

Pacific Seabird Group



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

Edward C. Murphy
Chair
Institute of Arctic Biology
Irving Building
University of Alaska, Fairbanks
Fairbanks, AK 99775-0180
(907) 474-7154

Craig S. Harrison
Vice Chair for Conservation
4001 North Ninth Street #1801
Arlington, Virginia 22203
(202) 778-2240

Julia K. Parrish
Chair-Elect
Zoology Department
Box 351800
University of Washington
Seattle, WA 98195
(206) 616-2958

February 7, 2000

By fax 360-753-9008

Ms. Cindy Chaffee
U.S. Fish and Wildlife Service
Department of the Interior
510 Desmond Drive SE Suite 102
Lacey, WA 98503

Re: Comments on Revised Tenyo Maru Draft Restoration Plan

Dear Ms. Chaffee:

These comments are submitted on behalf of the Pacific Seabird Group (PSG) regarding the revised *Tenyo Maru* draft restoration plan. On April 7, 1999, PSG commented on a very different draft restoration plan. 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 Australia, New Zealand, Russia, Japan, China, Canada, and Mexico. Among PSG's members are biologists who have research interests in Pacific seabirds, state and federal officials who manage seabird populations and refuges, and individuals with interests in marine conservation. PSG has long been interested in the restoration of seabirds after oil spills, and received a major grant from the *Exxon Valdez* oil spill trustees to conduct an international restoration workshop on seabirds in 1995.¹

PSG reminds the state and federal trustees that they are the stewards of the affected resources, and in that capacity must act in the best interests of both the resources and the public. We believe the exceedingly long period of elapsed time, the failure to fund continuing population

¹ See <http://www.nmnh.si.edu/BIRDNET/PacBirds/tech.html>

and habitat status projects during this period, the failure to conduct outside scientific review, the failure to provide specific budget information, and the apparent decision to fund all projects in-house hurt the affected resources, while appearing to line the pockets of the trustee agencies. Shame!

PSG is disturbed by the brevity of the description of the listed projects, the lack of reference to scientific material, the lack of realistic benchmarks for determination of project success, the lack of the specifics of implementation, and most especially, the absence of any budgetary information. Considering that nine years have elapsed between the spill (1991) and this draft (2000), these shortcomings are reprehensible. We have reviewed several draft restoration plans, and this plan is singular in its deficiencies.

PSG is further disturbed by the apparent conflict of interest inherent in the fact that all proposed projects will be accomplished by trustee agencies. The combination of a lack of budgetary information and realization that all monies will be spent in-house without oversight by an independent panel of experts or public opportunity to review project success leaves the impression that these restoration dollars may disappear without any benefit whatsoever. Indeed, the type of irresponsible self-serving conduct by the state and federal trustees exemplified in this plan encourages PSG to request congressional hearings on the implementation of the Oil Pollution Act of 1990 (OPA). If the Justice Department believes that agency pork barrel projects are "legal," OPA needs to be amended to be more prescriptive so that "trustee" agencies cannot thwart the purpose of the Act.

PSG strongly recommends that the trustees:

- (1) Immediately form a scientific oversight committee to review all projects. At least half of the members of this committee should come from agencies, organizations, or universities independent of the trustees.
- (2) Make specific budgetary information relevant to the proposed projects available to the public for review.
- (3) Put each funded project out for a public request for proposal, with independent review of all proposals by the aforementioned scientific committee. Criteria for acceptance should include expertise, implementation feasibility, and budget.
- (4) Return funds which would have been spent on declined projects (see below) to a central repository for future use, including additional projects and/or project elements, as determined by the expert review committee in consultation with the trustees.

Restoring the Affected Species

According to the carcass recovery and Washington outer coast figures presented in the Revised Draft Restoration Plan document, Common Murres, followed by Tufted Puffins and Marbled Murrelets were the most affected species. Murres, even accounting for a substantial fraction of

the total carcass count originating from Oregon populations,² suffered a 15-75% decline based on the estimated total kill figures cited in the Executive Summary. Using these figures, PSG believes restoration efforts should be:

- (1) Demonstrably centered on seabirds on the outer coast of Washington State.
- (2) Focus on Common Murres, Tufted Puffins, and Marbled Murrelets.

