alliance, President</i>	109	9/14/2011	Hilo Public Hearing		BEH 01; MGT 01; PUB 01; REG 03; TRAN 05
<b>Keirsha Vasquez</b>  <i>Iao Intermediate</i>	258	10/1/2011	Wailuku Letters		ALT 04; ALT 06
<b>Keko Bonk</b>  <i>PONO; Save Our Seals</i>	137	9/12/2011	Honolulu Public Hearing		ALT 04; BIO 08; ECO 07; GEN 01; GEN 09
<b>Kelci Nicolas</b>  <i>Iao Intermediate</i>	310	10/1/2011	Wailuku Letters		ALT 04
<b>Kelvin Ching</b>  <i>Individual</i>	142	9/12/2011	Honolulu Public Hearing		ALT 09; FISH 01; FISH 06; GEN 05; TRAN 02

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<b>Kema Kanakaole</b> <i>Individual</i>	160	9/15/2011	Kihei Public Hearing		CEF 02; FISH 01; FISH 15; GEN 05; INT 06
<b>Ken Taylor</b> <i>Individual</i>	124	9/17/2011	Lihue Afternoon Public Hearing		ECO 02
<b>Ken Tobita</b> <i>Iao Intermediate</i>	332	10/1/2011	Wailuku Letters		ALT 03
<b>Keo Chun</b> <i>Iao Intermediate</i>	259	10/1/2011	Wailuku Letters		ALT 04; ALT 06; SOC 10
<b>Keoki Puaoi</b> <i>Individual</i>	25	8/3/2011	Email message		FISH 17; TRAN 02

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<b>Kesaia Tangitau</b> <i>Iao Intermediate</i>	311	10/1/2011	Wailuku Letters		ALT 03; ALT 04
<b>Kiara Alo-Racadio</b> <i>Iao Intermediate</i>	239	10/1/2011	Wailuku Letters		ALT 09; FISH 03
<b>Kiara Cummings-Carone</b> <i>Iao Intermediate</i>	309	10/1/2011	Wailuku Letters		GEN 01
<b>Kimberley Marcelo</b> <i>Iao Intermediate</i>	249	10/1/2011	Wailuku Letters		ALT 04; ALT 05; GEN 01
<b>Kimverly Rosal</b> <i>Iao Intermediate</i>	273	10/1/2011	Wailuku Letters		ALT 03; SOC 03

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<b>Kitty M. Simmons</b>  <i>Western Pacific Regional Fishery Management Council. Executive Director</i>	59	10/14/2011	Attachment		ALT 09; BEH 03; FISH 11; FISH 12; FISH 13; GEN 01; INA 10; PUB 01; PUB 02; TRAN 12; TRAN 14
<b>Koa Kualaau-Abbey</b>  <i>Iao Intermediate</i>	329	10/1/2011	Wailuku Letters		TRAN 01
<b>Kouchi</b>  <i>Individual</i>	79	9/14/2011	Letter (print/scan or electronic)		ALT 01; ALT 02; ALT 03
<b>Krystal Kennedy</b>  <i>Individual</i>	212	9/27/2011	Hana letters		FISH 01; INT 04; SOC 06
<b>kuleanavalley@yahoo.com</b>  <i>Individual</i>	21	8/15/2011	Email message		PUB 09

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<b>Kuloloio</b> <i>Individual</i>	171	9/15/2011	Kihei Public Hearing		BIO 15; CUL 06; CUL 07; INA 07; PUB 04
<b>Kyla Borja</b> <i>Iao Intermediate</i>	331	10/1/2011	Wailuku Letters		ALT 04
<b>Kyle Felix</b> <i>Iao Intermediate</i>	339	10/1/2011	Wailuku Letters		ALT 03; ALT 04
<b>Kyra Watanabe</b> <i>Iao Intermediate</i>	238	10/1/2011	Wailuku Letters		ALT 04; ALT 05; FISH 09; FISH 17
<b>Laurel Muehlhausen</b> <i>Individual</i>	9	9/2/2011	Email message		REG 07

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<b>Layne Nakagawa</b> <i>Commercial fisherman</i>	175	9/15/2011	Kihei Public Hearing		ALT 11; FISH 01; FISH 15; GEN 02
<b>Leah Rudin</b> <i>Iao Intermediate</i>	264	10/1/2011	Wailuku Letters		ALT 04
<b>Lehua Park</b> <i>Individual</i>	154	9/15/2011	Kihei Public Hearing		CEF 02; CUL 06; FISH 01; INT 01
<b>Leland Hunter</b> <i>Individual</i>	166	9/15/2011	Kihei Public Hearing		BEH 04; TRAN 02
<b>Les Hata</b> <i>Fisherman</i>	132	9/12/2011	Honolulu Public Hearing		BEH 02; BIO 09; BIO 12; INT 02; INT 06; INT 07

