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# Pacific Seabird Group



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

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Refuges 2003 Planning Team  
Fish & Wildlife Service 670 ARLSQ  
1849 C Street, N.W.  
Washington, D.C. 20240

**Re: Comments on Draft EIS: Refuges 2003**

Dear Sirs:

This letter contains the Pacific Seabird Group's (PSG) comments on the draft environmental impact statement for the management of the National Wildlife Refuge System. The DEIS does not contain a deadline for the submission of comments, but only refers to a 90-day public comment period that encompasses April and May. Accordingly, PSG believes that it is filing these comments within the comment period.

PSG is an international organization that was founded in 1972 to promote knowledge, study and conservation of Pacific seabirds. PSG draws its members from the entire Pacific Basin, including Japan, China, Australia, New Zealand, Russia, Mexico and Canada. 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. PSG has a vital interest in the National Wildlife Refuge System because the vast majority of the breeding sites for seabirds in this nation occur on those lands.

PSG generally supports the U.S. Fish & Wildlife Service's proposed action. As described below, however, PSG suggests that the Service make several important refinements to its proposal. These include (1) less emphasis on master planning (or convert plans into regulations for each refuge); (2) less emphasis on visitor centers; (3) studying an administrative reorganization of Interior's conservation lands; and (4) allowing public participation in its land acquisition process.

## 1. Master Planning

PSG objects to the Service's proposal to complete comprehensive management plans for virtually every refuge in the National Wildlife Refuge System.<sup>1/</sup> The "need" for master planning seems prompted by the refuge division's refusal during the Bush-Reagan administrations to support an organic act for the refuge system. An organic act could set priorities for the system by legislation and avoid any need for an expensive Rube Goldberg process to set priorities administratively. PSG's concerns are two-fold: (1) planning takes funds from far more worthy projects; and (2) FWS officials routinely ignore plans, thereby undercutting any benefit that plans might offer.

### A. Master Planning Will Take Funds from Wildlife Management

Conservation dollars are scarce and the Service must acknowledge that it will be operating in a restricted federal budget climate for the next several years. Given the many field projects that are needed to protect flora and fauna in the refuge system, PSG believes that it is simply unconscionable to spend tens of millions of dollars to develop master plans when "hands-on" wildlife management projects such as habitat restoration are not done.

PSG will focus on the Alaska Maritime National Wildlife Refuge, a refuge that contains millions of seabirds. PSG understands that the regional office in Alaska wants \$6,000,000 and 35 people to develop master plans for Alaska. In 1992 and 1993, FWS has allocated only about \$10,000 per year to control foxes and rats on this refuge. For the past two centuries, introduced foxes have devoured millions of seabirds on these islands each year.<sup>2/</sup> During the past two years, PSG has repeatedly pointed out to the Alaska Regional Director, the Director of FWS and the Secretary of the Interior that alien predators destroy millions of seabirds on this refuge each year. Such losses may exceed the migratory bird losses caused by the Exxon Valdez disaster by an order of magnitude. Moreover, the U.S. government is obligated by migratory bird treaties with Japan<sup>3/</sup> and the USSR<sup>4/</sup> to remove alien predators. Twenty years after these treaties have been in force, FWS still does not have funds to meet international obligations to protect seabirds in the Alaska Maritime NWR.

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<sup>1/</sup> DEIS, p. 2-15.

<sup>2/</sup> E.P. Bailey, Introduction of Foxes to Alaskan Islands — History, Effects on Avifauna, and Eradication. FWS Resource Publication 193 (1993).

<sup>3/</sup> Article IV(c) requires the U.S. to take measures "to control the introduction of live animals and plants which could disturb the ecological balance of unique island ecosystems." Article III(3) requires the U.S. to preserve and restore natural ecosystems.

<sup>4/</sup> Article II. Article VII requires the U.S. to preserve and restore natural ecosystems. Article IV requires the U.S. to protect and enhance the environment of migratory birds and to prevent and abate the detrimental alteration of their environment.

PSG cannot understand why FWS should spend precious conservation dollars on plans when FWS fails to fund so many vital wildlife management projects.

### **B. Refuge Managers Routinely Ignore Master Plans**

PSG's experience indicates that FWS officials routinely ignore master plans, thereby limiting any potential benefit from the expenditure of the vast sums of money to produce them. This situation stems from two sources. First, many refuge managers change jobs so frequently that they are unfamiliar with the policies in their refuge's plan. Second, the plans do not have the force and effect of regulations. FWS officials feel free to ignore them, especially plans produced under a predecessor's tenure.