Specifically, PSG is disappointed that no specific Tufted Puffin project has been outlined, especially as this species has been in decline in Washington and may be highly endangered³ and the Washington Fish and Wildlife Commission has listed Tufted Puffins as a "Species of Concern." Because this situation is known by at least two of the trustee agencies (WDFW, USFWS), PSG believes that the failure to restore this species is negligent with respect to the criteria on page 3-2, as well as on the part the agencies.

Restoration of Common Murre Colonies in Copalis National Wildlife Refuge, Washington

This study appears to meet the criteria for inclusion listed on page 3-2.

PSG applauds breaking this project into two phases with distinct benchmarks in Phase I. Inclusion of reference sites (Tatoosh Island) is also an important element. In addition to the outlined elements, PSG strongly recommends:

- (1) Attention be paid to the hypothesis that Common Murre colony size declined because of a change in food availability. These colonies may have declined after warm water events which ostensibly changed primary productivity and thus seabird food supply.⁴ The Pacific Northwest is now undergoing a regional climate change (Pacific Decadal Oscillation) which changes coastal productivity in Oregon and Washington. If the trustees do not consider change in food as a viable reason for murre population decline, Phase II may be authorized for a sub-optimal habitat. To address this issue, PSG specifically recommends:
 - (a) Inclusion of chick diet and/or forage rate sampling.

² Warheit, K. I. 1996. Assessment of the origin of and the demographic of impact to common murres (*Uria aalge*) killed during the 1991 *Tenyo Maru* oil spill. Final Report. *Tenyo Maru* Trustees Council.

³ Mahaffy, M.S., D.R. Nysewander, K. Vermeer, T.R. Wahl, and P.E. Whitehead. 1994 Status, trends, and potential threats related to birds in the Strait of Georgia, Puget Sound, and Juan de Fuca Strait. in Wilson, R.C.H., R.J. Beamish, F. Aitkens, and J. Bell (eds.) Review of the Marine Environment and Biota of the Strait of Georgia, Puget Sound, and Juan de Fuca Strait: Proceedings of the BC/Washington Symposium on the Marine Environment, Jan 13 & 14, 1994. Can. Tech. Rep. Fish. Aquat. Sci. 1948:256-277.

⁴ Wilson, U. W. 1991. Responses of three seabird species to El Nino events and other warm episodes on the Washington coast, 1979-1990. *Condor* 93:853-858.

- (b) Coordination with ongoing PNCERS, GLOBEC, and BPA nearshore research designed to address production changes in coastal Oregon and Washington.
- (c) Formation of a team of independent experts to review the causes for murre population decline at the conclusion of Phase I. Such experts should be appointed across the trustee agencies, with at least half coming from agencies, organizations, or universities independent of the trustees.
- (2) Data collected at Copalis Rocks dovetail with data collected at reference sites. We recommend that concurrent information from the Tatoosh population be used to assess the feasibility of Phase II.
- (3) PSG recommends additional reference site(s) in Oregon, or at the very least coordination with existing data collection efforts of the Oregon Coastal Refuges office in Newport, Oregon.
- (4) If Phase II is implemented, PSG recommends continued monitoring of both Copalis Rocks and the reference sites. Because the scale of the proposed restoration is large (hundreds of decoys), attraction of hundreds of murre is possible. It is imperative to determine:
 - (a) Whether these murre can successfully breed and are not being drawn into a demographic sink.
 - (b) Whether this immigration is causing significant decline in other Washington murre colonies.

Oiled Wildlife Rehabilitation Center

Page 1-3 of this document states: "Of the 740 oiled birds rescued alive, 97 (13%) survived rehabilitation and were released. Their ultimate fate is unknown."

