
Pacific Seabird Group



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

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

July 29, 1994

Molly McCammon
Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 401
Anchorage, Alaska 99501-3451

Re: Comments on Draft Restoration Plan and Draft EIS

Dear Ms. McCammon:

This letter contains the Pacific Seabird Group's (PSG) comments on the draft EVOS Restoration Plan (November 1993) and the draft programmatic environmental impact statement (June 1994). 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, and includes 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 hosted symposia on the biology and management of virtually every seabird species affected by the Exxon Valdez oil spill, and has sponsored symposia on the effects of the spill on seabirds.

I. Restoration Policies

PSG generally agrees with the policies set forth in the Restoration Plan^{1/} and the proposed action (alternative 5) in the DEIS. The \$65-\$100 million targeted for general

^{1/} Chapter 2.

restoration seems reasonable.^{2/} PSG specifically endorses Policy No. 3 which allows restoration outside the spill area (but within Alaska) "when the most effective restoration actions for an injured migratory population are in part of its range outside the spill area."^{3/} As we have commented previously, virtually all the bird species killed in the spill are migratory, and many birds that breed outside the spill area were injured. For this reason, we strongly disagree with Alternative 3 of the DEIS which would limit all actions to the spill area only.^{4/}

PSG agrees that manipulation of the environment is a useful restoration activity under appropriate circumstances, and that technical feasibility is a key factor that must be considered with each restoration proposal.^{5/} In this regard, we reiterate our view that the best means to restore most of Alaska's seabird populations would be to remove rats, foxes and other alien creatures from colonies and former colonies as compensatory restoration in areas that may be far from the spill area. This would allow the islands to regain their natural biodiversity. One reason that the harm caused by the oil spill is biologically important is because the intentional introduction of foxes on other seabird colonies during the past 150 years has greatly diminished the natural population of seabirds in Alaska.

We agree with the overall goal of restoring all injured resources and services.^{6/} We agree that common murre, harlequin ducks, marbled murrelets and pigeon guillemots do not seem to be recovering and need restoration efforts. However, we strongly believe that the Trustee Council should also restore other bird species. The Trustee Council should add the category "other seabirds" and "other sea ducks" to the list of "recovery unknown" resources.^{7/} The Restoration Plan acknowledges that current population status is "unknown" for the following seabirds that were collected dead in 1989: yellow-billed, Pacific, red-throated loon; red-necked and horned grebe; northern fulmar; sooty and short-tailed shearwater; double-crested, pelagic and red-faced cormorant; herring and mew gull; Arctic and Aleutian tern; Kittlitz's and ancient murrelet; Cassin's, least, parakeet and rhinoceros auklet; and horned and tufted puffin.^{8/} The decline after the oil spill "varies by species" and

^{2/} DEIS, p. 2-12.

^{3/} Restoration Plan, p. 9.

^{4/} DEIS, p. 2-12.

^{5/} Restoration Plan, chapter 3.

^{6/} Restoration Plan, p. 25.

^{7/} Restoration Plan, p. 30.

^{8/} Appendix B, p. B-41.

cormorant, Arctic tern and tufted puffin clearly declined.^{9/} The Restoration Plan also acknowledges that the current population status is "unknown" for the following species of sea ducks that were collected dead in 1989: Steller's, king and common eider; white-winged, surf and black scoter; oldsquaw; bufflehead; common and Barrow's goldeneye; and common and red-breasted merganser.^{10/}

We raised this issue in our earlier comments^{11/} and the DEIS concedes these injuries.^{12/} Nevertheless, the DEIS does not seem to propose spending funds on restoring these populations. According to the federal estimates published in 56 Federal Register 14687 (April 11, 1991), these "other" seabirds and "other sea ducks" totalled 14,000 dead birds. The Trustee Council estimates that "in general, the number of dead birds recovered probably represents only 10-15% of the total numbers of individuals killed."^{13/} Simple mathematics indicates these losses were 90,000 to 140,000 birds, which the DEIS would have us ignore.

As a reference point for this magnitude of injury to seabirds, the federal government recently settled the Apex Houston case in central California concerning a spill that may have damaged about 4,200 seabirds (the actual number being an unknown multiple of 4,200). The insurance company paid about \$6 million to settle this claim. If Alaska seabirds are worth as much as California seabirds, the Trustee Council should spend at least \$18 million of the trust funds to restore "other seabirds" and "other sea ducks." Predator removal is a cost effective technique that would benefit all seabirds and all sea ducks.

