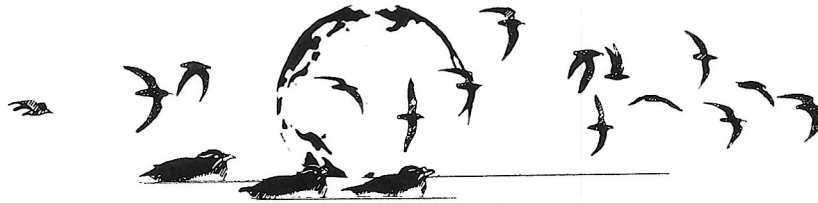

Pacific Seabird Group



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

Craig S. Harrison
Vice Chairman for Conservation
4001 North 9th Street #1801
Arlington, Virginia 22203

June 3, 1992

BY FAX (hard copy to follow)

Dr. David R. Gibbons
Exxon Valdez Oil Trustee Council
645 G Street
Anchorage, Alaska 99501

Re: Comments on Use of Restoration Trust Funds

Dear Dr. Gibbons:

This letter constitutes the Pacific Seabird Group's (PSG) comments on the following:

- Restoration Framework (April 1992)
- 1992 Draft Work Plan (April 1992)
- Solicitation for suggestions for the 1993 Work Plan.

PSG is an international organization that was founded in 1972 to promote knowledge, study and conservation of Pacific seabirds. PSG qualifies as a nonprofit corporation under § 501(c)(3) of the Internal Revenue Code.

As PSG enters its third decade, it draws its 500 members from the entire Pacific Basin, including Russia, Canada, Japan, China, Mexico, Australia, and New Zealand. A substantial portion of PSG's membership resides in Alaska. Among PSG's members are biologists who have research interests in Pacific seabirds, state and federal officials who manage seabird refuges, and individuals with interests in marine conservation. We believe that no other organization has comparable expertise concerning the biology of the seabirds in the North Pacific Ocean. We enclose a summary of PSG's annual meetings since 1973 that highlights our scientific and management expertise. PSG was host to symposia on the biology and management of virtually every seabird species that

the Exxon Valdez oil spill affected. We also enclose a dated brochure that summarizes PSG's activities.

I. Restoration Framework (April 1992)

PSG generally supports the Trustees' approach to restoring the natural resources that the Exxon Valdez oil spill injured. We note that while \$1 billion in restoration trust funds is an enormous amount of money, it must be spent wisely if the immense job of restoration is to be accomplished. We urge the Trustees to restrict the amount of trust funds that they spend on overhead and to funds only projects that directly restore natural resources. We also urge the Trustees to ensure that the organizations and agencies that implement the restoration work do so at the least possible cost. For example, once the Trustees decide to support a project or group of projects, other organizations besides government agencies should have an opportunity to bid competitively on the work. Such an approach will enable the greatest restoration of natural resources.

PSG agrees with the Trustees that seabirds are particularly vulnerable to oil spills. The Trustees document that the spill killed some 300,000 to 645,000 seabirds. Murres were especially hard hit, but substantial losses of the following bird species also occurred: loons, cormorants, Pigeon Guillemots, Bald Eagles, grebes, Harlequin Ducks, goldeneyes, scoters, Marbled Murrelets, Kittlitz' Murrelets, Northern Pintails, Old Squaw, Bufflehead, Black Oystercatchers, Bonaparte's Gulls, Arctic Terns, Black-legged Kittiwakes, and Tufted Puffins.

Injury Criteria. PSG agrees with the Trustees' first criterion that evidence of injury to a natural resource is an important factor to be used in allocating the restoration trust funds. In principle, PSG endorses the Trustees' second criterion (the adequacy and rate of natural recovery). However, the mere immigration of seabirds from elsewhere cannot be deemed to be "natural recovery." Seabird biologists have long noted that most seabird species live relatively long lives and reproduce slowly. PSG would object to any determination that seabirds do not qualify for restoration work simply because pioneering birds may move into the oil spill area from the Aleutian Islands or elsewhere. In such a circumstance, the Trustees should enhance seabird populations in other parts of Alaska that were indirectly "depleted" by the spill.

Criteria for Evaluation of Restoration Options. PSG generally supports the Trustees' criteria for evaluating restoration options. The Trustees should use technical feasibility, potential to improve the rate or degree of recovery, and an analysis of benefit/cost to make decisions concerning the use of the restoration trust funds. PSG welcomes evaluating

restoration options from the perspective of whether they benefit more than a single resource. PSG's preferred options generally would benefit an entire community of seabirds (and sometimes other organisms), not just a single species.

Potential Restoration Alternatives. PSG strongly agrees that federal and state management authorities should use their regulatory powers to modify human uses of resources or habitats that the spill injured. We note that such efforts would not exhaust any of the restoration trust fund but would merely require that the state and federal natural resource agencies enforce the laws or redirect their programs. For example, we agree that authorities should curtail the hunting seasons for sea ducks (Option 8) and that authorities should manage commercial fisheries to reduce the incidental mortality of Marbled Murrelets in drift gillnets (Option 9). We note that taking Marbled Murrelets without a permit violates the Migratory Bird Treaty Act. Although not mentioned, PSG suggests that logging, both on government and private lands, be curtailed in uplands that are prime habitat for Marbled Murrelets or Harlequin Ducks. U.S. Forest Service lands that contain Marbled Murrelets should not be logged for at least a decade.