PSG will focus on the Hawaiian Islands National Wildlife Refuge, another refuge that harbors millions of seabirds. FWS completed a master plan for that refuge in 1984. PSG suggests that FWS study the "benefits" that accrued to the Hawaiian Islands National Wildlife Refuge from its master plan. That plan committed FWS to (1) encouraging use of the Kilauea Point Administrative Site for public education and interpretation; and (2) considering a marine sanctuary for the waters that surround the refuge. Indeed, the plan stated "the marine sanctuary proposal [will] be thoroughly evaluated in an open forum, involving all concerned parties, including the general public, following completion and approval of the HINWR Master Plan."<sup>5/</sup>

Three years after FWS completed the plan, a group of citizens tried to obtain FWS support to expand the refuge at Kilauea Point, Kauai, to provide improved public education and more seabird habitat. The senior FWS official in Hawaii told the press that seabirds were no longer a high priority because forest birds were more important. Consequently, FWS was slow to support the purchase of important seabird habitat next to the refuge.

Nine years after FWS completed the plan, FWS still has not begun its evaluation of a marine sanctuary. Moreover, the Service has sat passively on the sidelines while the National Oceanic and Atmospheric Administration (NOAA) has conducted an evaluation. In summer 1991, NOAA engaged in a feasibility study concerning the establishment of a national marine sanctuary in Hawaii. PSG urged NOAA to include in its feasibility study: (1) waters surrounding the Hawaiian Islands National Wildlife Refuge; and (2) waters along the northern coast of Kauai.<sup>6/</sup> The Service took no position. During congressional consideration of Public Law 102-587 (which establishes a marine sanctuary in Hawaii but does not set its boundaries), FWS was mute. During the scoping period for the DEIS for a marine sanctuary authorized by Public Law 102-587, PSG reiterated its support for a marine

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<sup>5/</sup> Hawaiian Islands National Wildlife Refuge Master Plan (1984), pp. 6.17-19, attachment 1.

<sup>6/</sup> Letter from Arthur Sowls, PSG, to Joseph Uravitch, NOAA (September 5, 1991).

sanctuary for the waters surrounding the Hawaiian Islands National Wildlife Refuge.<sup>7/</sup> FWS still has not articulated a position. What use is the master plan?

If FWS remains committed to establishing management priorities on a refuge-by-refuge basis, PSG suggests that this process be slightly redirected so that the effort produces refuge-by-refuge regulations, not plans that can be ignored at the whim of any FWS official. Master planning can be easily modified into notice-and-comment rulemaking. The planning process would then focus on a short list of crisp management decisions that become regulations that bind refuge managers. Subsequent administrations could not secretly put the plan in a drawer and ignore it. FWS would be required to engage in a new notice-and-comment rulemaking when it wishes to implement different policies.

This suggestion is well within the bounds of current federal policy. NOAA establishes regulations for each of its marine sanctuaries.<sup>8/</sup> The Service currently establishes refuge-specific hunting and fishing regulations.<sup>9/</sup> If master planning is important enough to spent tens of millions of conservation dollars, why not bind future administrations to rules that cannot be changed by the whim of a political appointee?

## 2. Visitor Centers

PSG is concerned that the Service proposes "substantial increases in visitor centers and associated facilities."<sup>10/</sup> PSG understands that U.S. Representatives like to fund brick and mortar projects such as visitor centers because these activities put money into the pockets of local contractors and help to keep incumbents in office. Such projects may be easier to sell to congressional appropriations committees than carefully considered wildlife management projects that maintain and restore biological ecosystems. Nevertheless, PSG urges FWS to sell wildlife projects rather than construction projects.

FWS' proposed approach with respect to visitor centers will inevitably lead to less management of the biological resources in the National Wildlife Refuge System. For example, the Alaska Maritime National Wildlife Refuge is currently building a \$20,000,000 visitor center in Homer, Alaska. This project includes a "mock" field camp and a "mock" deck of the refuge's research vessel. While funds to build these projects are readily available, FWS spends less than \$10,000 per year to remove introduced predators from remote islands on the refuge that are devastating seabirds — the very resource for which the refuge was established! The research vessel is under-utilized because of a lack of funds, and

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<sup>7/</sup> Letter from Craig S. Harrison, PSG, to Rafael V. Lopez, NOAA (April 14, 1993).

<sup>8/</sup> See, e.g., 15 C.F.R. § 936 (Point Reyes/Farallon Islands Marine Sanctuary Regulations).

<sup>9/</sup> 57 Fed. Reg. 55636 (1992).

