

National Marine Fisheries Service
Pacific Islands Regional Office

Scoping Summary Report

Hawaiian Monk Seal Recovery Actions Programmatic EIS

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ABBREVIATIONS AND ACRONYMS

AWA	Animal Welfare Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
DOC	Department of Commerce
EO	Executive Order
ERM	ERM-West, Inc.
ESA	Endangered Species Act
FR	Federal Register
HMS	Hawaiian monk seals
MHI	Main Hawaiian Islands
MMHSRP	Marine Mammal Health and Stranding Response Program
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
NOI	Notice of Intent
NWHI	Northwestern Hawaiian Islands
PEIS	programmatic environmental impact statement
PSAs	public service announcements
ROD	Record of Decision
U.S.	United States
UME	unusual mortality event
USC	U.S. Code

1.0

INTRODUCTION

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) is responsible for management, conservation, and protection 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 currently has one permit authorizing research and enhancement on Hawaiian monk seals (ESA-MMPA Permit No. 10137-05) issued to PIFSC that will expire in 2014.

NMFS is preparing a programmatic environmental impact statement (PEIS) to assess the impacts of implementing specific management actions and administering a research and enhancement program to improve survival of monk seals. These actions constitute a major federal action subject to compliance with the National Environmental Policy Act (NEPA) of 1969 (40 Code of Federal Regulations [CFR] Parts 1500 - 1508). The NEPA process is described in more detail in Section 3.0 of this report.

The first step in the NEPA process is scoping (as required under 40 CFR 1501.7), which provides an opportunity for the public and agencies to express their views and help identify issues to be addressed in the PEIS, including potential management actions and associated research and enhancement program activities that may be performed on Hawaiian monk seals in an effort to recover the species.

This document represents a public record and summary of the scoping activities. This scoping report summarizes the substantive comments that were received during the scoping comment period. Responses are not provided to individual comments at this stage in the development of the PEIS. Instead they are collected, read, and summarized in this report. Comments will be addressed throughout the Draft PEIS in appropriate sections, and have been considered when developing alternatives for the proposed action.

The next opportunity for the public to comment on the PEIS will be after issuance of the Draft PEIS. Comments received during the Draft PEIS comment period will be responded to and a Comment Analysis Report will be published on the project website. For additional information on future steps in the PEIS process, please see Section 3.0.

1.1 *STATUS OF HAWAIIAN MONK SEALS*

In the Northwestern Hawaiian Islands (NWHI), young seals are starving, pups are being killed by sharks, seals are getting entangled in marine debris, and sea level rise threatens terrestrial habitats. Low juvenile survival over the past 2 decades is the primary cause of the population's decline. The population decline will likely continue without intervention. Enhancement activities are being considered to improve juvenile survival and the overall health of the population.

In the Main Hawaiian Islands (MHI), incidents such as disturbance of seals on beaches, hooking and entanglement in fishing gear, and intentional killings (*e.g.*, shootings) counteract recovery efforts. Effective public outreach, education, and other actions to protect seals from harmful situations and reduce negative human/seal interactions are essential to minimize impacts in the MHI.