PSG also agrees that habitat acquisition could be a useful means of restoring the actual or equivalent resources that the spill injured. PSG strongly endorses Option 23 (acquisition of additional marine bird habitat). Because land acquisition can be extremely expensive, the Trustees should ensure that any lands purchased are valuable to seabirds and that the purchase passes muster under a cost/benefit analysis. PSG urges the Trustees to purchase the best seabird islands, not just "what's for sale." Moreover, the Trustees should consider the use of conservation easements rather than outright purchase. Often, restrictions on use and development will provide adequate protection at less cost, allowing more colonies to be protected.

PSG wishes to highlight several potential restoration options that seem to be especially promising. Increasing wildlife management in parks and refuges (Option 7) would be very useful for marine birds. The U.S. Fish & Wildlife Service (FWS), the National Park Service, and state agencies should hire or redirect their staffs to manage parks and refuges to improve marine bird habitat. The USA-USSR (1976) and USA-Japan (1972) migratory bird treaties provide ample incentive for agencies to manage seabird colonies to remove alien predators such as foxes. Article VI(c) of the Japan treaty requires this nation to take measures to control the introduction of live animals that disturb the ecological balance of island ecosystems. Article II of the Soviet treaty provides similar protection. Article IV(1) of the Soviet treaty requires this nation to abate detrimental alteration of the environment of migratory birds.

Under the category "Manipulation of Resources," PSG cannot support attempting to enhance murre productivity by using decoys or recorded calls at colonies (Option 16). PSG doubts that any success this technique might have (which is questionable), will do much to improve murre populations in Alaska.

PSG strongly agrees that alien foxes should be eliminated from seabird colonies (Option 17). This activity would help the entire seabird community to recover, including island-nesting sea ducks, dabbling ducks and oystercatchers besides alcids and larids. Moreover, the techniques are proven and have an extremely high benefit/cost. FWS biologists G. Vernon Byrd and Edgar P. Bailey reported to the Alaska Bird Conference in November 1991 that dramatic increases in bird populations took place at Nizki-Alaid Island in the western Aleutians after foxes were removed. They found particularly impressive increases for loons, Pelagic Cormorants, Aleutian Green-winged Teal, Common Eiders, Glaucous-winged Gulls, and Tufted Puffins. We would expand this activity to include removing alien rats and other creatures that harm seabirds. PSG incorporates by reference its letters to each Trustee dated March 2, 1992 in which it identified (Table 2) specific islands where foxes should be removed.

With respect to habitat protection, PSG endorses Options 22-25. Option 22 (designate protected marine areas) could provide long-term, protection to seabirds by protecting areas where seabirds feed and loaf on the water. A marine sanctuary in the Pribiloff Islands or Bristol Bay would be especially welcome. PSG has previously endorsed acquiring additional marine bird habitats (Option 23) such as Afognak, East Amatuli and Gull islands. PSG incorporates by reference its list of appropriate acquisitions (Table 1) that it sent to each Trustee by letter dated March 2, 1992. PSG also endorses acquiring inholdings within parks and refuges (Option 24). PSG endorses the acquisition of uplands to protect Marbled Murrelets and Harlequin Ducks if there is sufficient information available to ensure that appropriate tracks of land are purchased.

Finally, PSG endorses developing a comprehensive monitoring program (Option 31).

II. 1992 Draft Work Plan

PSG's opportunity to comment on the 1992 draft Work Plan has come so late in the year that the Trustees have funded the projects already. PSG recognizes the administrative and logistical problems that the Trustees have faced in establishing the restoration program and accepts this situation for 1992. However, if the public involvement called for in the settlement documents is to be meaningful, the draft work plan for 1993

should be available for public comment by December 1992. PSG observes that the Trustees have not committed \$18.2 million in restoration trust funds that could be spent in 1992.

PSG supports all of the damage assessment projects that the Trustees have funded this year — boat surveys to determine the distribution and abundance of migratory birds in Prince William Sound (Bird Study No. 2); surveys of murre colonies in spill area (Bird Study No. 3); assessment of Marbled Murrelets sites, Fork-tailed Storm-petrels, Black-legged Kittiwakes, and Pigeon Guillemots (Bird Studies No. 6-9); assessment of injury to sea ducks by hydrocarbon uptake (Bird Study No. 11); and assessment of shorebird injuries (Bird Study No. 12). PSG believes that understanding the magnitude of harm is important to decide the types and extent of restoration activities that may be necessary.