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<b>Lexus Kaleikini-Teixeira</b> <i>Iao Intermediate</i>	272	10/1/2011	Wailuku Letters		ALT 04; ALT 05
<b>Lihau Ka'ahanui-Kepano</b> <i>Iao Intermediate</i>	279	10/1/2011	Wailuku Letters		GEN 01
<b>Lily Engh</b> <i>Iao Intermediate</i>	255	10/1/2011	Wailuku Letters		ALT 04; ALT 05; FISH 01
<b>Lindsey Yamasaki</b> <i>Iao Intermediate</i>	288	10/1/2011	Wailuku Letters		ALT 03
<b>Lloyd Miyashiro</b> <i>Individual</i>	120	9/17/2011	Lihue Afternoon Public Hearing		GEN 01; SOC 03; TRAN 01

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<b>Loeka Elizares</b> <i>Iao Intermediate</i>	256	10/1/2011	Wailuku Letters		ALT 04; GEN 01
<b>Loretta Ritte</b> <i>Individual</i>	184	9/13/2011	Molokai Public Hearing		ALT 11; ECO 08; TRAN 02
<b>Lori Buchanan</b> <i>Individual</i>	196	9/13/2011	Molokai Public Hearing		ALT 09; ALT 14; INA 07; PUB 02
<b>Luka Masuda</b> <i>Iao Intermediate</i>	325	10/1/2011	Wailuku Letters		ALT 02; ALT 08
<b>Lyn McNutt</b> <i>Individual</i>	113	9/17/2011	Lihue Afternoon Public Hearing		ALT 09; ALT 11; CEF 01; ECO 01; ECO 02; INA 01; INA 02

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<b>Lynn Everett</b> <i>Individual</i>	206	9/27/2011	Hana letters		REG 08
<b>Malia Kahuhu</b> <i>Individual</i>	152	9/15/2011	Kihei Public Hearing		CUL 06; CUL 07; FISH 01; FISH 05; FISH 15; GEN 02
<b>Marcus R. Oshiro</b> <i>State Representative, District 39</i>	52	9/12/2011	Attachment		ALT 02; GEN 02; TRAN 02
<b>Marjorie Ziegler</b> <i>Conservation Council for Hawaii</i>	139	9/12/2011	Honolulu Public Hearing		ALT 04; GEN 01; MGT 11
<b>Mark Oyama</b> <i>Individual</i>	101	9/17/2011	Lihue Morning Public Hearing		ALT 17; BIO 07; FISH 05; SOC 07

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<b>Mark Richardson</b> <i>Marine Conservation Institute</i>	62	10/16/2011	Attachment		ALT 04; BIO 11; DIS 10; DIS 11; DIS 12; DIS 13; FISH 14; INA 10; INA 11; TRAN 01; TRAN 11; TRAN 15; TRAN 16; TRAN 17
<b>Marlene Kaahui</b> <i>Individual</i>	167	9/15/2011	Kihei Public Hearing		CEF 01; CEF 02; CEF 03; GEN 01; GEN 02; SOC 01
<b>Mary Ellen Bryant</b> <i>Individual</i>	149	9/12/2011	Honolulu Public Hearing		FISH 01; GEN 01; GEN 04; PUB 03; SOC 06; TRAN 02
<b>Matt Ito</b> <i>Individual</i>	2	9/13/2011	Email message		FISH 01; INT 02
<b>Mavis Olivera-Medeiros</b> <i>Individual</i>	156	9/15/2011	Kihei Public Hearing		CUL 06; FISH 01

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<b>McKenzie</b> <i>Iao Intermediate</i>	252	10/1/2011	Wailuku Letters		ALT 04; FISH 09
<b>Melissa Greenberg</b> <i>Aloha Mission for Animals</i>	123	9/17/2011	Lihue Afternoon Public Hearing		ALT 04; BIO 02; DIS 04; DIS 05; GEN 01; TRAN 01; TRAN 04
<i>Individual</i>	125	9/17/2011	Lihue Afternoon Public Hearing		BIO 15; BIO 16; PUB 01
<b>Mervin Dudoit</b> <i>Individual</i>	189	9/13/2011	Molokai Public Hearing		ALT 09; BIO 06; CUL 01; FISH 01; FISH 04; GEN 02; GEN 15
<b>Micah Buchanan</b> <i>Individual</i>	185	9/13/2011	Molokai Public Hearing		GEN 01; GEN 02