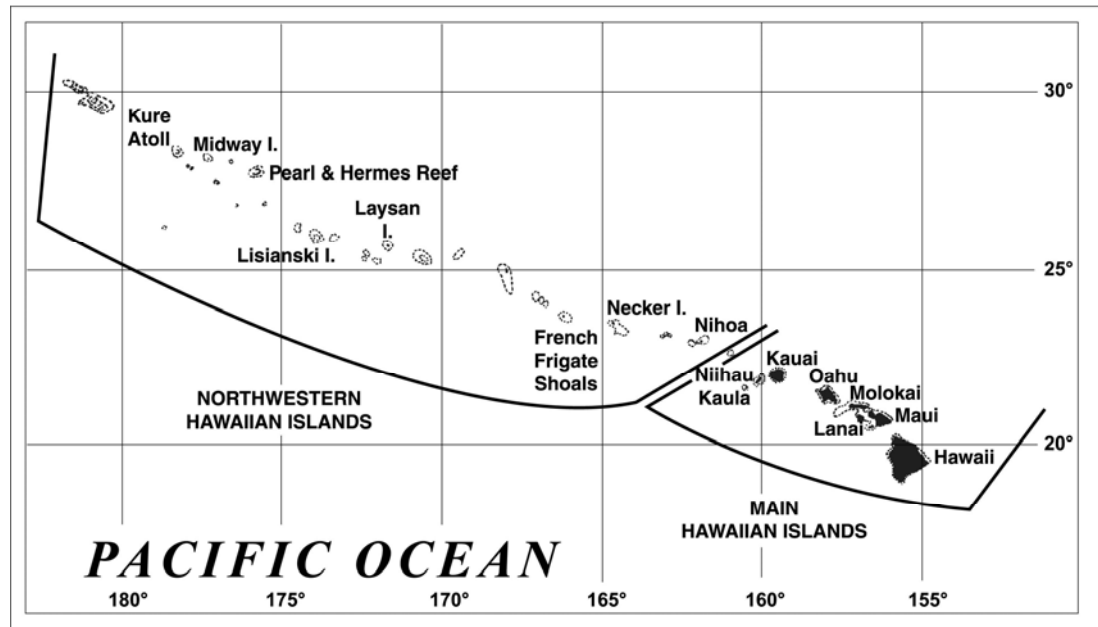
1.2 *PROJECT AREA*

The project area for this PEIS encompasses the range where Hawaiian monk seals are found throughout the Hawaiian Archipelago and Johnston Atoll including the NWHI and MHI. The majority of monk seals live in six main breeding sub-populations in the NWHI including:

- Kure Atoll;
- Midway Islands;
- Pearl and Hermes Reef;
- Lisianski Island;
- Laysan Island; and
- French Frigate Shoals.

Smaller breeding sub-populations also occur on Necker Island and Nihoa Island, and monk seals have been observed at Gardner Pinnacles and Maro Reef. Most of the population is within the Papahānaumokuākea Marine National Monument, designated in 2006. However, monk seals are also found in smaller numbers on the MHI, where births have also occurred. Figure 1-1 illustrates the project area.

Figure 1-1. Project Area Map



1.3

DESCRIPTION OF THE SCOPING PROCESS

Scoping activities began on October 1, 2010 when the Notice of Intent (NOI) was published in the *Federal Register* (75 FR 60721). On November 12, 2010, the scoping period was extended an additional 15 days via notice in the *Federal Register* until November 30, 2010. Appendix A provides a copy of the NOI and notice of extension.

The aim of the scoping process is to invite potentially affected and interested individuals, agencies, and groups to help:

- Identify concerns about the proposed action;
- Define a range of alternatives;
- Determine and define the scope of issues to be examined;
- Identify other environmental and consultation requirements;
- Identify related environmental documents being prepared; and
- Identify potentially interested parties.

Central to the scoping process is presentation of the proposed action and preliminary alternatives for public comment related to the scope of the PEIS.

Public comment helps further define the scope as well as develop alternatives considered in the impact analysis.

A basic principle of public participation is reporting back to stakeholders about the process in which they take part. In keeping with a transparent process, this scoping report has been posted on the project website (<http://www.nmfs.noaa.gov/pr/permits/eis/Hawaiianmonkseal.htm>) and those who are included in the project mailing list received an email notification of such posting.

Public comments were received through November 30, 2010 and are summarized in this Scoping Summary Report. Project scoping materials are included as appendices and include:

- Appendix A: Federal Register NOI and Scoping Comment Period Extension;
- Appendix B: Project Mailing List;
- Appendix C: Project Newsletter and Comment Form;
- Appendix D: Public Scoping Meeting Notices;
- Appendix E: Public Scoping Meeting Sign-in Sheets; and
- Appendix F: Agency Scoping Meeting Information (including agency coordination letters and sign-in sheets).

Scoping is carried out through written communications, public meetings, and formal and informal consultation with agency officials, interested individuals, and groups.

Project information was distributed to the public using the following tools:

- Project mailing list (updated throughout the project);
- Project newsletter and comment form;
- Project website (updated throughout the project);
- Publication of public scoping meeting notices;
- Public service announcements;
- Five public scoping meetings; and
- Agency consultation and coordination.

Mailing List

The mailing list catalogues potentially affected or interested parties, agencies, and elected officials; and in part demonstrates NMFS' outreach efforts for this PEIS. The mailing list is continually updated as new requests are made throughout the project. Updates for the mailing list may come from comment forms, public meeting sign-in sheets, emails, and one-on-one discussions. The initial mailing list included over 345 records. The mailing list is included in Appendix B.

Newsletter and Comment Form

A project newsletter and comment form was distributed on October 1, 2010 via email and postal service to the mailing list and posted on the project website. The newsletter and comment form was also distributed during the scoping meetings. This newsletter was the first in a series of four, and provided project background and historic information, schedule, contacts, and announced scoping meetings, agenda, times, and locations. The first project newsletter and comment form is included in Appendix C.