Given these data, and the fact that this center will be located in South Puget Sound, hundreds of kilometers from the *Tenyo Maru* spill site and at least 100 kilometers from the nearest outer coast, PSG believes this project does not meet the criteria set out by the trustees on page 3-2. Specifically, PSG believes that:

- (1) Rehabilitation, although improving total survival over no rehabilitation whatsoever, does not result in a significant fraction of the affected birds surviving the process. Specifically, wild population size is not measurably improved, and the cost of the rehabilitation program is

high, Moreover, rehabilitated birds are far less likely than their non-injured conspecifics to survive in the wild.⁵ Thus, a rehabilitation center is not a restoration activity.

- (2) Locating the center in Puget Sound means that coastal seabirds will need to be stabilized and transported, further diminishing their survival chances. Any rehabilitation center supported by *Tenyo Maru* funds should be located on the coast.

Therefore, PSG urges the trustees to delete this project.

Public Education Signs and Brochures

PSG endorses this project because it meets the criteria on page 3-2.

Marbled Murrelet Habitat Protection and River Silt Reduction

PSG believes murrelet habitat and kelp bed siltation are unconnected projects and should be separated. We will address them separately.

Marbled Murrelet Habitat Protection

This project appears to meet the trustees page 3-2 criteria. Without any budgetary information, it is hard for PSG to endorse this project unreservedly. We fully support purchase of Marbled Murrelet habitat to conserve the murrelet population.

River Silt Reduction

PSG does not have the expertise to review algal restoration projects. However, we wonder how kelp project criterion #2 (kelp linkage) could ever be proved a priori.

Protection of Marine Environments by Stationing an Emergency Towing Vessels [sic] at the Entrance to the Strait of Juan de Fuca

The addition of this project at the last minute, and the concomitant removal of the seabird bycatch project, is a great disappointment to PSG. We find absolutely no connection between the proposed tug project and the resources affected by the spill. As such, PSG believes that this project fails to meet trustee criteria #1, 2 and 3 outlined on page 3-2.

Specifically, PSG wishes to point out that the last two major oil spills occurring on the outer coast of Washington -- the *Nestucca* and the *Tenyo Maru* -- could not have been prevented had a tug been stationed at Neah Bay, or anywhere else along the outer coast. In fact, the *Nestucca* spill was the result of a tug running into an oil barge while attempting to recapture a lost tow.

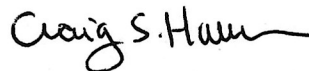
⁵ Sharp, B.E. 1996. Post-release survival of oiled, cleaned seabirds in North America. *Ibis* 138:222-228.

Although improved shipping safety is an issue that PSG supports, we strongly believe that spending natural resource restoration dollars on this project violates the trustee's own stated criteria and is unethical. Spending dollars to place a tug in a single location for a short period of time, conduct drills, and assess coordination among agencies and volunteer groups will not restore a single murre, puffin, or murrelet. The chance that this project would "eliminate or mitigate the risk to restoration of affected sea bird populations" (here we believe the trustees mean save these populations from potential current oil hazards due to shipping accidents) is miniscule at best given the known statistics for recent spills (stated above) and the fact that a single tug can not hope to cover the entire outer coast in a timely fashion.

PSG recommends elimination of this project.

In conclusion, while there are some projects in the draft restoration plan that PSG can enthusiastically support, we believe that several should be eliminated in their entirety.

Sincerely,



Craig S. Harrison
Vice Chair for Conservation

cc: Governor Gary Locke
Kelly White, Chair, Fish and Wildlife Commission
Dr. Jeffrey P. Koenings, Director, Department of Fish and Wildlife
Senator Robert C. Smith, Chairman, Senate Environment Committee
Congressman Don Young, Chairman House Resources Committee
Senator Slade Gorton
Senator Patty Murray
Dr. D. James Baker, Administrator, National Oceanic and Atmospheric Administration