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<b>Micah Quinto</b> <i>Iao Intermediate</i>	232	10/1/2011	Wailuku Letters		ALT 04; ALT 05; FISH 03; GEN 01
<b>Michael Drake</b> <i>Individual</i>	97	9/17/2011	Lihue Morning Public Hearing		GEN 03; PUB 11; TRAN 02
<b>Michael E. Krupnick</b> <i>Individual</i>	29	9/14/2011	Email message		TRAN 02
<b>Mikayla Tsutsui</b> <i>Iao Intermediate</i>	324	10/1/2011	Wailuku Letters		ALT 03; ALT 05; ALT 06
<b>Mikiala Kalalau-Keaulana</b> <i>Individual</i>	216	9/27/2011	Hana letters		CUL 06; SOC 10

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<b>Milan Yasso</b> <i>Iao Intermediate</i>	307	10/1/2011	Wailuku Letters		ALT 03; ALT 05; ALT 06
<b>Mitchell Taketa</b> <i>Individual</i>	43	9/22/2011	Email message		ALT 09; BIO 09; BIO 15
<b>Moanikeala Akaka</b> <i>Individual</i>	111	9/14/2011	Hilo Public Hearing		GEN 04; PUB 01
<b>Moku Naeole</b> <i>Iao Intermediate</i>	246	10/1/2011	Wailuku Letters		ALT 03; BIO 09
<b>Myranda Nishioka</b> <i>Iao Intermediate</i>	269	10/1/2011	Wailuku Letters		ALT 04; ALT 06; FISH 14

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<b>Natasha Tome</b> <i>Iao Intermediate</i>	242	10/1/2011	Wailuku Letters		ALT 03
<b>Nathaniel Layaoen</b> <i>Iao Intermediate</i>	282	10/1/2011	Wailuku Letters		ALT 03; FISH 17
<b>Nicholas Kaili</b> <i>Iao Intermediate</i>	285	10/1/2011	Wailuku Letters		ALT 04
<b>Nigel Mayfield</b> <i>Iao Intermediate</i>	316	10/1/2011	Wailuku Letters		ALT 03; DIS 01
<b>Nina Monasevitch</b> <i>Individual</i>	39	10/16/2011	Email message		ALT 10; ALT 14; ALT 18; BEH 08; DIS 08; GEN 01; GEN 02; TRAN 02

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<b>Noah Hoopaifeliciano</b> <i>Individual</i>	213	9/27/2011	Hana letters		FISH 01
<b>Noah Magbual</b> <i>Iao Intermediate</i>	250	10/1/2011	Wailuku Letters		ALT 04; ALT 05
<b>Norm Ham</b> <i>Individual</i>	150	9/15/2011	Kihei Public Hearing		ALT 11; FISH 01
<b>Norman R and Bonita Swift</b> <i>Individual</i>	14	8/29/2011	Email message		GEN 02; TRAN 02
<b>Patience Helekahi Moore</b> <i>Individual</i>	200	9/27/2011	Hana letters		BIO 15; ECO 01; FISH 01

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<b>Paul K Chong</b> <i>Individual</i>	26	9/15/2011	Email message		ALT 01; ALT 02; ECO 03
<b>Paula Farm</b> <i>Individual</i>	221	9/12/2011	Honolulu Public Hearing		
<b>Peter Lopez</b> <i>Local fisherman</i>	92	9/17/2011	Lihue Morning Public Hearing		REG 04; REG 06; SOC 04
<b>Phillip Tanner; Elizabeth Tanner</b> <i>Individual</i>	85	9/7/2011	Letter (print/scan or electronic)		ALT 16
<b>Pi'ilani Chaves</b> <i>Iao Intermediate</i>	280	10/1/2011	Wailuku Letters		FISH 03

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<b>Pilialohalani Kalwaiwaa</b> <i>Individual</i>	199	9/13/2011	Molokai Public Hearing		BIO 07; FISH 01; GEN 01
<b>Preston Lau</b> <i>Individual</i>	145	9/12/2011	Honolulu Public Hearing		FISH 01; GEN 05; INT 06
<b>Puili Cockett</b> <i>Individual</i>	210	9/27/2011	Hana letters		SOC 07
<b>Punel-ei Manini</b> <i>Individual</i>	103	9/17/2011	Lihue Morning Public Hearing		CUL 09; GEN 02
<b>Raisa Bermudez</b> <i>Iao Intermediate</i>	260	10/1/2011	Wailuku Letters		ALT 04; ALT 05