Project Website

NMFS has established a project website that is available to anyone with Internet access at <http://www.nmfs.noaa.gov/pr/permits/eis/Hawaiianmonkseal.htm>. The information is updated as project milestones are met and new information is available. The website hosts background information about monk seals, public participation opportunities, newsletters, a public comment form, contact information, and project documents such as the Scoping Summary Report and when available, the Draft PEIS, Final PEIS, and Record of Decision.

Public Scoping Meeting Notices

Public notices for scoping meetings were announced in the following newspapers for each county:

Table 1-1. Newspapers and Dates of the Public Scoping Notices

Newspaper	County(ies) / Islands Represented	Dates of Publication
Honolulu Star Advertiser	Honolulu	October 6 & 13, 2010 November 12 & 19, 2010
MidWeek	Honolulu	October 13, 2010 November 12 & 19, 2010
Hawai'i Tribune Herald	Hawai'i	October 7 & 14, 2010 November 12 & 19, 2010
Garden Island	Kaua'i	October 13 & 20, 2010 November 12 & 19, 2010
MidWeek Kaua'i	Kaua'i	October 13 & 20, 2010 November 12 & 19, 2010
Maui News	Maui	October 11 & 18, 2010 November 12 & 19, 2010
Moloka'i Dispatch	Moloka'i	October 13 & 20, 2010 November 12 & 19, 2010

Public notices for all five public scoping meetings outlined the general purpose of the scoping meeting, meeting times and locations, and the agenda of the meeting. Public notices were published 14 days in advance of each public scoping meeting and again 7 days prior to the meeting date.

Public notices were also published announcing the extension of the scoping comment period 14 and 7 days prior to the deadline for comments. Notarized affidavits of publication were obtained for each legal public notice for the administrative record and are included in Appendix D.

Public Service Announcements

Public service announcements (PSAs) were faxed and/or emailed to the following:

- ABC Hawai'i
- CBS Hawai'i
- Fox News Hawai'i
- PBS Hawai'i
- Hawai'i Public Radio
- Hawai'i Talk Radio
- Hilo KNWB 97.1

The content of the PSAs were identical to the public notices.

Public Scoping Meetings

Public scoping meetings were held in five locations throughout the state of Hawai'i. Table 1-1 shows the dates and locations of the public scoping meetings.

Table 1-2. Dates and Locations of the Public Scoping Meetings

Location	Date
Central Union Church Honolulu, O'ahu	Wednesday October 20, 2010
Mokupāpapa Discovery Center Hilo, Hawai'i	Thursday October 21, 2010
NOAA Sanctuaries Learning Center Kahului, Maui	Monday October 25, 2010
Hale Mahaolu Home Pumehana Kaunakakai, Moloka'i	Tuesday October 26, 2010
Wilcox Elementary School Lihu'e, Kaua'i	Wednesday October 27, 2010

The scoping meetings lasted 3 hours and began with a 30-minute open house. Display boards were situated throughout the room that communicated preliminary project information. During the open house, individuals could circulate in and out of the meeting place, interact with NMFS PIRO, NMFS PIFSC, and consultant team staff, and ask questions.

The open house was followed by a presentation that provided monk seal history and background, information about NMFS and their goals and regulatory requirements pertaining to monk seals, and preliminary project details. A formal verbal comment period was provided after the presentation. Talk story sessions occurred after the formal comment period if time allowed and attendees were interested.

Information packets were provided for each attendee at the public scoping meetings and included a project newsletter, comment form, frequently asked questions on five topics regarding monk seals, a welcome informational brochure, and a table that outlined various ongoing NOAA projects. This information packet and public meeting sign-in sheets are included in Appendix E.

Agency Consultation and Coordination

NMFS invited federal and state agencies with jurisdiction within the project area and/or regulatory responsibility pertinent to monk seals to be cooperating agencies. Letters were mailed September 14, 2010 and requested a response by October 8, 2010.

Letters were also sent to federal and state agencies that might be interested or potentially affected inviting them to an agency scoping meeting that was held in Honolulu, HI on October 20, 2010. Cooperating agency letters and invitations to the agency scoping meeting, as well as the meeting sign-in sheets, are included in Appendix F.

2.0 ***ISSUE SUMMARY***

2.1 ***SOURCE OF SCOPING COMMENTS***

As part of scoping, NMFS PIRO hosted public scoping meetings to introduce the project proposal to the public, describe the process of the PEIS, and solicit input on the issues and alternatives to be evaluated. The scoping comment period ended November 30, 2010.

Scoping comments submitted during preparation of the Hawaiian Monk Seal Recovery Actions PEIS came from the following sources:

- Public scoping meeting verbal comments;
- Agency scoping meeting comments;

- Email and written comments; and
- Verbal comments via the toll-free phone line.