The Trustees have asked for comment on several restoration projects that it has funded for 1992. PSG is primarily interested in four restoration projects: murre restoration (No. 11, funded at \$317 K); Marbled Murrelet restoration (No. 15, funded at \$419 K); Harlequin Duck restoration (No. 71, funded at \$425 K); and impacts of contaminated mussels on Harlequin Ducks and Black Oystercatchers (No. 103C, funded at \$176 K). PSG generally supports each of these projects. In particular, the studies on Marbled Murrelet and Harlequin Duck habitat requirements should prove to be very useful in assessing potential land acquisitions for these species. The Harlequin Duck study should assist federal and state forestry agencies in establishing the width of forested buffer strips that are necessary to protect their breeding sites.

PSG is disappointed that the Trustees have not funded Option 17 (removal of foxes and other alien predators from seabird colonies). The Trustees have funded four seabird projects at a cost of \$1,337,000 for 1992. While PSG cannot evaluate whether such large amounts are appropriate, it suggests that in future years the Trustees apply the cost/benefit criterion discussed above to these projects. PSG would have difficulty justifying any of these projects as a priority above the unfunded Option 17 (removal of alien predators from seabird colonies). As we have discussed above and in previous letters to the Trustees, predator removal has the highest yield of any action that the Trustees or the agencies might take to increase the populations of the marine birds that the oil spill killed. Option 17 can be implemented immediately, even during the 1992 field season using some of the \$18.2 million of unobligated trust funds.

PSG also urges the Trustees to persuade FWS (and, where appropriate, other federal and state agencies), to fund predator removal through the agencies' normal budgetary processes. FWS, for example, had budgeted \$50,000 for fiscal year 1992 to remove foxes from islands in the Alaska Maritime National Wildlife

Refuge. FWS essentially reprogrammed those funds to start a new project in the Yukon-Kuskokwim Delta to shoot native foxes in an attempt to improve waterfowl production. Such priorities are questionable.

III. 1993 Work Plan

PSG suggests that the 1993 Work Plan include two additional projects to restore seabird populations. First, the Trustees should provide substantial funds to eliminate foxes, rats and other predators from present and former seabird colonies (Option 17). As noted above, PSG has already provided the Trustees with a list of colonies. Second, PSG suggests that the Trustees fund a project to evaluate PSG's list of candidates for acquiring habitat that is important to seabird colonies.

IV. Conclusion

PSG supports the projects that the Trustees have proposed to date. PSG urges the Trustees to fund immediately the only project that is certain to increase the populations of the twenty or so seabird species injured by the oil spill, namely, the removal of predators from seabird colonies. PSG also urges the Trustees to continue and expand work to evaluate land acquisition candidates for seabird colonies. Thank you for this opportunity to lend our expertise and views on these important issues.

Sincerely,

Craig S. Harrison

Enclosures

TABLE 1. SEABIRD COLONIES TO PURCHASE.

NAME	LONGITUDE	LATITUDE	TOTAL SEABIRDS
THE TRIPLETS	152.4733	57.9861	109115
GULL ISLAND	151.3264	59.5844	17173
HIGH ISLAND	162.3228	54.8117	135316
MIDDLETON ISLAND	146.3244	59.4361	154146
POA ISLAND	165.4983	54.1283	41299
TANGIK ISLAND	165.4853	54.1444	25810
PUFFIN ISLAND	165.5222	54.1397	36535
ANANIULIAK ISLAND	168.9028	53.0078	23633
TUGIDAK ISLAND**	154.5	56.5	3740
CHINIAK ISLAND & ROCKS	152.145	57.6342	17895
CHERNI GROUP	162.3647	54.6367	9390
BROTHERS ISLANDS (EASTERN)	158.8233	55.9231	15300
PUFFIN ISLAND	153.3567	57.0058	10515
KEKUR ISLAND	152.3003	57.6508	2248
SVITLAK ISLAND	152.3528	57.6333	1366
CATHEDRAL ISLAND	153.1328	57.2003	6008
AMEE ISLAND	153.1878	57.2022	2004
UTESISTOI ISLAND	152.3664	57.6258	2372
SHEEP ISLAND	153.2392	57.2172	1791
ADUGAK ISLAND	169.1622	52.9097	877
MIDDLE ISLAND	152.3481	57.645	482
JOHN ISLAND	153.4578	57.1083	2054
NUT ISLAND	153.1558	57.205	864
CUB ISLAND	153.2025	57.2119	424
SUNSTROM ISLAND	154.14	56.6892	1275
BROTHERS ISLANDS (WESTERN)	158.8528	55.9294	1446
CAPE DARBY	162.7881	64.3306	1365
CAPE DENBIGH SOUTH	161.5258	64.3828	8976
CAPE DENBIGH NORTH	161.5264	64.4128	7279
KING ISLAND	168.0547	64.9764	245910
UNNAMED ISLAND	163.8186	66.3006	100
FOX ISLAND	162.4261	54.9553	Present
TILLIMOOK ROCK, OREGON	124.0186	45.9375	6072

** TUGIDAK ISLAND IS ALASKA STATE OWNED. MINERAL LEASES NEED TO PURCHASED. TUGIDAK IS VERY IMPORTANT TO WATERFOWL AND IS THE WORLD'S LARGEST HARBOR SEAL ROOKERY.