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<b>Rajen</b> <i>Iao Intermediate</i>	244	10/1/2011	Wailuku Letters		ALT 03
<b>Ralph Sharp</b> <i>Individual</i>	170	9/15/2011	Kihei Public Hearing		ALT 12; FISH 05; GEN 02
<b>Randall Paragas</b> <i>Iao Intermediate</i>	295	10/1/2011	Wailuku Letters		ALT 04
<b>Rene Siracusa</b> <i>Malama O puna, President</i>	105	9/14/2011	Hilo Public Hearing		BIO 03; GEN 01
<b>Renz Vergara</b> <i>Iao Intermediate</i>	277	10/1/2011	Wailuku Letters		ALT 04; ALT 05; ECO 07; GEN 01; TRAN 01

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<b>Richard</b> <i>Iao Inermediate</i>	299	10/1/2011	Wailuku Letters		ALT 04
<b>Richard McCarty</b> <i>Individual</i>	182	9/15/2011	Kihei Public Hearing		PUB 11
<b>Rob Parsons</b> <i>Individual</i>	179	9/15/2011	Kihei Public Hearing		BIO 08; FISH 03; FISH 17
<b>Ron Kapaku</b> <i>Individual</i>	177	9/15/2011	Kihei Public Hearing		ALT 02; FISH 01; GEN 02; GEN 05; TRAN 02; TRAN 09
<b>Ron Tam</b> <i>Individual</i>	37	10/17/2011	Email message		ALT 01; ALT 08; BIO 04; GEN 14; INA 10; MGT 04; PUB 03; TRAN 09

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<b>Ronald Tam</b> <i>Individual</i>	127	9/12/2011	Honolulu Public Hearing		ALT 01; ALT 08; GEN 07; GEN 14; INA 02; PUB 04; SOC 01; TRAN 09
<b>Roxanne rapuaimohalaikalani Stewart</b> <i>Individual</i>	108	9/14/2011	Hilo Public Hearing		MGT 01; MGT 02; PUB 03; TRAN 05
<b>Roy Morioka</b> <i>Individual</i>	135	9/12/2011	Honolulu Public Hearing		BIO 15; CEF 03; INT 01; INT 08; REG 09
<b>Samuel Keohuhu</b> <i>Individual</i>	215	9/27/2011	Hana letters		FISH 01; SOC 05
<b>Scott English</b> <i>Individual</i>	153	9/15/2011	Kihei Public Hearing		ALT 09; FISH 01; GEN 02; REG 06

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<b>Sharon Har</b> <i>State Representative, 40th District</i>	138	9/12/2011	Honolulu Public Hearing		ALT 01; ALT 02; ALT 13; BIO 14; GEN 01; GEN 07; INT 02; MGT 10; TRAN 06
<b>Sharon Pomroy</b> <i>Farmer/Fisher</i>	100	9/17/2011	Lihue Morning Public Hearing		ALT 09; DIS 02; FISH 05; FISH 09; GEN 03; MGT 04; TRAN 02
<b>Sharon Young</b> <i>Humane Society of the United States</i>	69	10/17/2011	Attachment		ALT 04; ALT 18; BEH 01; FISH 10; INA 09; INT 05; TRAN 01; TRAN 07; TRAN 12
<b>Shayna Perry</b> <i>Individual</i>	158	9/15/2011	Kihei Public Hearing		CUL 06; FISH 01; GEN 02
<b>Shelley</b> <i>Iao Intermediate</i>	283	10/1/2011	Wailuku Letters		GEN 01

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<b>Skippy Young</b> <i>Individual</i>	161	9/15/2011	Kihei Public Hearing		ALT 09; BIO 08; CUL 06; ECO 02; GEN 03; GEN 05; TRAN 02
<b>Sonny Tavares</b> <i>Individual</i>	201	9/27/2011	Hana letters		FISH 01
<b>Sonovia Ernest</b> <i>Iao Intermediate</i>	230	10/1/2011	Wailuku Letters		ALT 04; GEN 01
<b>Stephanie Sparks</b> <i>Individual</i>	72	10/17/2011	Attachment		ALT 09; ALT 18; ALT 21; ALT 23; BIO 05; FISH 06; FISH 13; GEN 02; GEN 10; INA 08; INA 09; INA 11; INT 02; TRAN 01
<b>Steven Arce</b> <i>Individual</i>	197	9/13/2011	Molokai Public Hearing		ALT 11; GEN 02; TRAN 02