The following table provides the number of comments received in each of these categories.

Table 2-1. Number and Types of Comments Received During the Scoping Period

Comment Type	Quantity
Email / Hard Copy	77
Verbal Comments	48
Phone Comments	2
Agency Comments	12
Total	139

2.2 ISSUES IDENTIFIED DURING SCOPING

2.2.1 *Native Hawaiian Concerns*

2.2.1.1 *General*

- Statements asserting that monk seals are indigenous (endemic) to only the NWHI and not the MHI.
- Statements asserting that monk seals are indigenous (endemic) to the Hawaiian Islands, and commenters requesting that NMFS provide evidence of this in the PEIS.
- Statements asserting that monk seals are not indigenous (endemic) to the Hawaiian Islands. Some commenters cited specific examples including:
 - *‘ilioholoikauaua* is not endemic or indigenous to Hawai‘i because it is not named in the *kumulipo*;
 - monk seals do not have a Hawaiian name given to it by the *kupuna*;
 - an animal this size would have been used by Hawaiians had they occurred here;

- the bones and teeth would have been used in those areas with little to no combustible materials and no evidence exists to support this;
- monk seals would have been used for fuel at least, if not food, and no evidence exists to support this;
- monk seals are not mentioned in any of the chants or depicted in the *hula* performed today;
- monk seals lack any mention of god status like the shark;
- no hooks or weapons are made from the monk seal;
- no known medical use of the monk seal; and
- no *kahuna* use.
- Statements communicating a lack of support from the Native Hawaiian community regarding protection for monk seals.
- The monk seal is a very special animal because it is the only warm tropical seal and only found in the Hawaiian Islands.

Cultural

- Statements asserting that the monk seal is a culturally significant animal as well as a key organism in the Hawaiian ecosystem.
- Statements urging that NMFS address cultural concerns, cultural protocol, monitoring, cultural impact assessment, and plan.
- Statements about protection of aboriginal rights by federal law and objections to invasion of rights by federal government placing restrictions on monk seals. Laws are made to save the fish and endangered species have no cultural base.
- The appropriate cultural practitioners and other Native Hawaiian authorities should be involved with considering the social and cultural importance of seals to Hawaiians within past, present, and future contexts. For example, the Native Hawaiian Historic Preservation Council, Office of Hawaiian Affairs.
- Traditional knowledge needs to be incorporated into resource management planning efforts (specific reference made to Article 12, Section 7 of the Hawai'i State Constitution). NMFS should seek consultation and recommendations from the Aha Kiole Advisory Committee through the Aha Moku Council on these matters of management of the State's natural resources.

- Subsistence users need to have a seat on an advisory council that can represent traditional knowledge to help make sustainable and socially acceptable recommendations for resource management planning.

2.2.2

Fisheries

- Consider the unintended consequences of this proposal to the recreational fishing industry in Hawai'i.
- General comments expressing concern that monk seals will deplete fishery resources.
- Concerns about the impacts of big factory fishing fleets and the potential effects on declining fish stocks thereby causing more shark predation on monk seals.
- Increased monk seal populations will negatively impact our efforts to reach our goals concerning total allowable catches and bag limits.
- Monk seals are stealing fish from fishermen nets and eat the fish targeted by fishermen for supplement.
- Monk seals are the reason why the fisheries are depleted and the fishermen are catching fewer fish.
- Monk seals are depleting the fish stocks in the MHI; it is not accurate that monk seals eat bottom fish.
- Predation by monk seals to deep-7 fishery will destroy what we are trying to save and prevent recovery of our deep-7 near shore reef fisheries.
- Concerns that monk seals are analogous to introduced alien species such as ta'ape that have become invasive and have adverse impacts on fisheries.
- Work with the State of Hawai'i to close the unsustainable gillnet fishery that is killing female monk seals that are of reproductive age and have a good probability to increase the population of this critically endangered species.
- DLNR sets laws on fishermen when and where they can fish for bottom fish.
- The reason monk seals are endangered is due to overfishing in the NWHI. NMFS can solve this problem by installing a Sanctuary Act to stop fishermen from fishing in that area.

- Fishing with gill and similar nets should become illegal.

