

Pacific Seabird Group



DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

Daniel D. Roby, Ph.D.
Chair
104 Nash Hall
Oregon State University
Corvallis, Oregon 97331-3803
541-737-1955
Daniel.Roby@orst.edu

Craig S. Harrison
Vice Chair for Conservation
4953 Sonoma Mountain Road
Santa Rosa, California 95404
202-778-2240
charrison@hunton.com

Robert H. Day, Ph.D.
Chair-Elect
ABR, Inc.--Environmental Research & Services
P.O. Box 80410
Fairbanks, AK 99708-0410
907-455-6777
bday@abrinc.com

13 October 2004

Field Supervisor
U.S. Fish and Wildlife Service
Pacific Island Fish and Wildlife Office
P.O. Box 50088
Honolulu, Hawaii 96850

RE: Scoping for NEPA Review of Habitat Conservation Plan on Kauai

Dear Sirs:

On behalf of the Pacific Seabird Group (PSG), we respond to the notice in 69 Fed. Reg. 42,447-49 (July 15, 2004). The notice solicits input into issues that should be addressed in the National Environmental Policy Act review of a proposal by Kauai Island Utility Cooperative (the "Electric Company") to develop a Habitat Conservation Plan on Kauai. This plan may include an incidental permit for three species of seabirds that are or may soon be listed under the federal Endangered Species Act: Newell's Shearwaters, Hawaiian Petrels and Band-rumped (Harcourt's) Storm-Petrels. As you may know, PSG is an international, non-profit organization that was founded in 1972 to promote knowledge, study, and conservation of Pacific seabirds with a membership drawn from the entire Pacific basin, including Canada, Mexico, Russia, Japan, China, Australia, New Zealand, and the USA. Among PSG's members are biologists who have research interests in Pacific seabirds, government officials who manage seabird refuges and populations, and individuals who are interested in marine conservation. We have written FWS many letters over the years encouraging it to take more vigorous actions to conserve the Newell's Shearwaters, almost all of which have been ignored.

From all available data, Newell's Shearwaters seems to be seriously declining. According to the *Federal Register* notice, the proposed Habitat Conservation Plan will cover virtually all activities by the Electric Company, including the construction, operation and maintenance of generating stations, power lines, utility poles, and lights. *See* 69 Fed. Reg. 42,448, col. 1. Because of the extensive nature of the activities covered and the geographical dispersion of these activities, the environmental review under the National Environmental Policy Act requires a full environmental impact statement and not merely an environmental assessment.

As you know, the Electric Company has previously been sued for taking Newell's Shearwaters. That case settled when the Electric Company agreed to fund a study by the Electric Power Research Institute (EPRI) concerning conservation of Newell's Shearwaters. Subsequently, the Electric Company was excused from the full term of its agreed-to responsibility in the study owing to the huge costs needed to rebuilt from Hurricane Iniki. Several PSG members were involved in that study, and in spite of the curtailed period of that investigation, it resulted in a variety of specific recommendations to reverse the population decline. *See* Electric Power Research Institute (1996), Kauai endangered seabird study: report of the Scientific Advisory Panel. Technical Brief WO3521. EPRI, Palo Alto, California. Regrettably, few of those recommendations have been implemented.

The recommendations in the EPRI report have been summarized in a recent letter to you by Dr. David Ainley and Dr. Richard Podolsky. We will not reiterate them here, but rather strongly suggest that you use them to develop the range of reasonable alternatives in any incidental take permit or Habitat Conservation Plan to mitigate the take of Newell's Shearwaters. We agree that you should analyze shielding street lights, designing power lines so they reduce the risk of seabird collisions, and placing critical segments under ground. Given the desperately low level to which the Newell's Shearwater population has descended, we doubt that any other power line surveys will provide useful data of important problem spots. Rather, the archives of the Save Our Shearwaters (SOS) data would provide a better indication. We also agree that it is critical to assess the effectiveness of the rescue and rehabilitation of grounded seabirds and to develop information that would allow us to better conserve these species. *See* 69 Fed. Reg. 42,448, col. 2.

We take this opportunity to once again urge FWS to revise the 1982 Recovery Plan for Newell's Shearwaters and Hawaiian Petrels, which is out of date and in any event unimplemented. We also urge FWS to establish predator-free Newell's Shearwater colonies, an activity that was begun in the 1980s by FWS and for reasons that we do not understand was abandoned. While the dramatic decline of Newell's Shearwaters makes this the most important species to be addressed, the status of the Hawaiian Petrel remains problematic. In addition, surveys of Harcourt's Storm-Petrels indicate that only a few hundred remain in Hawaii (all on Kauai), despite the fact that at one time they were once so common that they are abundant in pre-historic middens.

FWS Field Supervisor

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We look forward to reviewing and commenting on a draft environmental impact statement. Please contact us if we can be of further assistance at any time during these proceedings.

Sincerely,

/s/ Craig S. Harrison

Craig S. Harrison
Vice Chair for Conservation