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<b>Steven Hurt</b> <i>Individual</i>	112	9/14/2011	Hilo Public Hearing		BIO 05; DIS 02; INA 06; TRAN 02
<b>Stuart Silva, Jr.</b> <i>Iao Intermediate</i>	296	10/1/2011	Wailuku Letters		ALT 04
<b>Sydney Green</b> <i>Iao Intermediate</i>	270	10/1/2011	Wailuku Letters		ALT 03; FISH 06; TRAN 02
<b>Teihani Frost</b> <i>Iao Intermediate</i>	330	10/1/2011	Wailuku Letters		ALT 04
<b>Tevita Hafoka</b> <i>Iao Intermediate</i>	254	10/1/2011	Wailuku Letters		ALT 04

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<b>Thomas Nizo</b> <i>Individual</i>	93	9/17/2011	Lihue Morning Public Hearing		ALT 02; ECO 01; FISH 01
<b>Tim Kallai</b> <i>Individual</i>	117	9/17/2011	Lihue Afternoon Public Hearing		CUL 01
<b>Timothy Ragen</b> <i>Marine Mammal Commission</i>	81	10/24/2011	Letter (print/scan or electronic)		ALT 04; DIS 07; ECO 04; ECO 05; TRAN 01; TRAN 10; TRAN 11; TRAN 12
<b>Timothy Robinson</b> <i>Individual</i>	38	10/17/2011	Email message		ALT 04; CUL 12; DIS 07; GEN 01; PUB 01; PUB 03; TRAN 01
<b>Tony Costa</b> <i>Hawaii National Fishermen, spokesperson</i>	143	9/12/2011	Honolulu Public Hearing		ALT 02; FISH 16; TRAN 02

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<b>Tracy Kubota</b> <i>Individual</i>	134	9/12/2011	Honolulu Public Hearing		ALT 02; INA 07; INT 06; MGT 08; TRAN 02
<b>Trystin Hooper</b> <i>Iao Intermediate</i>	333	10/1/2011	Wailuku Letters		FISH 03; FISH 14
<b>Tyler Caliva</b> <i>Iao Intermediate</i>	286	10/1/2011	Wailuku Letters		ALT 03; ALT 08
<b>U'ilani Kapu</b> <i>Kuleana Ku'ikahi LLC, President</i>	80	10/16/2011	Letter (print/scan or electronic)		ALT 02; GEN 03; REG 07; TRAN 02
<b>Ventura</b> <i>Individual</i>	87	10/20/2011	Letter (print/scan or electronic)		GEN 03; SOC 01

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<b>Vicki McCarty</b> <i>Individual</i>	181	9/15/2011	Kihei Public Hearing		GEN 02; INT 06; PUB 11
<b>Wade Lee</b> <i>Individual</i>	187	9/13/2011	Molokai Public Hearing		ALT 11; CUL 01; CUL 02; ECO 04; FISH 05; GEN 02; TRAN 09
<b>Walter Naki</b> <i>Individual</i>	194	9/13/2011	Molokai Public Hearing		ALT 09; FISH 01; INT 02; REG 05
	219		Letter (print/scan or electronic)		ALT 09; ALT 18; FISH 01; REG 05
<b>Warren Von Arnswald</b> <i>Recreational Fisherman; Waialua Boat Club</i>	129	9/12/2011	Honolulu Public Hearing		ALT 02; BEH 04; CEF 01; CEF 02; FISH 06; INT 04; PUB 05; SOC 06

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<b>Warren Wataya</b> <i>Individual</i>	121	9/17/2011	Lihue Afternoon Public Hearing		ALT 03; FISH 01; GEN 02; GEN 03
<b>William J. Aila, Jr</b> <i>DLNR, Chairperson Board of Land and Natural Resources</i>	75	10/17/2011	Letter (print/scan or electronic)		ALT 03; ALT 04; ALT 12; ALT 20; BEH 06; BIO 13; GEN 01
<b>William King</b> <i>Individual</i>	30	9/19/2011	Email message		ALT 09; BIO 15; CUL 06; FISH 06; GEN 02; INT 02; INT 07
<b>William Michael Provost</b> <i>Individual</i>	7	9/5/2011	Email message		GEN 01; TRAN 01
<b>Yamille Vincente</b> <i>Iao Intermediate</i>	308	10/1/2011	Wailuku Letters		TRAN 06

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<b>Zaclyn Kekona-Cramer</b> <i>Iao Intermediate</i>	306	10/1/2011	Wailuku Letters		ALT 04; ALT 05; FISH 09; FISH 14
<b>Zeenat Mian</b> <i>Individual</i>	28	9/14/2011	Email message		FISH 17; GEN 01

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