2.2.3 *Alternatives*

2.2.3.1 *General*

- Statements in support of translocation, vaccination, and deworming.
- Statements in support of the No Action alternative.
- Statements in support of ongoing monk seal recovery activities and of expanding the scope of recovery actions to include more direct actions such as deworming, translocation, and vaccinations to increase the monk seal population in the NWHI and MHI.
- Statements in support of the proposed action including translocation, as long as seals are returned to the NWHI.
- Statements in support of Alternative 3 (as presented at scoping meetings); despite concerns over some of the activities, monk seals are no longer in a position for us to choose ideal solutions.
- Immunization, deworming, and translocation could do more harm than good for monk seals.
- At least three cycles of translocation are necessary to determine if that effort will be successful so the proposed ten-year plan will not be very helpful.
- NMFS should specifically evaluate the threat of sea level rise in terms of the monk seal. This should include documenting rates and locations of shoreline loss, analyzing impacts of an increase in the number and severity of storms, evaluating natural and human influenced adaptations seals may use to survive, and evaluating mitigation measures that could improve seal survival in these conditions.
- NMFS needs to evaluate the impacts of past and present military activities in the PEIS.
- Attaching instruments and devices to monk seals poses unacceptable risks to seals. The presence of the device on an animal's back no doubt alters its behavior and poses risks such as snagging on fish nets and rock outcroppings. A study should be done to assess what happens to the instruments.

- The goal of the proposed action should be to stop, not just slow, the decline of seals. Other recovery actions than those proposed should be considered and should parallel the critical habitat designation process.
- The PEIS should evaluate critical habitat designation, seal feeding programs, and other Marine Mammal Commission recommendations as tools for slowing the decline of monk seals. Critical habitat designation will not only ensure there are adequate beach and reef areas, but also help with public engagement. Likewise, feeding young monk seals (done in the 1990s) will have immediate, short-term benefits to prevent decline.
- Consider and communicate the part that monk seals play in overall marine health and balancing the ecosystem.
- NMFS should investigate the effects of all the sunscreen and lotion that tourists leave in the water.
- The impacts of dogs and other animals on seals (including associated canine or feral diseases) should be a top priority for NMFS.
- What happens to other species if we erect huge barricades for the seals?
- There need to be other alternatives and contingency plans that respond to changes in the environment. The government is failing at this. Even after designating the Papahānaumokuākea National Monument, the monk seals are still failing and starving.
- Statements asserting that the NWHI is sovereign state land and has been taken away from its citizens to be “managed” by NOAA. Concerns that NMFS is failing to save monk seals despite millions of tax dollars being spent for nothing in return.
- Federal and State support, including law enforcement, is paramount for any of this recovery to be fully successful.
- A Hawaiian practitioner should be present while research activities are being done.
- Model research on lessons learned from other warm water seal extinctions.
- NMFS should build a nursery or aquarium where juveniles can mature. A sanctuary in the NWHI should be developed where monk seals can learn to forage for themselves and not have human distractions.
- NMFS should deal with the monk seal crisis within the NWHI only.

- NMFS should consider hunting sharks in the NWHI.
- Data collection should be as non-intrusive as possible. Techniques such as bleach marks and instruments are unnecessary and causing harm.
- Reactivate the Midway facilities, or some place that is already there, as research facilities for breeding, rearing, and feeding monk seals to improve their survival.
- Biannual counts of seals are not necessary because a spot check does not really provide useful information.
- Data that NOAA should consider/incorporate into the research and enhancement programs for monk seals includes information on:
 - diseases, infections and infection rates;
 - genetic diversity;
 - male mobbing;
 - anthropogenic disturbances;
 - monk seal biology and behavior; and
 - literature and data sources.

2.2.3.2 *Translocations*

- Statements that do not support translocating monk seals to the MHI.
- Statements in support of translocating monk seals to improve survival against predation and starvation in the NWHI. NMFS should include in their translocation plans, steps to discourage human interaction with seals moved from the wild. Comments stating that translocation should start immediately.
- Statements in support of moving injured or malnourished seals to the health care facility being built in Keahole, Kona.
- Statements asserting that translocation helps manage aggressive seals.
- Statements asserting translocation to the MHI and back to the NWHI may increase the potential for disease introduction.
- Stress of travel on weaning pups and the seal family should be evaluated.

- The translocation process must thoroughly be described and evaluated in the PEIS including but not limited to:
 - sex and age of animals to be moved;
 - description of capture and transport;
 - possible release sites; adequacy of health care facilities for seals that may need medical attention;
 - the need for a testing phase to evaluate a larger-scale program;
 - potential value of simultaneous translocation to and from the NWHI;
 - monitoring sites to compare reproductive rates;
 - evaluation of human-seal interactions;
 - steps to prevent illegal shooting of seals;
 - risks of altering sex ratios; and
 - public outreach efforts to develop public cooperation.
- If NMFS proceeds with translocation, local volunteers must be prepared with timely information, professional training about interacting with potentially angry residents, and signage that works.
- Translocating monk seals to the MHI (where populations could reach 400 to 500 seals) is dangerous to our fisheries, visitors, residents, and monk seals because there will increase human-seal interactions. Moving monk seals to areas where there is less chance of interactions makes better sense.
- Moving aggressive male seals to the MHI will be dangerous.
- Comments expressing concerns that translocating seals may be harmful or may alter their natural behavior including foraging habits and interactions with other seals. Translocating seals may break up cohesive family units of seals.
- NMFS needs to address other issues such as ocean debris and starvation rather than relocating monk seal mother and pups to the MHI. This will only cause more problems and increase human-seal interactions.

