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CONGRESSMAN ED CASE
2ND DISTRICT, HAWAII

ISLANDS OF HAWAII, MAUI, KAHO'OLAWA, LANA'I,
MOLOKA'I, O'AHU (WINDWARD, NORTH SHORE,
CENTRAL, LEEWARD), KAUAI AND NI'IHAU,
AND NORTHWESTERN HAWAIIAN ISLANDS

May 9, 2006

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Ms. Naomi McIntosh
Manager
Hawaiian Islands Humpback Whale National Marine Sanctuary
6700 Kalaniana'ole Hwy #104
Honolulu, Hawaii 96825-1278

Dear Ms. McIntosh:

I enclose a printout of letters published in the *Maui News* on March 15th regarding the accidents involving two whale calves and other issues affecting the Sanctuary. I'd appreciate any comments you can offer.

I know that you are well aware of the Maui public's increasing concern about the impact of commercial boating operations on the humpback whales, the welfare of which is the primary focus of the Hawaiian Islands Humpback Whale National Marine Sanctuary. I understand, moreover, that you are in the process of planning for the Sanctuary's next Management Plan Review in 2007. In this regard, I urge you to consider the following issues as part of the Review:

- Clean water issues, including dumping of raw and untreated sewage from boats and land-based pollution and pollution threats. For example, is there a danger that a sewage spill similar to that which occurred in Waikiki could happen off of Maui? Are there regulations/education efforts regarding discharge of detergents or other chemicals used on boats into Sanctuary waters?
- Is the rule prohibiting vessels and individuals from approaching whales closer than 100 yards adequate? Should this perhaps be a farther distance if a mother whale and her calf are spotted?
- What are the requirements if a whale approaches a boat? Is a boat operator required to shut off the boat's engines?
- Are there guidelines or regulations preventing several boats from surrounding a group of whales? The example cited in one of the letters of three whale-watching boats surrounding a groups of whales was disturbing.
- Do whales tend to congregate in certain areas? If yes, should these areas receive a higher level of protection during the November-May period?
- As the whale population off of Maui is increasing each year, it seems that the opportunity for accidents will increase. What measures (equipment, speed, number of commercial permits,

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size of boats, etc.) could be taken by the Sanctuary or by the State to lessen the likelihood of accidents?

- Is there a limit on the number of whale-watching boats?
- Have you considered requiring volunteer "observers" on whale-watching boats similar to those required on some commercial fishing boats when interactions with endangered species are likely?

Thank you for your attention to these concerns. I understand that you plan to submit your draft Sanctuary Management Plan to Governor Lingle in September 2007 and that the public will have an opportunity to comment on the plan thereafter. Please don't hesitate to contact me or my Legislative Director, Anne Stewart, if I can be of any assistance.

With aloha,

A handwritten signature in black ink that reads "Ed Case". The signature is written in a cursive, slightly slanted style.

ED CASE
United States Congressman
Hawaii, Second District

cc: Jeffrey S. Walter, Co-Manager, Hawaiian Islands Humpback Whale National Marine Sanctuary