<sup>10/</sup> DEIS, p. 2-15.

the refuge funds few genuine field camps. FWS is drifting toward a Sesame Street version of wildlife management, and PSG strongly objects.

Visitors will notice unclean rest rooms and peeling paint at visitor centers long before they realize that vital wildlife management projects are not being completed. FWS management will instruct its employees to clean the toilets and paint the buildings before it will tell them to remove the alien predators that are devastating the wildlife resources. PSG does not wish to see field biologists become janitors to maintain visitor centers. For these reasons, PSG strongly urges FWS to reconsider its proposal to turn wildlife refuges into tourist destinations.

### 3. Administration of National Wildlife Refuge System

PSG is disappointed that the DEIS does not evaluate the consolidation of the National Wildlife Refuge System and the National Park System into a single organization that is administered as an independent agency. Because the previous EIS for the refuge system was issued in 1976, a subsequent one may not be prepared until 2010. This management plan for the National Wildlife Refuge System may be the only forum for Congress and the conservation community to consider reorganizing the administration of Interior's conservation lands. I raised this issue during the scoping process, and FWS must "explore and objectively evaluate all reasonable alternatives."<sup>11/</sup> The U. S. Court of Appeals for the District of Columbia Circuit has held that "Congress contemplated that the Impact Statement would constitute the environmental source material for the information of the Congress as well as the Executive,"<sup>12/</sup> and that appropriate alternatives that require legislative action should be discussed.<sup>13/</sup>

The absence of this option is a vestige of the Reagan-Bush administrations. PSG hopes that the Clinton-Gore administration will be more creative and proactive in addressing the organization problems of the Department of the Interior. Interior has not been reorganized since 1940, and problems of administering its conservation lands are painfully apparent. This nation needs change in the means by which Interior administers its conservation lands. FWS cannot accomplish this action on its own, but the President can submit a reorganizational plan to Congress that, if neither chamber objects within 60 days, becomes effective.<sup>14/</sup> The National Wildlife Refuge System and the National Park System were established during the first half of the twentieth century to serve what were then

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<sup>11/</sup> 40 C.F.R. § 1502.14(a).

<sup>12/</sup> Natural Resources Defense Council v. Morton, 458 F.2d 827, 833 (D.C. Cir. 1972).

<sup>13/</sup> Id. at 837.

<sup>14/</sup> 5 U.S.C. §§ 901 et seq. NOAA and the Environmental Protection Agency were established by Presidential Reorganization Plans 3 and 4. 35 Fed. Reg. 15623 (1970).



different clienteles. The interests of those clienteles have now largely merged. FWS and the National Park Service have duplicative land-management based functions. Consolidation would provide economies of administration (especially in consolidated regional offices) in the following areas: land acquisition; research; natural resource management (including wildlife, air and water); public education/interpretation; law enforcement; contracting; engineering; budget and finance; visitor services; personnel/training; and planning. The savings could be used to manage better and protect existing federal conservation lands.

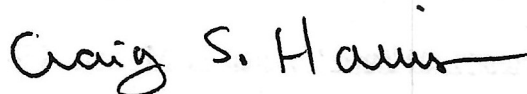
During recent years organizations such as the National Parks and Conservation Association and the National Wildlife Refuge Association have proposed to establish the National Park System or the National Wildlife Refuge System as autonomous organizations outside the Department of the Interior. The political viability of an independent National Park Service or National Wildlife Refuge System would be enhanced if the two systems were merged into a single entity. An independent agency that encompasses all single-purpose Interior conservation lands makes sense. The refuge division, under the direction of the Bush administration, did not want to discuss this option in the DEIS. PSG urges the new administration to address this issue.

#### 4. Public Involvement in Setting Land Acquisition Priorities

PSG suggests that FWS open its procedures for acquiring new refuge lands to greater public scrutiny. The adage both within and outside the Service that "FWS only buys what's for sale," is an all too valid comment on the disarray of the Service's system of acquisition. The secrecy and mystery that now surrounds the process is inappropriate. FWS should notify the public of its current land acquisition priorities at least once each year in the Federal Register and establish a public docket for each project, which includes all biological and supporting material such as land acquisition priority forms. FWS should periodically give notice in the Federal Register whenever it changes (by addition or deletion) its priorities. Now, the only way to see such information is to file a Freedom of Information Act request. Because the very idea of a priority list means that projects compete, the public should have an opportunity to comment and identify instances where a project's sponsor has overstated its benefits.

PSG appreciates the opportunity to comment on these important issues, and wishes the Service every success in managing this nation's wildlife resources.

Sincerely,



Craig S. Harrison

Enclosures