- Comments stating that NMFS should first test whether translocation works and/or that translocations should be limited to other parts of Hawai'i and not the MHI. NMFS should first test translocating animals from the MHI to the NWHI or trading adult seals from the MHI for juvenile seals in the NWHI.
- Suggestions that each island should have a quota of seals that could be translocated.
- Only aggressive males should be translocated, not pups.
- Monk seals located in Maui should stay on Maui.
- Comments asserting that monk seals should not be translocated to Kaua'i.
- More detail is needed about the translocation plan including locations where NMFS would like to translocate seals and the carrying capacity of these locations.
- Statements expressing concerns about the potential risks to monk seals of the translocation process, especially for pups, and questions about what NMFS will do if seals die during translocation.

2.2.3.3

Behavior Modification

- Behavior modification should be removed from the plan. Wild seals should be kept wild.
- Statements asserting that monk seals have not displayed a tendency to avoid humans.
- Comments in support of behavior modification to help monk seals and humans safe by keeping them separate from each other.
- Behavior modification should not focus on seal behavior but human behavior.
- NMFS should consider human behavior modification around monk seals as well as seal behavior modification.
- More information on behavior modification is needed before making a decision as to whether it is a good idea or not.

- Behavior modification may result in monk seals becoming too dependent on humans. Seals are not meant to be trained and then released back into the wild.
- The PEIS should evaluate the full range of aversive conditioning techniques that could be used without posing undue risk or harm to seals including:
 - the range of situations where aversive conditioning might be needed;
 - steps to ensure the methods will be used consistently;
 - steps to ensure aversive conditioning will only be done by authorized individuals;
 - steps to ensure significant injury or harm to seals does not occur; and
 - public outreach efforts to explain policies related to the use of aversive conditioning.

2.2.3.4

Vaccines

- Statements generally supportive of the vaccination program, specifically citing that vaccination helps prevent diseases and epidemics.
- Statements generally opposed to the vaccination program.
- Statements expressing concern about the safety of the vaccination program, including potential side effects, for example cancer.
- Statements that Hawaiian medicine (*la'au lapa'au*) and practitioners be used instead of modern medicine.
- Statements asking for more details about how the vaccination program will be administered.
- Statements concerning implementation and administration of a monitoring program to assess the effects of the vaccination on both the seals and the environment.
- Statements regarding the costs of the vaccination program to the taxpayer.

2.2.3.5

Deworming

- Statements generally supportive of the deworming program.
- Statements generally opposed to the deworming program.
- Statements requesting that a Hawaiian practitioner be present when the procedure is administered.
- Deworming techniques are intrusive and should be evaluated. Results of ongoing or completed research should be made available to the public.
- Statements expressing concern about the safety of the deworming program, including toxicity of the drugs and potential side effects.
- Statements asking for more details about how the deworming program will be administered, including: application methods, frequency of treatment, relative numbers of animals to receive treatment by age, sex and location, assessment of risk from handling and treatment, potential side effects.
- Statements requesting details of the steps to be taken to ensure that monitoring and treatment methods used on the animals are well designed.
- Deworming treats parasites that could be harmful.
- Statements regarding the costs of the deworming program to the taxpayer.

2.2.4

Inadequate Information

- NMFS should provide more information on the studies to show that the actions NMFS is proposing will best help the seal population.
- More research is necessary before any proposal can be taken seriously.
- The public does not know what NMFS would like to do. The public is not presented with management practices supported by scientific research.
- The public presentation of the PEIS lacks material facts and/or data necessary to properly determine the impact, adverse or otherwise, these actions will have on the environmental and terrestrial life.

2.2.5

Education/Outreach

- Formal outreach should have occurred prior to the official PEIS comment period. Before the next series of public meetings, NMFS should have an

education outreach meeting to provide information on recent scientific findings and allow questions to be answered.

- Additional information should be provided before the next phase in the process and extensive discussions should occur before the Draft PEIS is published.
- There is a need for providing education and information to the public and the varied communities throughout the islands about the monk seal and NOAA's conservation efforts.
- NMFS should develop a "culture of co-existence" as part of their outreach program.
- There need to be public service announcements, brochures, public information meetings, and other media outlets addressing the nature and recovery of monk seals.