II. Habitat and Acquisition Policies

PSG generally agrees with the Trustee Council's habitat and acquisition protection policies,^{14/} and recognizes that protecting uplands may greatly benefit harlequin ducks and marbled murrelets. We agree that those lands that provide the greatest benefit to injured resources should be ranked highest. We have previously provided the trustees with a list of seabird colonies that should be considered for purchase. While we believe that less than fee simple ownership may be appropriate in certain circumstances, the Trustee Council should insure that the ownership rights it purchases will be sufficient to protect the injured resources

^{9/} Appendix B, p. B-41.

^{10/} Appendix B, p. B-42.

^{11/} Letter to EVOS Trustee Council from PSG (August 6, 1993).

^{12/} DEIS, Table 1-1, p. 1-13.

^{13/} Restoration Plan, p. B-16.

^{14/} Restoration Plan, chapter 3.

in perpetuity. For example, the government should not spend any of the \$295-\$325 million in trust funds targeted to land purchase for the purchase of logging rights unless those rights are permanent. We understand that historically the government has bought the same land rights more than once.

III. Monitoring and Research

We agree that monitoring and research provide important information to help guide government restoration activities.^{15/} We believe that this is an area where the Trustee Council must make special efforts to guard against violating Policy No. 9 ("Government agencies will be funded only for restoration work that they do not normally conduct.")

Alternative No. 5 in the DEIS establishes a \$100-\$130 million restoration reserve for "long-term restoration and research activities."^{16/} We interpret this reserve to allow the Trustee Council to adopt one of PSG's proposals, namely, the endowment of chairs in marine ornithology at the University of Alaska.^{17/} If our understanding is correct, we enthusiastically endorse the establishment of a reserve account, and suggest that the Trustee Council proceed with establishing chairs in marine ornithology. The use of funds for this purpose would begin to make up for the fact that, for example, the Trustee Council directed only 3.4% of its expenditures to marine birds in the 1994 work plan. On a comparative basis, seabirds suffered far more than 3.4% of the damage caused by the spill, and we doubt that the public will accept such a result over the course of the restoration period.

We question the basis for the conclusion that "predator control outside the EVOS area . . . would provide a low overall benefit to murre populations."^{18/} FWS has identified 18 islands that are suitable for predator removal.^{19/} Kaligagan Island's seabird population increased by 125,000 burrowing birds after foxes died out.^{20/} We suggest that the Trustee Council estimate for each of the 18 islands the increase in murre population that might result after foxes have been removed, and allow PSG to review that study. Without such information and analysis, this conclusion seems to be arbitrary and capricious.

^{15/} Restoration Plan, p. 21.

^{16/} DEIS, p. 2-12.

^{17/} See letter from PSG to EVOS Trustee Council (April 14, 1993).

^{18/} DEIS, p. 4-84.

^{19/} DEIS, p. 4-84.

^{20/} D.R. Nysewander et al. 1982. Marine bird and mammal survey of the eastern Aleutian Islands, summers of 1980-81. Unpublished FWS report.

Finally, we understand alternative 5 to be identical to alternative 4 except for the addition of a restoration fund. We believe that fox control, which is included in alternative 4 for murres and pigeon guillemots^{21/} should also be expressly included in alternative 5 for these species.^{22/}

IV. Use of Regulatory Authorities to Assist Restoration

Neither the draft Restoration Plan nor the DEIS address questions that the Trustee Council raised in the scoping process during 1992. Are federal and state agencies using their regulatory powers to modify human uses of resources or habitats that the spill injured? We noted in June 1992 that such efforts would not exhaust a single dollar of the trust fund, but would merely require that the state and federal natural resource agencies enforce the laws or redirect their programs.

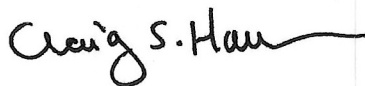
Have agencies curtailed the hunting seasons for sea ducks or harlequin ducks? What has been done to manage commercial fisheries to reduce the incidental mortality of marbled murrelets in drift gillnets (a violation of the Migratory Bird Treaty Act)? Has logging (both on government and private lands) been curtailed under federal or state law in uplands that are prime habitat for marbled murrelets or harlequin ducks?

V. Competitive Proposals for Restoration Projects

PSG welcomes Policy No. 6 in the Restoration Plan, whereby the Trustee Council will encourage competitive proposals for restoration projects. We believe that this policy should be broadly implemented, because it will maximize the benefits that can be obtained from the remaining \$600 million in trust funds.

PSG thanks the Trustee Council for this opportunity to lend our expertise and views on these important issues. We also acknowledge and appreciate the careful consideration the Trustee Council has given our previous comments during the past several years.

Sincerely,



^{21/} DEIS, pp. 4-84 to 4-85.

^{22/} For example, fox removal should be included in pp. 4-118 to 4-120.