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## Frequently Asked Questions



### Final Rule Revising Hawaiian Monk Seal Critical Habitat

**1. What action is NOAA Fisheries taking?**

NOAA Fisheries is publishing a final rule revising critical habitat for the endangered Hawaiian monk seal under the Endangered Species Act (ESA). It includes extending the critical habitat in the Northwestern Hawaiian Islands (NWHI) and adding new areas throughout the main Hawaiian Islands (MHI).

**2. What is critical habitat?**

As defined by the Endangered Species Act (ESA), it is the geographic area(s) that contains features that are essential to the conservation of a threatened or endangered species and that may require special management considerations or protection. Critical habitat may also include areas that are not currently occupied by the species but will be needed for its recovery.

**3. Who will be affected by a critical habitat designation?**

Only Federal agencies are directly affected; however, non-federal entities will be affected if their activity involves federal funding, permitting, or authorization. For actions that may affect Hawaiian monk seals, federal agencies must already consult with NOAA Fisheries to ensure that their actions do not jeopardize the species' continued existence. Additionally, for actions that may affect Hawaiian monk seal critical habitat, federal agencies must consult to ensure that their actions do not destroy or adversely modify their critical habitat. The final rule expands the scope of areas where agencies must also assess effects of their actions on Hawaiian monk seal critical habitat.

The requirement to consult does not apply to an activity that does not involve federal funding, permitting, or authorization.

**4. What areas are being designated as Hawaiian monk seal critical habitat?**

The critical habitat designation includes habitat in the NWHI and the MHI and the area totals over 6,000 square miles.

- Additional areas were identified as ineligible or excluded from the designation and are also identified in the final rule.
- For more specific information (including maps) go to:  
[http://www.fpir.noaa.gov/PRD/prd\\_critical\\_habitat.html](http://www.fpir.noaa.gov/PRD/prd_critical_habitat.html)

**5. Why is NOAA Fisheries revising critical habitat now?**

In July of 2008, NOAA Fisheries received a petition requesting the 1988 designation be extended in the NWHI and include new areas in the MHI to reflect new information

about Hawaiian monk seal habitat use. In the last twenty five years we have learned a lot about how Hawaiian monk seals use deeper marine habitat to feed. Additionally, Hawaiian monk seal habitat use in the MHI has changed significantly. NOAA Fisheries is revising Hawaiian monk seal critical habitat to ensure protection for those areas that support survival and recovery for this endangered species.

## 6. Why is critical habitat being expanded to the main Hawaiian Islands?

Habitat in the MHI provides the same habitat features that are identified as essential to Hawaiian monk seal conservation in the NWHI. Further, these areas in the MHI are supporting an increasing population of Hawaiian monk seals. Success of seals in the MHI is not only evident in the increase in annual births, but also in larger pup sizes which in turn points to a greater maternal investment (i.e., healthier moms). Thus, MHI habitat, where seals are experiencing favorable conditions, is important to the conservation of this endangered species.

## 7. Will I still be able to recreate in beach areas that have been designated as critical habitat for the Hawaiian monk seal?

Yes. A critical habitat designation does not restrict beach access or place bans on the areas identified or on specific activities. (Also refer to question 3.)

## 8. Will I still be able to fish for subsistence or recreation from shorelines that have been designated as critical habitat for the Hawaiian monk seal?

Yes. Many fishing activities in Hawaii have no Federal nexus (are not authorized or funded by a federal agency) and are not subject to ESA Federal consultations associated with this designation. Fishing activities in that State of Hawaii that are already subject to section 7 consultation will continue to work with NMFS to ensure that their activities do not jeopardize the continued existence of Hawaiian monk seals or adversely modify Hawaiian monk seal critical habitat.

## 9. How has the critical habitat designation changed between the proposed and final rule?

After considering public comments received and the best scientific information available, NOAA Fisheries has refined the essential features of Hawaiian monk seal critical habitat to include: preferred pupping and nursing areas (including terrestrial and marine habitat), significant haul-out areas, and foraging areas out to 200 m in depth. The boundaries of the designation were then adjusted to more precisely identify where these three essential features are located. Overall these revisions have resulted in a designation that is approximately 36% smaller than the area proposed for designation.

## 10. How is this different from the Hawaiian Islands Humpback Whale National Marine Sanctuary Management Plan Review?

Critical habitat and National Marine Sanctuaries are established under two different Federal laws and these are two distinct actions. The National Marine Sanctuary Act requires the Hawaiian Islands Humpback Whale National Marine Sanctuary to regularly review their sanctuary management plan to evaluate the plans' effectiveness.

NOAA Fisheries was petitioned under the Endangered Species Act to revise Hawaiian monk seal critical habitat to extend the designation in the NWHI and add new areas in the MHI. This final rule designates Hawaiian monk seal critical habitat to reflect new information that has been gained since the 1988 designation about the species' habitat needs, while taking into consideration national security, economic, and other relevant impacts of the designation as well as information received through public comments.

## 11. Where can I get more information about the final rule for critical habitat designation for the Hawaiian monk seal?

More information about this critical habitat designation and other Hawaiian monk seal issues may be found at: [http://www.fpir.noaa.gov/PRD/prd\\_critical\\_habitat.html](http://www.fpir.noaa.gov/PRD/prd_critical_habitat.html).

## 12. Are all the areas within the mapped boundaries considered critical habitat?

No, not all areas within these larger areas have the essential features of critical habitat. The designation recognizes that developed areas with hardened shorelines, such as seawalls, boat docks, or fishponds, do not meet the definition of critical habitat. Federal actions in these areas that will not affect the features that monk seals need to survive and reproduce and will not require habitat protections.

## 13. How did NOAA determine Hawaiian monk seal critical habitat?

Critical habitat is based on the habitat features that are essential for the survival and recovery of a species. The essential features for the Hawaiian monk seal include:

- Significant coastal areas where seals haul out for resting, molting, socializing and avoiding predators
- Preferred coastal and marine nursery grounds where seals haul out for pupping and nursing
- Marine areas where seals hunt and feed