2.2.6

NEPA

- There needs to be transparency by the agencies involved and responsiveness to the public.
- When conducting future scoping meetings consider having a minimum number of attendees from each community.
- NMFS needs to be able to answer the question "why is it essential to save the monk seal?" and effectively communicate the information to the public.
- A complete Environmental Impact Survey is lacking and must be conducted.
- The PEIS needs to be modified to make it easier for the general public to visualize the proposed plan's critical habitat areas within the MHI.
- A meeting should have been held on Lāna'i.
- Allow our island representative an opportunity to present along with NMFS at a Native Hawaiian Historic Preservation Council meeting.
- Allow the public to be part of the solution.
- NMFS should rely on Hawai'i-grown expertise, knowledge, and community connections to ensure that the people of Hawai'i are engaged at every level of decision-making.

2.2.7 *ESA*

- The ESA regulations direct and require recovery activities, for successful programs the people of Hawai'i must support them.
- Under the ESA, you have to demonstrate that the activity truly benefits the animals or the population as a whole.
- The target population goals necessary for de-listing of this critically endangered species may no longer be attainable due to change in ocean production, global sea rise, and change in atoll/near shore carrying capacity. Individual atolls may not have suitable habitat for 100 seals at the NWHI six main breeding sub-populations.
- Any human neglectful actions should be dealt with swiftly, publicly, and heavily – enforce penalty.

2.2.8 *Permits*

- Take permits allow invasive research techniques.
- The permit process is too long and should be streamlined and expedited.

2.2.9 *Data*

- NMFS already has existing data that need to be analyzed. NMFS research data should be made available to the public.

2.2.10 *Socioeconomics*

- The cost of recovery (as outlined in the 2007 Recovery Plan) is unjustifiable and unaffordable (in today's economy).
- Statements expressing concern over possible future restrictions to ocean areas and resources as a result of relocation to MHI.
- Statements regarding economic opportunities created by monk seals, for example seal-based tourism.
- Statements expressing concern about possible economic impacts to retail fish businesses that sell reef fish.

2.2.11 *Human-Seal Interactions*

- Statements that monk seals are not dangerous to humans.
- Statements regarding threats to humans from monk seals, including accounts of humans being attacked by monk seals.
- Statements regarding the number of human-seal interactions due to interactions with fisheries, marine debris, boats, and divers, etc.
- Statements regarding increasing resource conflicts between humans and monk seals, specifically as a result of relocation to MHI.
- Bringing the monk seals to the MHI will also bring the sharks closer to the shore and this will endanger our children when they are swimming thus posing a public safety risk.
- Statements regarding human intrusion/interference with monk seal habitat, for example resting places.
- Statements expressing concern over possible new and stricter rules and regulations to both the general public and subsistence users resulting from human-seal interactions.
- Statements regarding public access to beaches, including calls to shut down public access to monk seal beaches.
- NMFS' directive to not touch, interact, or feed a seal is contrary to the aspect of *'aumakua*.

2.2.12 *Hawaiian Monk Seal Biology*

- Statements regarding the impacts of NMFS research and enhancement programs on the monk seal population.
- Statements regarding the foraging and feeding behaviors of monk seals.
- Statements concerning the reproduction of monk seals.

2.2.13 *Regulatory*

- Requests that NMFS identify the state and federal laws that require compliance resulting from this proposed recovery program.
- Comply with Section 106 of the National Historic Preservation Act.

- The federal directive of Environmental Justice must be met.
- Requests to share new information and insights regarding mitigation for monk seals so these measures can be incorporated into any authorizations necessary to be issued. Share directly with the U.S. Army Corps of Engineers office or through the Section 7 consultation process.
- Statements expressing concern that additional regulations and prohibitions will result from the proposed action, especially the alternative addressing translocations to the MHI.
- An increased monk seal population will result in more roped off areas, more restrictions, and closures.
- Local leaders need a thorough education of the NEPA process, ESA, and MMPA.

2.2.14

Unclassified

- Anecdotal comments proving generalized background information about the history, environment and local customs of Hawai'i and its residents but that do not directly address the proposed action.
- Non-informational statements that do not directly address aspects of the proposed action.
- Given the statistics of growth, and the split between the MHI and NWHI, it is clear these animals are not extinct. None of NMFS' proactive programs are needed and monk seals have nothing to gain from humans.
- References provided for NMFS to consider in preparation of the PEIS.
- *Pono* is a spiritual food source.
- Consider asking NPS to be a cooperating agency.
- NMFS' handouts are contradictory regarding human interactions.
- Ocean dead zones may be causing decline.
- False killer whales and shark culling must be considered in cumulative effects analysis.
- Volunteers should be given a badge of authority; a way to show they are NMFS volunteers.

- A short film should be made about the monk seals and should be shown on all incoming flights to the Hawaiian Islands.
- Concerns that this action is linked to the proposed expansion of the Hawaiian Islands Humpback Whale National Marine Sanctuary.
- NMFS is causing a serious social conflict on this island [Kaua'i].

3.0

SUMMARY OF FUTURE STEPS IN THE PEIS PROCESS

As stated previously, scoping is the first step in the NEPA process in preparation of the PEIS. Figure 3-1 illustrates the remaining steps to complete the Hawaiian Monk Seal Recovery Actions PEIS.

A PEIS is a broad environmental evaluation that examines a program, such as Hawaiian monk seal research and enhancement (recovery) actions, on a large scale. This approach will allow NMFS to be adaptable to changing environmental conditions that may further threaten monk seal survival. The PEIS will analyze the overall program to implement research and enhancement activities over the next 5 to 10 years. The PEIS will evaluate the potential impacts of monk seal research and enhancement activities on the environment including physical, biological, and socioeconomic resources.

Figure 3-1. Projected Dates for Steps in the NEPA Process



3.1

DEVELOPMENT OF PROJECT PURPOSE AND NEED

NEPA requires an explanation for the purpose and need to which NMFS is responding in proposing the research alternatives. The purpose and need was presented during the scoping period and presented at the scoping meetings.

The purpose of the proposed action follows the goal of the Hawaiian Monk Seal 2007 Recovery Plan to assure the long-term viability of monk seals in the wild, allowing initially for reclassification to threatened status and, ultimately, removal from the List of Endangered and Threatened Wildlife.

The need for the monk seal research and enhancement program is rooted in fundamental biological and ecological factors that are now limiting the population. The monk seal population has experienced a prolonged decline, and currently only about 1,200 monk seals remain. Numerous threats to the survival of monk seals are identified in the Recovery Plan.

3.2 ***DESCRIPTION OF AFFECTED ENVIRONMENT***

A description of the affected environment is necessary in order to establish a baseline in which to assess the potential impacts of the proposed action and a reasonable range of alternatives. The description of the affected environment will be included in the PEIS and include a summary of existing scientific data available on all potentially effected resources. This step is in progress.

3.3 ***FORMULATION OF ALTERNATIVES***

Preliminary alternatives were developed for presentation to agencies and the public during scoping. These alternatives include distinct choices of various research and enhancement activities that meet the purpose and need. With pertinent input solicited during scoping, the project team will further develop a reasonable range of alternatives to bring forward for analysis in the Draft PEIS. Alternatives eliminated from further consideration and not brought forward for formal analysis in the Draft PEIS will be identified, along with justification for elimination. This step began in December 2010 and will continue through January 2011.

3.4 ***ANALYZING THE EFFECTS OF THE ALTERNATIVES***

After the alternatives have been developed and finalized, the potential effects of each alternative will be analyzed. This process is anticipated to begin in January 2011 and results will be presented in the Draft PEIS.

3.5 ***WRITE AND PUBLISH THE DRAFT PEIS***

The results of the previous steps will be assembled in a Draft PEIS that will be published for a 60-day public review period. NMFS will publish a Notice of Availability in the *Federal Register*, which will identify the timing of the review period, time and location of public hearings on the Draft PEIS, and the deadlines

for submitting comments on the Draft PEIS. The project website will be updated and a project newsletter will be developed and distributed that also includes this information. Those who are on the mailing list will receive email notification of the availability of the Draft PEIS and newsletter. NMFS anticipates publishing the Draft PEIS and holding public meetings during the summer/fall of 2011.

3.6 *ISSUING THE PROPOSED FINAL PEIS*

NMFS will analyze and respond to substantive comments received in response to the Draft PEIS. These comments and responses will be assimilated and published in a Comment Analysis Report. NMFS may make changes in the PEIS reflecting comments received. NMFS will select a preferred alternative and present this to the public in the Final PEIS. The document will be published and public notices of the document's availability will be made. This step in the process also includes a 30-day comment period during which the public may submit comments on the Final PEIS to be considered by NMFS prior to publishing the Record of Decision. NMFS anticipates the Final PEIS and subsequent Record of Decision will be published in winter 2011/2012.

4.0 *CONTACTS*

For further information regarding this Scoping Report, or other aspects of the Hawaiian Monk Seal Recovery Actions PEIS, please use the following contact information:

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